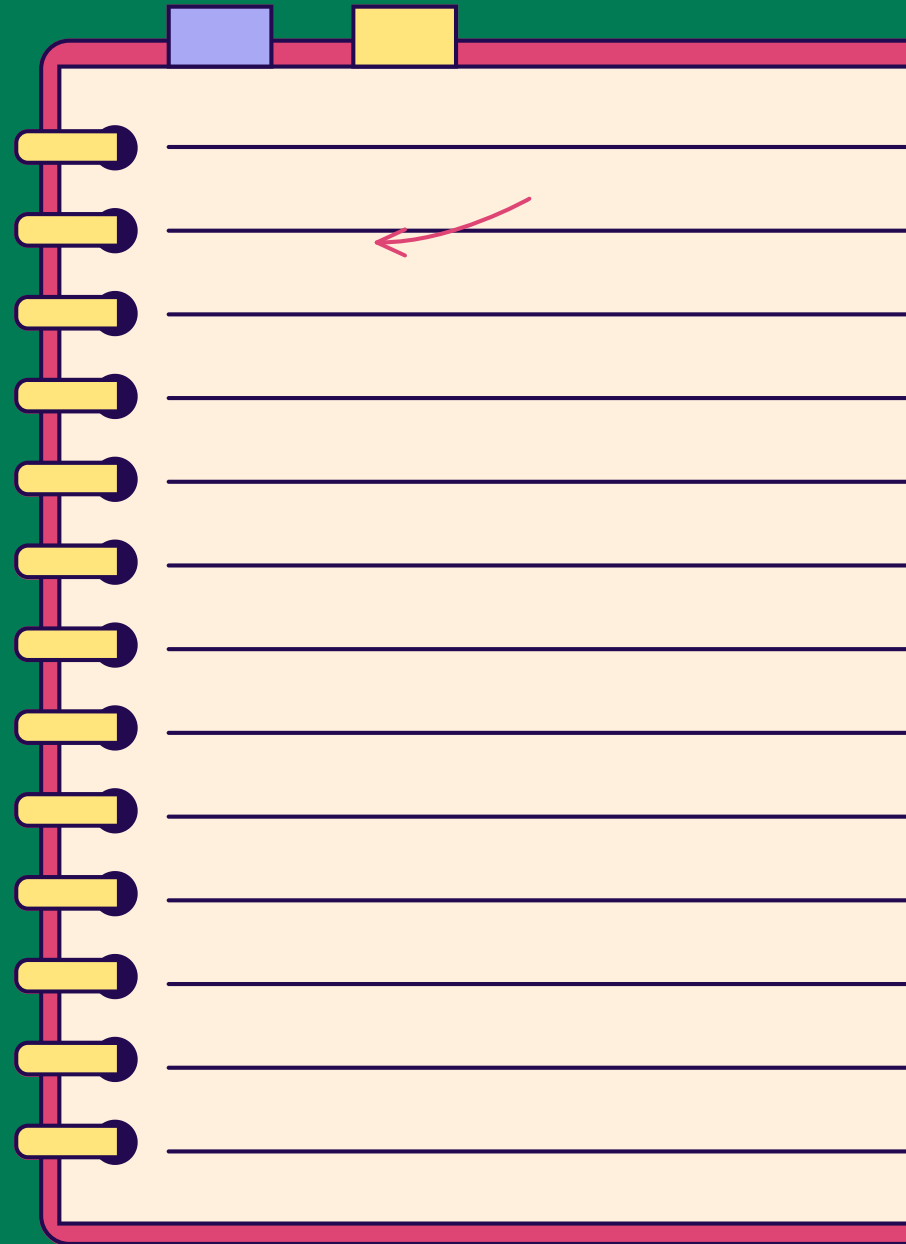


MODULE 8 - MY ONLINE RIGHTS

# CHAPTER 3

THE IMAGE RIGHT



# INTRODUCTION

Welcome to this online course on image rights! You will learn the fundamental principles to protect your image, respect that of others, and understand the rules to follow when you use or share photos and videos. An essential guide to evolve serenely in the digital world.

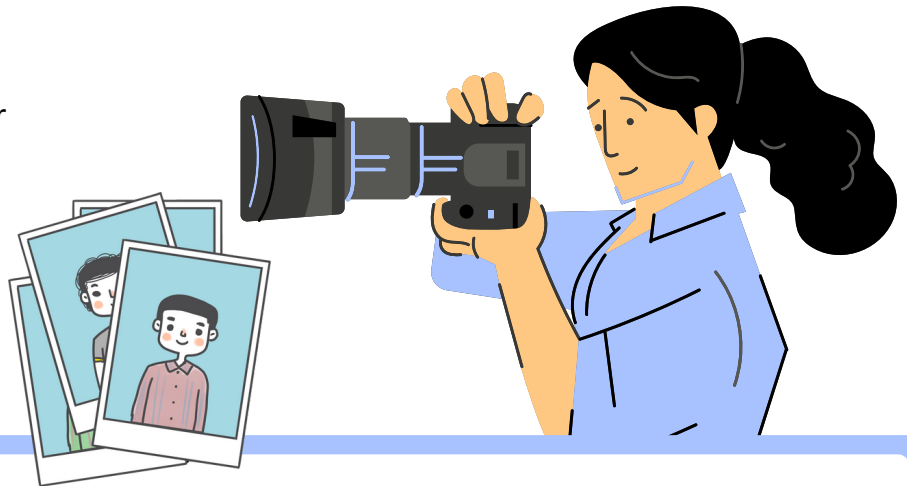
# 1 THE RISKS OF UNAUTHORIZED DISTRIBUTION

## EUROPEAN PROVISIONS RELATING TO IMAGE RIGHTS

The right to one's image results from **Articles 9 of the French Civil Code and 8 of the European Convention on Human Rights**. The right that a person has over their image concerns its capture, conservation, reproduction and use. The mere observation of an infringement gives someone the right to compensation. Each Member State also has its own legislation (often linked to the Civil Code or the Criminal Code) and its own jurisprudence.

European Union law, the french Constitution and the Civil Code guarantee the right to one's image, that is to say the right of a person to:

- 1 Do not be photographed!
- 2 Do not have your portrait exhibited, reproduced or marketed without your consent!



Any person who publishes a photograph or personal information without consent and outside of cases authorized by law incurs civil and/or criminal liability.

## 2 THE IMAGE RIGHTS GRANTING PROCESS

In the case of an image taken in a public place, your authorization is necessary if you are isolated and recognizable. The image can be distributed via the press, the television, a website, a social network... In practice, the photographer/videographer must obtain your written consent before distributing your image.

### For a minor person

- Parental (or legal guardian) permission must be obtained in writing.
- For a group of children, written permission from the parents of each child is required.
- Furthermore, the distribution of the image of a child under 16 years old whose activity falls within an employment relationship is regulated (child influencer).
- Parents must request permission from the Labour Inspectorate before uploading a video whose main subject is their child.



### For an adult



- It is necessary to have your written consent to use an image where you are recognizable (distribution, publication, reproduction or marketing).
- In the case of an image taken in a private or public place, your authorization is necessary if you are recognizable: vacation, family event, sporting event, cultural event, etc.
- Your agreement must be precise: on what medium is the image broadcast? For what purpose? For how long?
- Your consent is not required to distribute certain images provided that your dignity is respected and your image is not used for commercial purposes.

## 3

## IMAGE DATABASE

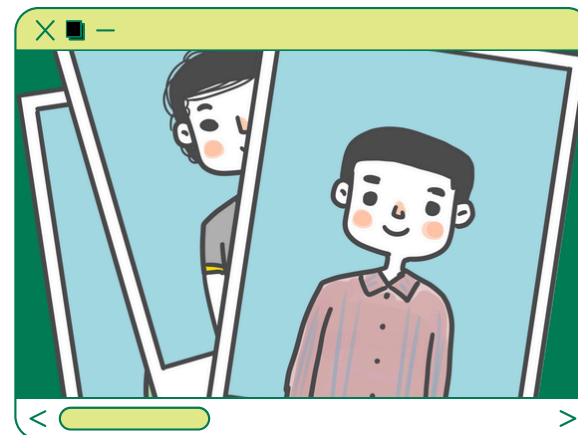


When you want to use images on a medium, alternatives are possible: “**free of rights**” images.

The mention “**free of rights**” does not mean that the use of a content is exempt from any conditions or precautions.

For example, whatever the situation, the user of a work must **always mention the name of the author** and in particular take into account the possible rights of the people represented in the photographs.

The concept of “free of rights” content must therefore be distinguished from the content placed under free licenses, in particular “Creative Commons”. These licenses grant everyone, in advance, a certain number of freedoms over the work, subject to compliance with possible conditions such as sharing as identical or mentioning the name of the author.



Author Name  
*@Mention*

## 4 WHY USE FREE OF RIGHTS IMAGES?



The free of rights image authorizes repeated use, sharing, in a professional or private context. On the other hand, there is a legal obligation to respect, valid for all licenses: **the author of the image must be cited.**



- **pixabay.com:** Vectorized images and illustrations are available in this image bank. The website is available on mobile and tablet via an application.
- **pexels.com:** Free of rights images and videos shared for free by creators (website in french).
- **unsplash.com:** Source of visuals powered by creators from around the world (website in french).
- **stockvault.net:** 80,000 high-quality, free of rights images (for non-commercial use only)
- **allthefreestock.com:** Brings together around sixty free of rights image banks.
- **en.freejpg.com.ar:** 11,000 royalty-free, high-quality images.



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