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From Flickr to TV, Some Online Pics Not So Private



By ELISABETH LEAMY and VANESSA WEBER

Oct. 10, 2008

During a lazy Sunday afternoon of watching football on Fox Sports with her husband, Tracey Gaughran-Perez suddenly became very interested in the game -- not for the plays, but for the commercials. She was especially interested in the one that included a picture of her dog Truman in a Santa suit.

In a similar fashion, Allison Chang, unbeknownst to her, became the star of a Virgin Mobile ad campaign in Australia.

What the two women have in common is that their now-famous pictures were posted on the online photo scrapbooking site Flickr for their friends and family to see.

Some major companies, however, reportedly cruise sites like Flickr in search of free images to use in their ad campaigns -- sometimes without contacting the owner of the picture.

"I felt more upset than anything, because I just wasn't asked," Gaughran-Perez told "Good Morning America." "If they had asked me and said, 'Can we use a hilarious photo of your dog in a Santa suit?' I would've been like, 'That's fine.'"

The Chang family is going a step further and suing Virgin Mobile for, among other things, invasion of privacy, libel and copyright infringement.

"She was insulted, offended. She never consented to the use of her picture," Ryan Zehl, the Changs' attorney, told "Good Morning America." "What Virgin Mobile did was irresponsible, unethical and illegal. They should have contacted Allison's parents and they should have gotten their consent."

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Allison Chang became the unwitting star of an Australian Virgin Mobile ad when the company lifted her photo from an on-line photo album.

Virgin Mobile said the case should be dismissed in the United States and tried in Australia. According to a court filing by the telecommunications giant, Virgin Mobile Australia claimed that when Chang posted her photo, she marked it for unrestricted use, including commercials.

Gaughran-Perez, however, specifically toggled her pictures to restricted use.

"Flickr allows you to put an actual copyright notice on every photo, and I've had that engaged forever," she said.

Gaughran-Perez said the matter was settled with Fox Sports when the company apologized and paid her for

the photo.

Flickr told "Good Morning America" that it encourages any individual or business who wants to use photos on Flickr to contact the owner directly to ask their permission.

Kevin Mitnick, a former hacker turned security consultant, knows the dangers of putting pictures online.

"There might be some tricks that hackers can get access to those photos without having those passwords.

According to Mitnick, the best thing anyone can do to protect their online photos is to keep their user names and passwords secure and make sure the photos are marked "private" -- especially because some online companies automatically make the photos public unless otherwise instructed.

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dmedillus

12:17 PM EDT
Oct 13, 2008

Thank you ABC news for covering this important story! Americans need to know that this problem could become rampant if the copyright reform bill, masking under the smoke screen name 'orphan works' passes Congress. The term "works" refers to all photos (including family snapshots like those in this news story), paintings, songs, written words and illustrations. These are all protected by copyright law. Yes, your photos on Flickr are protected by the law. The companies like Google, Getty and Corbis who would like to use your photos and millions of other "works" without compensating you or other artists are lobbying to "orphan" the "works" from their rightful owners. If you don't take a stand today the theft of your pictures for corporate gain could be a reality. Please visit these websites today: ipaorphanworks.blogspot.com and owoh.org to learn more about this and how you can take action to preserve your rights. thank you!

dmedillus

11:38 AM EDT
Oct 13, 2008

This was a terrific story that the public needs to be aware of. What happened in these two cases could become commonplace if pending legislation known as 'Orphan Works' passes. In this bill "works" means art, songs, writings, photography, etc. and "orphan" means separating the creative work from the person who created it so they no longer own it. Please visit ipaorphanworks.blogspot.com and owoh.org to understand what's at stake and how you can help to preserve our freedom of speech and expression, which are protected under our current copyright laws. Thank you!

phyllisdobbs

12:01 PM EDT
Oct 11, 2008

I had someone steal an image from my blog and use it without my knowledge and permission. However with the current copyright laws, I was able to demand that he quit using it. If the Orphan Works bill passes, this will destroy our copyright protection and allow this to happen legally. When we publish an image on our blogs,

website, Flickr, all our meta data is removed by Google, Flickr making them orphans. Unless we pay to register every photo we take, every doodle, every illustration and art image we create, they will not be protected. And the violators only have to alledge that they performed a "diligent search" for our image before using it. The Orphan works bill will legitimize art theft. Please contact your house representative to oppose this bill.

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