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Quick Reference Sheet
Version 1.0
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MITIGATING RISKS BY MEETING THE STANDARDS OF FAIR USE

At all times when contributors re-use images, they certainly violate the owners' copyrights. The question is not whether this practice infringes on someone's rights, but whether StEER can justify this action under the **fair use exception**. There are no firm guidelines regarding what use is *fair* or *unfair.* By combining transformation practices outlined in StEER's *Copyright Guidelines Handbook* and providing robust commentary, images will likely meet the standard of fair use.

FUNDAMENTALS

- Leave a comment in the caption for the editors if the image was licensed directly to the contributor (taken by them, a colleague/friend, or purchased through a license).
- Properly citing the image does not constitute fair use.
- Each and every image must meet the fair use standard and all cases will be evaluated separately.
- Almost identical images are not identical. Using image 'A' and citing the owner of a similar one is inaccurate.
    - Always find and quote the owner (original source) instead of the one that reshared the image.
- Non-compliance may result in a fine, lawsuit, or image removal borne by the contributor re-used the image.

BEST PRACTICES

- **TAKE SNAPSHOTS FROM VIDEO(s)**
- **INSERT EXPLANATORY SYMBOLS**
- **CROP/CUT IMAGES**
- **FOCUS ON NON-ESSENTIAL FEATURES**
- **CREATE A COLLAGE**
- **USE IMAGES RECEIVED FROM COLLEAGUES/ LOCAL ASSESSORS**

PRACTICES NOT VIOLATING COPYRIGHTS

- **SATELLITE IMAGERY**
- **CCTV IMAGERY**
- **DRONE IMAGERY** (LIMITED TO CERTAIN IMAGES)

PRACTICES TO BE AVOIDED

- **COPYING AN ENTIRE COLLAGE**
- **TAKING MANY SCREENSHOTS FROM THE SAME VIDEO**
- **USING IMAGES WITHOUT TRANSFORMING THEM** (ESPECIALLY THOSE FROM MAJOR NEWS AGENCY OR IMAGE REPOSITORY WITH LICENSE REQUIREMENTS)
- **ADDING IMAGES LIKELY TO BE TAKEN BY A PROFESSIONAL AND RESHARED ON SOCIAL MEDIA BY THIRD PARTY WITHOUT CITATION**
- **ADDING IMAGES WITH RECOGNIZABLE HUMAN SUBJECTS**
- **ADDING IMAGES WITHOUT SUFFICIENT COMMENTARY**
- **ADDING IMAGES THAT DO NOT EXPLICITLY SHOW FEATURE DISCUSSED IN COMMENTARY**

Newspapers use disaster imagery as *illustrative aid* to help readers visually conceive the consequences of a natural hazard so they feel better engaged with the narrative text. Their purpose is to visually illustrate the story in the article. StEER is not allowed to use imagery as illustrative aid to keep readers engaged. **StEER uses images as material that can be scientifically analyzed and to show examples for which expert contributors provide comments. Contributors must provide image-specific commentary regarding each picture re-used in a report.** In other words, all images must be sufficient to serve as a basis for commentary/analysis. If the contributor cannot provide image-specific commentary, StEER will not be able to claim fair use. StEER may use an image if both of the following conditions are met: 1) scientific accuracy is not jeopardized in the effort to provide commentary to meet a fair use standard, e.g., by speculation, 2a) the specific commentary at least in part describes the particular image or 2b) License fee was paid (and permits reuse) or image comes from Public Domain or from a friend/colleague/field assessor who gives permission for re-use.

CRITERIA FOR COMMENTARY TO MEET STANDARDS OF FAIR USE

COMMENTARY AS IMAGE-SPECIFIC DESCRIPTION

- Description analyzes the particular image itself and not only the event in general.
- Contributors detail the scientific importance of a particular scene / point out a scientifically interesting feature visible in the image. Engineering analysis supports justification.
- EXAMPLE: *Figure 4.27. A partially collapsed building in Syria. Notice light column reinforcement, the absence of beams and slab integrity steel, and poor reinforcing bars anchorage.*

COMMENTARY AS SCIENTIFIC ANALYSIS

- The commentary should successfully prove that the image usage serves a different purpose than illustrative aid.
- The image is used as material/basis for scientific analysis or as an explanatory tool. The image helps to make a scientific argument, or it is impossible to provide scientific analysis without showing the image.
- EXAMPLE: *Figure 4.34. Pancaked concrete ribbed slab failure, likely built on unreinforced masonry bearing walls in Jinderis, Northern Syria. Notice the ribbed slab RC construction of the right neighboring building.*

COMMENTARY PUTS THE IMAGE INTO A NEW CONTEXT

- Initially, the image was part of a news article or social media post, whereas now it is an integral element of a scientific report. The narrative text must make sure that the image truly fits into the new context.
- EXAMPLE: *The orientation of the column section in several buildings is in one direction for all columns, rendering the weak-axis direction of the building, in the absence of shear walls, very vulnerable even to moderate shaking. These columns are often extremely thin in one direction. This can be observed in all columns in the building in Figure 4.33.*

EXAMPLES

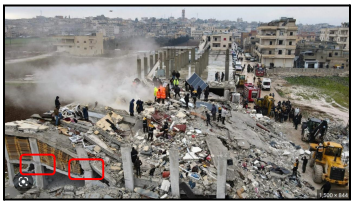

Figure 4.27

Figure 4.34

Figure 4.33

RISK

	LOWER RISK	MOST RISK	COMMENTS
USE	The contributor properly transforms the image and provides robust commentary.	The contributor neither transforms the image nor provides robust commentary.	The combination of the image source and the particular re-use constitutes a legal risk.
SOURCE	• Social media post • Foreign news (non-US) sources • Governmental entities • NGOs	• AP, AFP, and their affiliates • REUTERS • Getty Images • All major US news agencies, e.g., *New York Times* • Entities listed here	One shall be very cautious when using images from social media. Users often share images that are not their own and often owned by risky sources without proper attribution. Be aware of signs (like angle, quality, and resolution) that may suggest an image was taken by a professional. Use Google's reverse image search function and/or these sources to double-check image origin: AP, AFP, Reuters, Getty Images. Successful commentary and proper image transformation can still justify the usage of images coming from any of the dangerous sources.