

## Using Images in Commercial Online Presentations

### Policy

Use of copyrighted images in commercial online products without license or explicit permission puts BCH and OpenPediatics at risk for copyright infringement. Publishing images on OP requires:

- ✓ Rights, license, or permission to use the work for commercial purposes, (see usable images below).
- ✓ Removal of Protected Health Information from diagnostic images (scans, sonograms, etc.)
- ✓ Consent from anyone who can be identified in a photo (or the parent/guardian of minors).  
**Exception:** consent is not required for anyone who has been de-identified, e.g., by blurring or blacking out eyes.
- ✓ Source information for the work in question, including URL (if applicable) and author/owner (if known).

### Rationale

- BCH Online CME programs are commercial products.
- The creator or owner of an image holds the copyright to the work, unless they license copyright ownership to someone else.
- The fact that an image is freely available online doesn't mean it is not subject to copyright.

### Conditions for publication on OP

Your image must satisfy **at least one** of these conditions in order to publish it for online CME on OP.

- You created and own the image (you therefore own the copyright)
- BCH owns the image (e.g., you or a BCH colleague created/ a BCH colleague in the course of clinical activity)
- Explicit permission to use the image in commercial products has been obtained through
  - explicit permission from owner (ideally, written);
  - paid license; or
  - Creative Commons or other license.
- The image is in the public domain
  - some works created by the government
  - works published in the US prior to 1923, and maybe after, depending on publication details

**Exceptions: images not subject to copyright**

- Diagnostic imagery (output from monitors, radiological images, sonograms, scopes etc.)
  - **PHI must be removed.**
- Representations of plain data that has not been creatively enhanced. Plain bar charts, pie charts, scatter plots and other presentations of data may be OK to include, but we will need source information to make this determination and cite appropriately.

**Exceptions: images you created**

- If you have published the image in a journal or book chapter, you may no longer own the copyright. Publishers often ask authors to sign over copyright upon acceptance of their as a condition of publication. Check your contract.

**Options for restricted images**

For images you do not have license or permission to publish online for commercial purposes:

**If...**

**...Then**

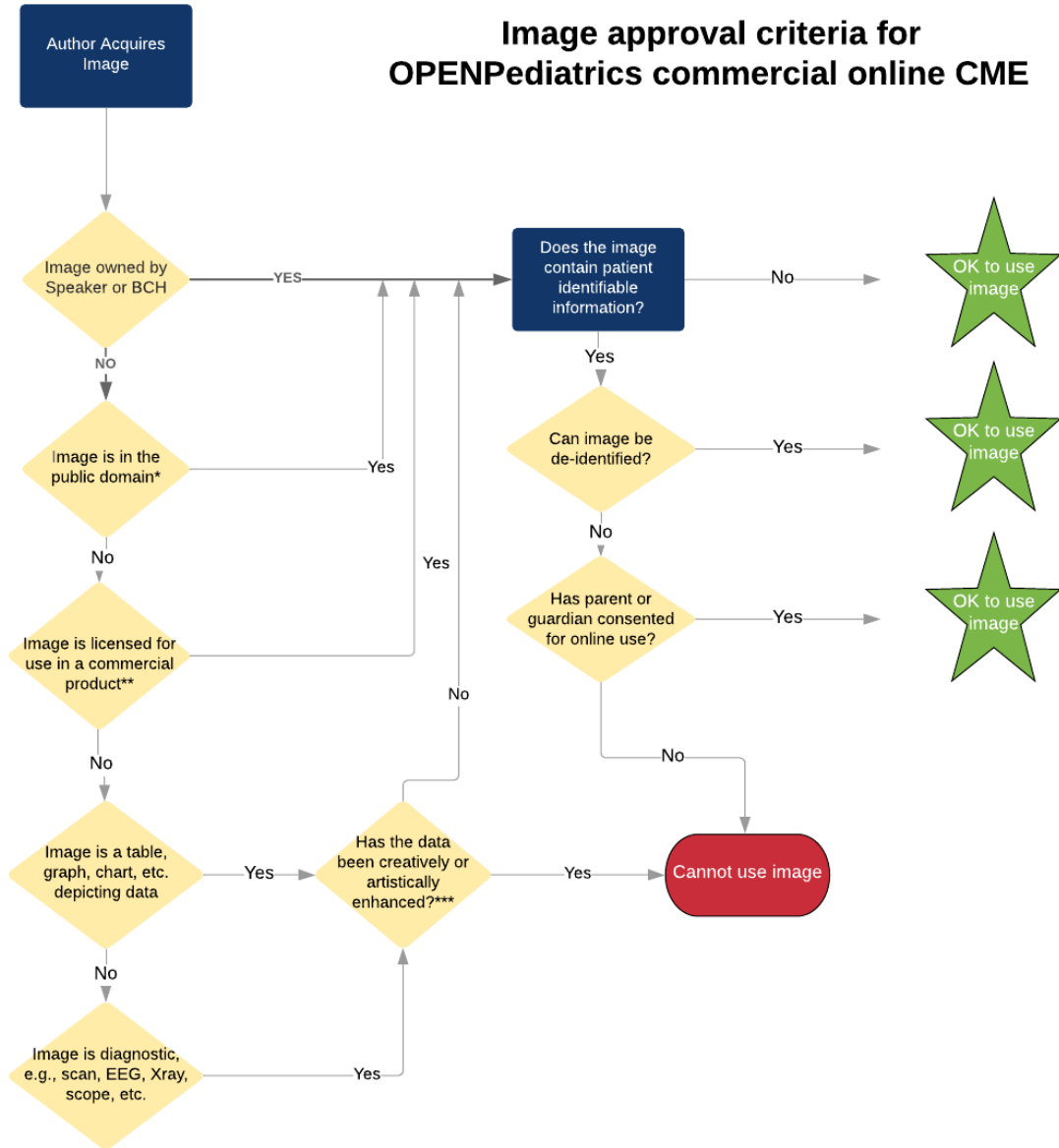
Images is essential to the substance of your presentation

- Work with DME to find or create an substitute image
- Try and obtain permission for use from copyright holder, or

The images is NOT essential for communicating presentation content (e.g. decorative images, comics)

Remove image from presentation if you cannot easily find a permissible substitute.

### Image approval criteria for OPENPediatrics commercial online CME



**\* Images MAY be in the public domain if they were:**

- created by a government agency
- published in the US prior to 1923, and maybe after, depending on publication details

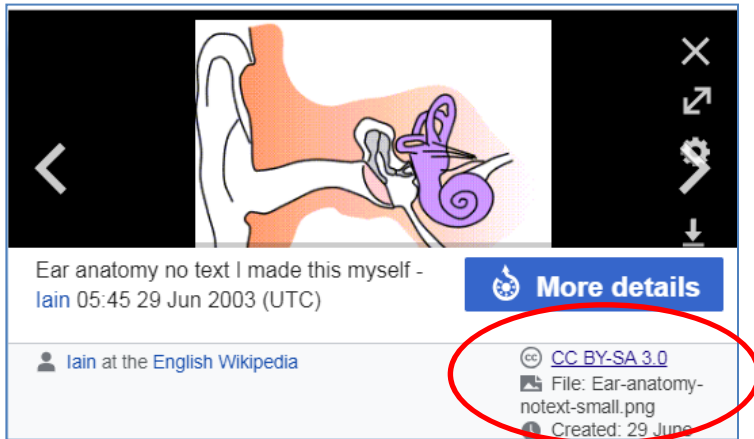
**\*\* Commercial license may be granted by:**

- Free Creative Commons license
- Express written permission from copyright holder
- Paid license from publisher, copyright clearance center, or other

**\*\*\* Creative or Artistic Enhancement:**

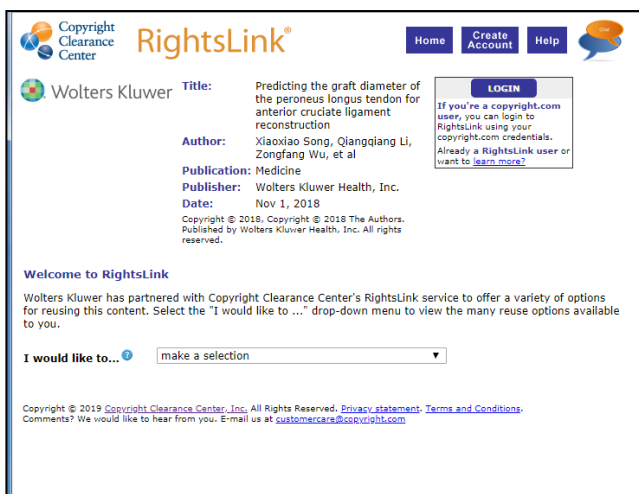
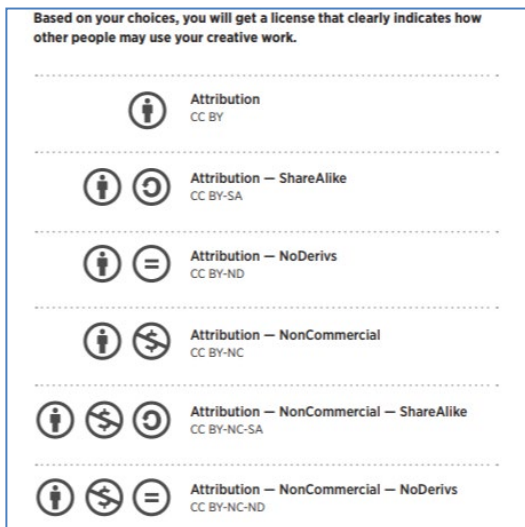
This is a subjective term, but the idea is that visual representations of data in and off themselves are not subject to copyright. A basic table, chart or graph, with basic color coding may be ok to use. Copyright kicks in when the visual data representations reflect significant added creative or artistic effort.

Examples: Licensing



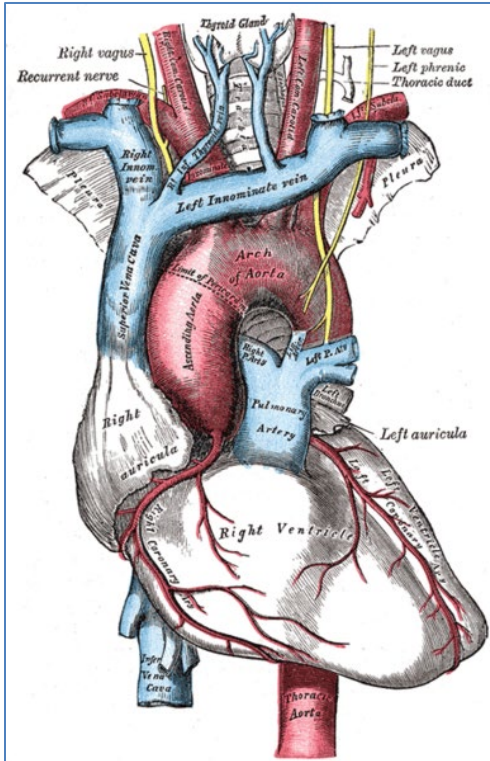
Creative Commons (CC) is a system anyone can use to establish and communicate terms under which work they publish online can be used. There are six CC license types, with different restrictions and requirements and restrictions. Images with CC licenses usually have a link to a description of the license restrictions and requirements. License for reuse for commercial purposes is essential for publication on OPENPediatrics.

<https://creativecommons.org/>



It is possible to pay a licensing fee for images found in journals. Many publishers work with the Copyright Clearance Center, which provides an online tool for inquiring about licensing fees, and purchasing a license.

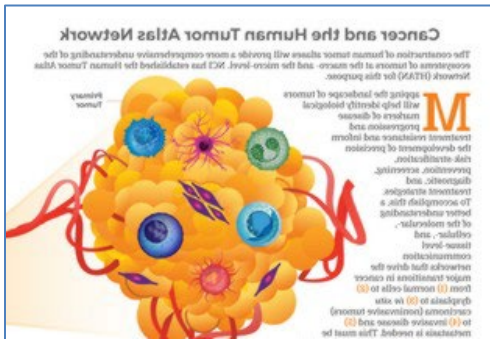
Examples: Public Domain Images



**Images Created Prior to 1923**

This illustration of the heart comes from Gray's Anatomy, which was published in 1918. Therefore this image is not subject to copyright. This and other images from the 1918 version of Gray's Anatomy can be downloaded from Wikicommons.

Note that new editions of "Gray's Anatomy" continue to be published, as recently as the 2015. Images from versions of the book published after 1923 are subject to copyright.



**Images Created by US Government Employees or Agencies**

This tumor atlas illustration was downloaded from the National Cancer Institute's [Visuals Online](#) collection. Note that not all images in the NCI collection are in the public domain, nor should an image be considered public domain simply because it is found on a government website. This image was explicitly cited as being in the public domain.

**Images Released to the Public Domain by the image creator / owner**

Any creator can release their work to the public domain, giving anyone the right use the image in any way they want. Wickicommons, among other sites, provides licensing information for images hosted there.

Licensing [\[edit\]](#)



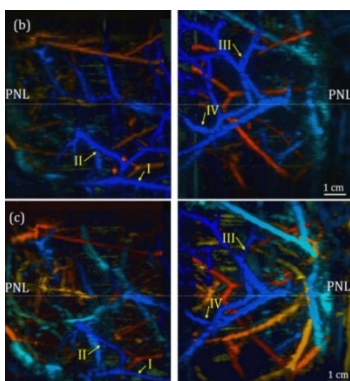
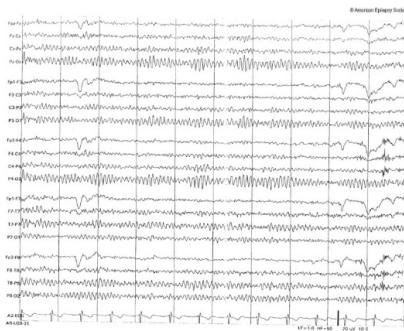
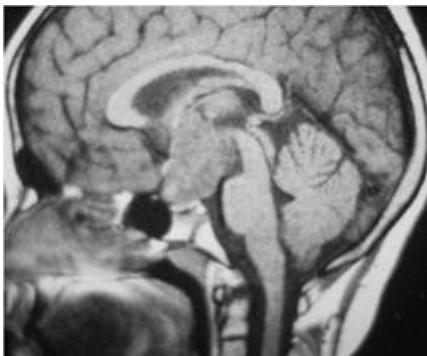
I, the copyright holder of this work, release this work into the **public domain**.  
 In some countries this may not be legally possible; if so:  
 I grant anyone the right to use this work **for any purpose**, without any condit

Examples: Diagnostic Images



Images created by machine without creative enhancement are generally not subject to copyright (e.g., scans, x-rays, scopes, etc.). However, if the image reflects significant creative input, it may be subject to copyright. Color alone does not constitute artistic or creative input.

**NOTE: All PHI must be removed from any image!**

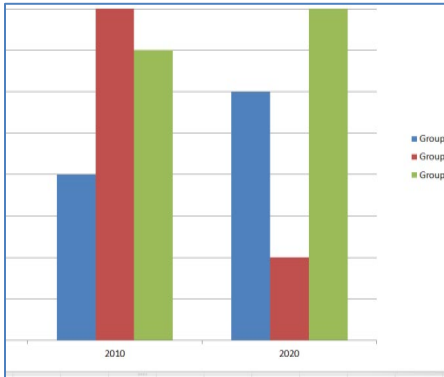


Machine generated images may be subject to copyright when creativity was applied in grouping images together to illustrate a concept.



Examples: Visual Data (Graphs, Charts, Tables, etc.)

Graphs, charts, tables, figures, that present data without significant creative enhancement may be used without rights or permission. However, if the image reflects significant creative input, it may be subject to copyright. Color alone does not constitute artistic or creative input.



May be used without rights/permission. This data visualization lacks artistic enhancement, even with the color treatment.

	Proportional reduction in deaths before			Relative reduction in prevalence of stunting at			Millions (% of DALYs averted at
	12 months	24 months	36 months	12 months	24 months	36 months	
95% coverage with all interventions	24.0%	24.4%	24.7%	33.1%	35.8%	35.5%	63.4 (25.1%)
90% coverage with all interventions	22.0%	22.2%	22.4%	31.1%	32.4%	32.1%	57.5 (22.7%)
70% coverage with all interventions	17.3%	17.3%	17.3%	22.7%	24.1%	23.6%	44.3 (17.5%)

May be used without rights/permission. This data visualization lacks artistic enhancement.



This image may not be used without rights/permission. The data visualization in this example reflects significant creative or artistic effort.

Examples: Brands and Logos

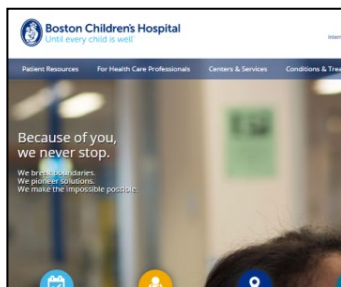
An organizational logo can be used only if it serves as an informational reference to the organization. Logos may not be used to imply endorsement of a position or practice.



May use generic medication label without rights/permission – if the photo itself is not restricted by copyright.



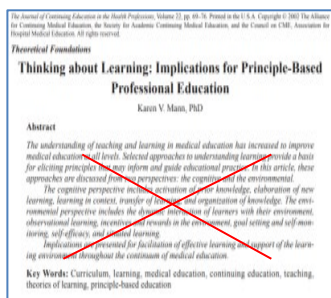
Branded medications, medical devices, software screens, or other products may not be used without permission from the brand owner.



Website screen shots may not be used without permission.



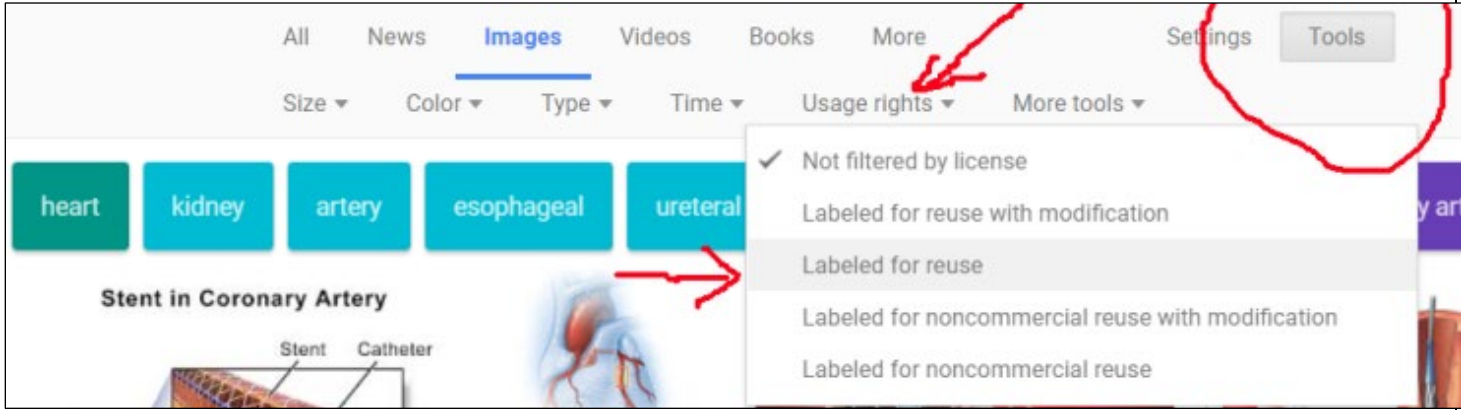
Organizational logos can be used if it serves as an informational reference to the organization.



Screen grabs of article title pages can be used, without the abstract.



## Resources for finding and creating unrestricted images

Resource	Type	Description	Access
Google Image Search	Search tool	Ability to filter image searches by type of license	<a href="https://www.google.com/">https://www.google.com/</a> Select Images in search results, then select “usage rights” under “tools.”
			
Wikicommons	Image database	Extension of Wikipedia where people often post clinical images in the public domain, or with Creative Commons license that allows for commercial use.	<a href="https://commons.wikimedia.org/">https://commons.wikimedia.org/</a>  <a href="https://en.wikipedia.org/wiki/Corneal_neovascularization">https://en.wikipedia.org/wiki/Corneal_neovascularization</a>
Creative Commons search	Search tool	Filter images by Creative Commons license type; brows collections by museums and other organizations.	<a href="https://creativecommons.org/about/">https://creativecommons.org/about/</a>  <a href="https://search.creativecommons.org">https://search.creativecommons.org</a>
Pixabay	Image Database	Database of free unrestricted images – mostly non-clinical	<a href="https://www.Pixabay.com">https://www.Pixabay.com</a>  <a href="https://pixabay.com/vectors/brain-human-anatomy-organ-medicine-148131/">https://pixabay.com/vectors/brain-human-anatomy-organ-medicine-148131/</a>
Bio Render – (\$39/mo.)	Online Image Creation Tool - <b>requires paid account</b>	Biological image creation tool. Pre-made cellular and other image components for drag/drop creation of images and process diagrams.	<a href="https://biorender.com/">https://biorender.com/</a>
National Cancer Inst.	Image database	Some public domain images, but many copyrighted.	<a href="https://visualsonline.cancer.gov/">https://visualsonline.cancer.gov/</a>
Stanford Medical Library	Image Search tool – click in the search bar to see image filter	Filter by usage restrictions. Displays results in 4 groups, from broadest reuse rights, to most restrictive.	<a href="http://lane.stanford.edu">http://lane.stanford.edu</a>
Medpix	Image Database	Government resource, but copyright may apply to images.	<a href="https://medpix.nlm.nih.gov/">https://medpix.nlm.nih.gov/</a>  <a href="https://medpix.nlm.nih.gov/search?allen=true&amp;all=true&amp;alli=true&amp;query=brain">https://medpix.nlm.nih.gov/search?allen=true&amp;all=true&amp;alli=true&amp;query=brain</a>
Resource	Type	Description	Access

Flickr	Image Database	General use online image sharing platform, used by clinicians. Images may or may not be licensed for commercial use.	<a href="https://www.flickr.com/creativecommons/">https://www.flickr.com/creativecommons/</a> <a href="https://www.flickr.com/search/?q=neurology">https://www.flickr.com/search/?q=neurology</a>
CDC Public Health Image Library (PHIL)	Image Database	Images may be government owned, so public domain	<a href="http://phil.cdc.gov/Phil/home.asp">http://phil.cdc.gov/Phil/home.asp</a>
OPENi (Open Access Biomedical Image Search Engine):	Search Tool	Retrieves open source abstracts and images. Copyright may apply.	<a href="https://openi.nlm.nih.gov/">https://openi.nlm.nih.gov/</a>
History of Medicine	Image Database	Historical clinical Images, may be public domain due to date created.	<a href="http://ihm.nlm.nih.gov/luna/servlet/view/all">http://ihm.nlm.nih.gov/luna/servlet/view/all</a>

Journal Citations

Note: Open Pediatrics uses AMA style. Citations from journals that use a different standard may be used, provided they contain:

- Authors – as per the journal style
- Article Title
- Journal Title – as per the journal style
- Year Published
- Volume
- Issue Number
- Page range of article

In addition, Open Pediatrics requires a designation of License type [“All rights reserved.” or “Used with Permission.” or Creative Commons license type.]

AMA Format Style:

Author(s) - see above for details. Article Title. Journal Title (abbreviated). Year Published;Volume(Number):Page range of article. License type [“All rights reserved.” or “Used with Permission.” or Creative Commons license type.]

Sample Citations:

Santschi M, Jouvet P, Leclerc F, et al. Acute lung injury in children: Therapeutic practice

and feasibility of international clinical trials. *Pediatr Crit Care Med.* 2010;11(6):681-9.  
All rights reserved.

Cuello-Garcia CA, Mai SHC, Simpson R, Al-Harbi S, Choong K. Early Mobilization in Critically Ill Children: A Systematic Review. *J Pediatr.* 2018;203:25-33. Used with permission.'