



## Trellis Legal, LLC

5149 Butler St., Suite 300, Pittsburgh, PA 15201

[www.Trellispgh.com](http://www.Trellispgh.com)

### Key Considerations for Using Content in the Marketing and Promotion of Your Business

***DISCLAIMER: This outline is a general guide. Be sure to contact an attorney if you have questions or specific issues that need to be addressed.***

The internet makes it very easy to find “free” photos, art, graphics, and other content to use, but many do not realize that the content they are using may be protected under intellectual property laws. As a result, too many businesses unknowingly put themselves at risk of fighting off an infringement claim and having to deal with the legal and financial fallout. This guide provides key considerations for using online content for your business.

For a quick refresher of the basics of different types of Intellectual Property (IP), check out this free Trellis resource: [Breaking Down Types of IP](#)

---

1. **Assume someone owns the work.** There is a wealth of photos and images online that can be helpful for marketing your business, but more likely than not, someone already owns them. This is true for other types of copyrightable work as well, including writings, music, and videos. Many works do not have a copyright notice (e.g., © 2025 Trellis Legal, LLC) or any other indication that they are already owned because notice is not legally required. So, without doing due diligence and verifying whether a work is protected, it is safer to assume that someone somewhere owns it.
2. **Don't think you can get away with flying under the radar.** If you are using a copyrighted work without the owner's permission, there is always a possibility that the owner will discover your infringement and take action against you. There are limited cases where you can use a work without permission, but those cases are generally the exception to the rule. Additionally, there are copyright owners who are very aggressive in their enforcement and come after even the smallest organizations over alleged copyright infringement. The costs associated with resolving these issues can vary, which unfortunately can put small businesses with limited budgets at a disadvantage.
3. **Get permission.** If there is an image you want to use for your promotion or marketing, be sure to get the owner's permission beforehand. Copyright law grants exclusive ownership rights, which owners can exercise by giving permission (or a license) for others to use the work, usually for a fee. ([Read our free resource on licensing agreements by clicking here.](#)) The license will cover the work you want to use and how you want to use it, among other details. Those who get permission before using a work can avoid infringement claims altogether.
4. **Watch out for trademarks.** Using another company's trademark in online marketing, even if unintentional, can create a serious business risk. Depending on the use, even hashtags, usernames, and domain names can infringe on another's trademark rights. Businesses can face trademark infringement claims of course, but they

©2025 Trellis Legal, LLC. This is not an exhaustive list of legal needs or contract considerations but rather a few common terms and issues. This is drafted by a Pennsylvania attorney. If you are out of state, please ensure you speak with an attorney in your state. Trellis Legal resources are provided free of charge as informational. They do not constitute specific legal advice or create an attorney-client relationship. If you have specific questions about how you should use the resource or about your unique situation, please speak with an attorney.

may also be forced to remove content from their online platforms. Additionally, platform service providers may suspend advertising and deactivate pages if they find that there is a violation. A lot of content is branded, but it is not always obvious. When in doubt, reconsider use.

5. **Use public domain works.** Copyright protection does not last forever. After a copyright expires, the underlying work enters the “public domain.” The public domain refers to works for which copyright protection has expired and the works are no longer protected. This means that they are available for use free of charge and without the risk of infringement. The public domain features all types of works, including literature, music, sound recordings, films, and photographs.
6. **Use stock images.** Stock images are ready-to-use images designed to be licensed. Using stock images can give businesses the opportunity to have cost-effective and quality photos for their website, social media, and other platforms. Stock image libraries provide clear guidelines and permissions around use, which can give businesses the confidence to use the licensed materials across platforms without facing increased legal risks. To note, one drawback of stock images is nonexclusivity. This means that the same stock image can be used by another business. Still, many stock image libraries carry thousands of images to choose from, and pairing them with original design elements like colors and typography can help create stand-out marketing.

#### **Additional Resources:**

- **Read some additional related Trellis resources:**
  - [Blog: Don't Coast On That Repost: The Dangers Of Copyright Infringement](#)
  - [Resource: The Intellectual Property Toolbox](#)
  - [Library of Congress Free to Use and Reuse](#)