

A WARNING TO COUNTY GARDENS TRUSTS ABOUT USING COPYRIGHT IMAGES

Earlier on this year, Bucks Gardens Trust decided to celebrate International Women's Day 2021 by posting a couple of pieces about women whom we felt were important and influential to our work. One of these was the renowned horticulturalist Valerie Finnis, in whose name the Finnis Scott Foundation had been set up to give grants to arts and garden projects. We have been fortunate to receive two of these grants towards our Research and Recording project in recent years.

The short piece was posted on our website with a small image of Muscari 'Valerie Finnis' which we had found on the internet. We thought no more of it until 16th September 2021 when we received a communication from a company calling itself 'Permission Machine' with a demand for the sum of £229. We were shocked, to say the least, as the image was similar to hundreds that can be found on Google Images, and was much like those featured in bulb catalogues and of no particular artistic merit.

Our immediate reaction was to ask ourselves Is this a scam? Who are these people? A quick on-line search revealed that there were numerous complaints about this company and their under-hand methods of extorting large amounts of money from individuals whom they claimed had used their clients images illegally.

Our initial response as a charitable trust was not to pay this demand. However when we looked further into the copyright issue, and after consulting with various people and the Gardens Trust, we realised that we had indeed fallen foul of copyright law. We responded with a letter to Permission Machine stating our case as a charity and offering £50. Needless to say, this was not accepted and a counter offer of £200 was offered, which we have now decided to settle.

This whole episode has left us feeling vulnerable to other such claims. As well as removing the offending image we have now taken down many other images from our website. It is a sad situation when a charity is caught like this, as all our research is undertaken by volunteers for absolutely no profit. However, there are companies out there looking for the slightest slip-up, so please do be aware and don't fall into this trap.

Useful websites:

<https://charitydigital.org.uk/topics/topics/a-guide-to-using-copyrighted-images>

<https://www.gov.uk/guidance/exceptions-to-copyright>

Claire de Carle, 6/10/21

Note about online images that can be used

If you are looking for online images that you can use, search on Wikimedia or Flickr for images that can be re-used under a Creative Commons licence. Find out more here:

<https://creativecommons.org/>. Note that you must include the required credit, normally that the photograph is being used under a creative commons licence and the photographer's name. Details of the permission and required credit will be attached to the photograph. You may also find images that are in the public domain, or are made freely available by an institution such as a museum, providing you credit the source. You need written permission (email is fine) from the copyright holder to publish any other image online or in print.