



COPYRIGHT & CONTENT LICENCING

The following information on copyright issues, as they relate to imagery and other digital content, are in line with the Romanian Copyright Law (no. 8/1996) and are presented in the context of Guliver's professional activity of licensing reproduction rights for selected Suppliers.

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What's copyright?

Copyright is a form of protection provided by local laws to the authors of "original works of authorship." By virtue of the Berne Convention for the Protection of Literary and Artistic Works, works are protected in all 160 countries that are party to the Convention.

When does copyright begin?

From the time it is created, a photo or other image is automatically copyrighted.

What are common misconceptions about copyright?

- If an image is on the internet, it's in the public domain and I don't need permission to use it.
- If there's no copyright notice on the image, I don't need permission to use it.
- If I don't profit from the use, I don't need permission.
- If I alter the image X%, I don't need permission.
- If I don't use the entire image, I don't need permission.
- If I remove the image after notice, I don't owe any money to the copyright owner.
- If I can download it, I can use it without permission.



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What's protected by copyright?

All of the following, provided they are original and sufficiently creative works of authorship:

- Literary works (all text, including computer software)
- Musical works and sound recordings
- Dramatic works
- Pantomimes and choreographic works
- Pictorial, graphic and sculptural works, including: photographs, illustrations and computer-generated graphics
- Motion pictures and other audiovisual works
- Architectural works

What's not protected by copyright?

- Ideas, concepts or discoveries
- Titles, names, short phrases and slogans
- Works that aren't fixed in a tangible form of expression, such as improvised speech or dance
- Works consisting entirely of information that's commonly available and contains no originality



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Who owns copyright?

Any freelance artist who creates a copyrighted work, or any employer whose employees create copyrighted works as part of their job.

Can copyright be transferred?

Non-exclusive rights can be transferred without written notice. Transfer of exclusive rights requires written notice signed by the copyright holder or authorized representative.

What rights do copyright owners control?

Rights that allow others to:

- Make copies of the work
- Distribute copies of the work
- Perform the work publicly (such as for plays, film or music)
- Display the work publicly (such as for artwork or any material used on the internet or television)
- Make derivative works (including making modifications, adaptations or other new uses of a work, or translating the work to another media)

Are there limitations on owner's rights?

"Fair Use" or "Fair Dealing" doctrine allows limited copying of copyrighted works for education and research purposes. These very limited uses do not require permission from the copyright owner. Since allowable uses can vary by country, it's wise to seek independent legal advice before using any copyrighted material without permission.

What's public domain?

The duration of copyright varies for different types of work and from country to country before entering public domain (works **whose intellectual property rights have expired or are inapplicable**).

What's copyright infringement?

Infringement is any violation of the exclusive rights of the creator. Examples of imagery infringement include:

- Use of whole or part of an image without permission
- Use beyond the scope of a license or permission
- Adapting an image without permission (art rendering)
- Asking another photographer to recreate the image

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Why worry about copyright?

New technology enables copyright owners to identify unlicensed imagery and act to protect their rights. Infringement of those rights can result in:

- The awarding of substantial monetary damages
- The infringing use being enjoined (prohibited)
- Lawsuits and costly attorney's fees
- A ruined client relationship
- Criminal charges, under some circumstances

Who's responsible when infringements occur?

Responsible parties include:

- The company that directly infringed, even if unintentionally
- Employees or individuals who participated in the infringement
- Anyone who published the infringing image, whether they had knowledge or not
- Anyone who authorized or encouraged infringement



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Who is Guliver?

Guliver is a regional company founded in 1996, representing world's leading suppliers of imagery, video and music, offering high quality services for media, advertising, marketing and communication professionals through its offices in Bucharest, Sofia and Zagreb.

Guliver acts as the Master Delegate of Getty Images for the territories of Romania, Bulgaria, Croatia, Slovenia, Serbia, Montenegro, Bosnia, Albania and Macedonia.

How does Getty Images license imagery, music and other digital content?

Getty Images represents imagery, footage and music created and owned by some of the world's musicians, as well as by entities such as National Geographic, Time Life, many professional sports leagues and clubs, movie studios and more. Through contractual agreements with all of these contributors, Getty Images represents certain digital content exclusively and license these images to companies for certain uses, all over the world. Getty Images are committed to protecting the rights of both content owners and users, through appropriate licensing.

Guliver acts as the regional representative of Getty Images.

Who can license Getty Images imagery and other digital content?

Businesses license thousands of images, footage clips and sound tracks. Customers such as graphic designers, advertising agencies and publishers, businesses and corporations of all sizes license our imagery for a variety of purposes, including but not limited to print advertising, billboards, newspaper and magazine articles, brochures and websites/social media, television commercials and movies.

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Where can I find Getty Images's license terms and information?

Getty Images's license information is clearly available from the License Information link on each page of Getty Images website and during the purchase path when licensing from Guliver. Customers are not permitted to use imagery for any purpose without agreeing to a license.

On behalf of ourselves and our represented contributors, we're committed to protecting their imagery and other digital content from unauthorized use.

Can I use royalty-free images for free?

Although royalty-free (RF) images from Getty Images are different from rights-managed images, all the images we represent require an appropriate license for their use. "Royalty-free" means that once licensed, the images may be used many times for certain uses without paying further fees. But the initial license is necessary to protect yourself and your clients. When you license an RF image, you can use it in nearly any application*, for as long as you like. The cost is based on file size and the number of permitted users.

*Note: Some uses need to be specially licensed at different rates and are limited in scope and duration.

How can I ensure that the imagery on my site is properly licensed, especially if someone else created my company's website?

If a third-party designer, employee, contractor or intern designed and developed your company's website, you are responsible to ensure they have licensed images for your use. If no valid licenses exist, the liability of any infringement ultimately falls on the company (the end client) who used the image. You/your business should be named as the "end client" of the license when the images are purchased.

Don't assume your designer will contact you about an expiring license. Guliver Getty Images sends renewal notices to the purchaser of the license, so your designer may receive this notice if they licensed it on your behalf.

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I'm a blogger, can I use images for free, if my blog is non-commercial, meaning that it has no advertising and is not engaged in the sale of any product or service?

Yes, please use our embed tool and you are welcome to use our imagery for your editorial, non-commercial uses. If you need a larger file size or prefer not to use our embed framed image, you're welcome to license images from us for a fee.

We have a very inexpensive license designed specifically for web and mobile use, which is perfect for bloggers and starts at just a few dollars.

If someone sends a blogger an image to use, does that mean the blogger has permission to use it?

In some cases, PR and Marketing companies will license images from us for third-party distribution, enabling them to send those such cases, the following credit is required:

“photo by Joe Photographer/Courtesy of Getty Images via PR company name”

In all instances, the PR company or other source of the images must be included in the credit to eliminate confusion.

How can I learn more about licensing images and other digital content?

Getty Images licensing information, which explains all the licensing models we offer, is available from every page of our websites. Be sure to review all restrictions or other notices incorporated into your license agreement when you license content.



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I'm a designer. How can I best protect clients when licensing imagery for them?

- Read the terms and conditions of the licenses you secure for your clients
- Name your client as the 'end client' in the purchase path
- Provide your clients with copies of all licenses for their files and ensure they know the scope of use and expiration date for the content
- Don't share images you've licensed for a client with others

I've just received a letter from Guliver Getty Images notifying me that my company is using imagery without a license and demanding payment. What should I do?

First and foremost, don't panic and don't ignore the letter. Here, at Guliver, we're eager to work with you to resolve the situation. If you have invoices and licenses that show you're using the imagery legally, please notify us at once. We may have made an error, or there may be other circumstances that could affect the final payment, decision or outcome of the matter. Please call or email us via the contact information provided in this document or in the letter. If you do not have a valid license, please do NOT go to www.gettyimages.com and try to license the image before settlement is reached. Since the images have been used by you, fees are due and our contributors are owed royalties on the past uses.

If I just stop using the image, can we consider the matter closed?

We appreciate the removal of our images from your website, however, removal alone does not settle the issue. Please contact us so that we can settle this matter with you as soon as possible. Getty Images will continue to pursue payment of the settlement amounts until the matter is resolved.

Why does Getty Images engage in an active copyright compliance program to pursue unlicensed uses of their content?

Getty Images has contractual agreements with contributors to exclusively represent and license certain digital content. Because our contributors and partners trust us to protect and maximize the value of their original works, we pursue infringements and unauthorized uses of our digital content to protect our own and our contributors' rights.

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We purchased these images from a company we found online as part of a web template, so isn't the web template company responsible for licensing the imagery?

As the end user of Getty Images imagery, you're ultimately responsible for ensuring that you've obtained the appropriate rights to use the imagery. That means, if you acquire imagery from a web template provider, and that provider or other such company did not properly license the imagery, you're still liable for copyright infringement.

How do you calculate the value of settlement demands sent to suspected unauthorized users?

Settlement demands are based on the fair market value of a license, taking into consideration usage, size, placement, duration and territory. The settlement demand is calculated by taking the average duration and average costs of licensing for that period.

Can you recommend some inexpensive image options for the future?

Getty Images offers imagery at a range of prices, including some that even the smallest budgets can manage. Please visit www.iStock.com and www.thinkstock.com for very affordable imagery.

We encourage you to consult with a copyright attorney about specific copyright issues in a particular jurisdiction. If you have any further questions please contact Guliver representatives locally.



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