

# MEMORANDUM

## Attorney Client Privileged

To: Pastors, Business Managers, School Presidents, and Principals  
From: Diocesan Legal Office  
Date: November 13, 2019  
Re: Copyright Infringement Claims

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In the last few months, parishes and schools in Dioceses around the country, including our own, have received copyright infringement notices, demanding monetary damages for the alleged unauthorized use of copyrighted images in parish bulletins, websites, school newspapers, and newsletters. The recent notices have come from PicRights, Ltd., as the purported agent of Agence France-Presse or Getty Images. If the initial notice is disregarded, a subsequent notice comes from a law firm, often Higbee & Associates, and the amount demanded increases significantly. Do not disregard these or dismiss them as scams. Although the sums of money demanded may seem high, and their tactics appear unseemly, the infringement claims themselves may be valid.

Copying and using a photograph or other image without permission violates copyright law, unless one of very limited exceptions applies. This is true even when the image is found online such as through Google Images. The presence of a photograph or image online does not mean you have the right to copy or use the photo or image. Those rights belong to the photographer or publisher.

The entities making claims of copyright infringement against churches and schools have technology that finds unauthorized online uses of their images, and have been aggressively using this technology to seek financial restitution from churches, schools, and other non-profit entities that have used photos and images without their permission.

Therefore, in order to avoid exposing your parish, school, or Diocese entity or department to liability for copyright infringement, please note the following:

- Do not use in your parish bulletins, web pages, school newspapers, newsletters, Powerpoint presentations, or anything else that you may post online, any photo or image you find online, unless you have a license to do so. Do not copy photographs from Google Images or any unknown source, inasmuch as you may be exposing your organization to liability. The following link has good information on this subject: <https://transformyourparish.com/2019/01/03/image-information/>
- To obtain permission (a license) to use a photo or image or other copyrighted information such as a poem, song lyrics, music, movie, article, or excerpts from a published book, you must request permission of the copyright holder (usually the author or publisher). The process of finding the owner of the rights may be easy or in some cases, difficult. When you have obtained permission to use a copyrighted photo or image, get it in writing.
- To avoid the process of identifying the owner of the rights and obtain its permission, consider using a photo image from a free stock photo/image provider such as [Free Images](#), [Unsplash](#) or [Pixabay](#), or through a paid service like [iStockphoto](#) or [Shutterstock](#). Whatever source you use, be

sure to review carefully and follow the terms and conditions allowing such use, and keep a copy of the license for your records.

- Make sure all those working on your parish, school, or other entity publications and websites are aware of these rules, including employees, volunteers, and students. You are responsible for their actions, and the parish, school, or other Diocesan entity or department can be held liable even when it did not knowingly or intentionally violate the law.
- Review your websites and your online postings by your parish, school, or other Diocesan entity or department, to identify and remove any photos and images that were used without a license, or for which you cannot confirm you have a license, including archived materials. Two parishes in our own diocese recently received letters notifying them of alleged copyright infringement, which was discovered using web searching technology, and one of them was based on an archived parish bulletin. Regardless of when the photo or image was originally published, if it is online today, the infringement is occurring today.
- Although the most common claims of infringement relate to photos and images, be aware they may arise for other types of content, such as poems, excerpts from books, song lyrics, music (including hold music on the phone), and movies, articles, and other intellectual property. Do not simply take and use these kinds of materials from the internet. They are the intellectual property of another, and you must have permission to use them.
- If you receive a notice of infringement, send the notice to the Diocese's legal department promptly, along with an explanation of the manner in which it was used. Do not disregard the notice. These claims do not go away, and early in the process is our best chance to negotiate a reasonable settlement that saves your parish, school, or other Diocese entity or department money.
- If you have received a notice of infringement and have not notified the legal department, please do so.

Churches and schools around the country have become the target of copyright infringement claims, so please make sure you are compliant with the law. The best way to prevent an infringement claim is to avoid using any photograph, image, or other intellectual property without the clear written permission to do so, and removing from your online presence all photos and images and other intellectual property for which you do not have permission. If you have further questions, please contact one of the following attorneys in the Legal Office at (216) 696-6525: Kevin Burke ([kburke@dioceseofcleveland.org](mailto:kburke@dioceseofcleveland.org)); Brian Heskamp ([bheskamp@dioceseofcleveland.org](mailto:bheskamp@dioceseofcleveland.org)); or Kelly Spring ([kspring@dioceseofcleveland.org](mailto:kspring@dioceseofcleveland.org)).