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### Lobbying With Regard to Getty Images Practices

Dear Sir/Madam

As a customer and user of Getty Images products, I am writing to you to raise awareness of their ongoing campaign which has become better known as the “Extortion Letter” policy.

Long before Getty Images acquired PicScout, an invasive web trawling technology that cost them \$20 million, the practice of interrogating company and private websites has long been an established revenue stream for this company. The basic principle is to examine all the images on your site without your permission and compare them to those in their ever growing library. If a match is found, you are automatically assumed to have infringed copyright and sent a “Demand Letter” asking for immediate payment of approximately £900/\$1200 per image – regardless of the source, quality, size or actual worth of the image. These letters are often triggered despite actually having a license. PicScout uses up bandwidth and corporate resources as it periodically trawls through servers and data, adding to the hidden costs of running and maintaining your IT infrastructure.

Private and personal data that is placed in directories and marked “*do not index*” in your robots.txt is read regardless of your request not to index. All areas of your site are explored in the endless quest for Getty's property. No thought is given to your Terms of Service or Conditions – sites are scanned regardless.

Many images that Getty assert claim on have exchanged hands innocently (or at least unwittingly) as part of a template, from a third party source that claimed they were license free or from commercial products like Microsoft Vista that shipped bundled with many copyright works. Getty simply does not care about the circumstances. All that matters to Getty is money. Receiving a 10 page letter with pictures of your website can be intimidating, harassing and for some, already in financial hardship, could be the final straw.

Getty have lobbied Government for years to get them to relax copyright legislation to allow them greater freedom in pursuing unjustified “claims”. Using the proviso that being unaware an image is copyright is no defence, everybody is assume to be guilty by default.

Getty makes a point of going after small companies and individuals who cannot afford legal representation and are likely to feel intimidated into paying. Fear of huge financial bills for lawyers drives some people, along with the continual harassment and bullying by Getty, to pay these bills before they realise they have little or no claim over the images they asserted to have copyright. They never go after Google or Facebook despite infringements because they would be defeated.

Getty take the stance that they are protecting the copyright of their photographers to whom they are duty bound. Taking such a heavy handed and disproportionate approach alienates the very customers on which these photographers rely. Copyright is undoubtedly in place for very good reason but using it in such a black and white way to merely leverage, intimidate and extort revenue is more damaging to the industry, customers and photographers alike. Content consumers are left feeling unsure who to trust, photographers feel they have been cheated out of revenue and Getty continues to infringe website owners content without a thought for them. Some would rather leave out images than risk Getty!

If images are distributed under free license, there is nowhere to check this is the case. If an image says it is "Getty", then it can obviously be checked against their stock library. End users are supposed to just know that everything is owned by somebody - even when you have no way of checking. Some products don't look premium or say premium, there are no digital signatures or watermarks – you are just expected to know!

While photographers' copyright appears to be the the yardstick with which everybody is being beaten, there appears to be little regard for the copyright of website owners who have their sites routinely and systematically scanned, copies taken and then distributed by Getty's Copyright Compliance Team. For every alleged infringement of image copyright there is an equally valid case for blatant, flagrant and with intent infringement of website copyright for content, design and layout. Getty would assert themselves as being pretty clued up on copyright but seem rather blasé about other people's when it could stand in their way of revenue?!

To this end, Getty are doing photographers and consumers of their products a great and damaging disservice. The time will come when the bottom falls out of the "extortion" racket and photographers are left with their stock sitting on Getty's virtual shelf because nobody will want to buy it. Content consumers are already turning to alternative and cheaper ways to assure image authenticity including DIY imagery.

There are many sources of images and stock created under Creative Commons license that don't require expensive licensing deals, tie-ins or the worry of license expiration. Content consumers are also creating their own images, saving thousands in comp and graphics work, then donating the images to others free.

Another unethical and clandestine practice employed by Getty is to exploit the use of internet resources like archive.org, also called "The Way Back Machine" to see what graphics you had on your website in the past then issue "Demand Letters" retrospectively. Along with other sites that talk back to Getty and PicScout, like TinEye reporting the images you are searching for and who has copies of them.

Founder, Sir John Paul Getty KBE, had a long standing affinity for Britain and became an official Citizen in 1997, residing here until his death in April 2003. He once quoted his father as saying, ***"You must never try to make all the money that's in a deal. Let the other fellow make some money too, because if you have a reputation for always making all the money, you won't have many deals."*** With many photographers claiming never to have been paid for their work it would appear this ethos is waning.

Getty Images also owns (or is in close partnership with) the following: Photodisc Inc., Agence French Press (AFP), Michael Orchs Archives, Flickr, Tony Stone Images, Allsport, Hulton Picture Library, Keystone Collection, iStockPhoto, StockXpert, WebMediaBrands and Microstock to name but a few.

On the approaching deadline of 10 July 2013 for the Government Petition on Getty's unethical scam (<http://epetitions.direct.gov.uk/petitions/35814>), I thank you for your time and consideration.

I urge you not to use Getty Images in your business, given the thousands of people around the World each day that will receive a threatening and harassing letter from Getty, constant phone calls and debt collectors calling without any legal claim to do so. Please search the web today and discover the enormity of this scam and boycott Getty Images for their bullyboy tactics.

Please help bring an end to this unacceptable business practice driven purely by greed.

Yours faithfully

Brian Clark