

Active Retirement Association Promotional Image Use Guidelines

Guidelines for use in publicizing ARA and its activities, including but not limited to use in ARA informational brochures, posters, newspaper advertisements, published articles and press releases about ARA and ARA-sponsored events, the ARA website and publications such as ARA histories.

In general, permission must be obtained from the subjects, photographers and/or other image creators. Note that photographs by and of ARA members and others engaged in ARA-sponsored activities are often shared among members and are not considered promotional.

Background Information

- Photographers automatically hold copyright to their images (except for images produced as “work for hire,” for which copyright is held by their employer). Photographs may never be used in ARA contexts without permission from their copyright holders.
- Legally, photographers should not violate a person’s “right of privacy” or “right of publicity.” For any commercial use of an image (such as for advertising or other promotion), written permission is needed from any person in it. For an “editorial” or “newsworthy” use, in other words, to educate or to inform, permission usually is not legally required.
- The line between commercial and non-commercial is fuzzy, so to be safe, ARA promotional publications should not use an image of any recognizable person without written permission, even if it was taken in a public setting, is available under a Creative Commons license, or is in the public domain.
- Even if the use is not “commercial,” ARA should never use a person’s likeness to imply that the person advocates or supports a certain political, religious, charitable or other position without a clear written release, as this violates privacy and publicity rights.

Permissions from Subjects

- “Implied consent” to be photographed can be inferred from how subjects appear in a photo (e.g., posed together as an ARA group, or making a presentation in a public place), but this is not sufficient to allow promotional publication.
- To be safe, obtain written permission from all people appearing in a photo before using it in any ARA promotional materials. An ARA form is available for this purpose.

Permissions from Photographers

- Photographs may only be included in ARA materials if permission has been obtained from the photographer (or other copyright holder) in writing for both promotional, and non-promotional materials. An ARA form is available for this purpose, or the photographer may have her/his own form.
- In the absence of a form, an informal communication such as an email can be considered for use as evidence of permission; for instance, in the case of older images obtained before this policy went into effect, or in the use of images provided for publicity purposes by an upcoming ARA presenter.

Permissions from Artists

- Artists hold copyright to their original work (except for art produced as “work for hire”); if an art work is sold, the new owner may or may not also be the copyright holder.
- Just as with persons depicted in photographs, images of art work by ARA members and others should only be published with the permission of the artist and/or owner.

Other Permissions

- Stock images, of which many are available on line, should not be used in ARA materials unless it is certain that they are not copyrighted. Any copyrighted image may be used only if written permission is obtained from the copyright holder.
- Use of images of museum objects and art works/documents/collectibles owned by organizations or private individuals usually require written permission from the owner.

Image Captions

- It is good practice to include the photographer's name in image captions (e.g., "Photographer: ____").
- Copyright holders and owners who have given permission to use images should be acknowledged in captions; they will usually specify a format to be used (e.g., "Copyright 2013 Boston Museum of Fine Arts").
- For photographs of presenters at ARA events, include the name of the presenter(s) in the caption.
- For large group photos of ARA members, it is not necessary to include their names in a caption; for images of just a few members, use common sense as to whether or not to include their names.
- For images provided for publicity purposes by an upcoming ARA presenter, if the photographer or copyright holder is not known use "Image courtesy of [*name of the presenter*]" in the caption.
- When submitting an image to a publisher electronically (as a jpg), if possible name the image in a way that identifies the subject and photographer.