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What is hotlinking and should photographers be worried about it?

While presenting the findings of an initial research project about ‘Digital Image Copyright Online’, questions were raised about hotlinking. More specifically, what is hotlinking and how might it affect photographers who post their images online. These are the questions that this article will answer.

What is hotlinking?

Hotlinking is when a webpage directly links to and embeds images or multimedia files from another website. In the case of images, a hotlinked image will appear on a webpage but is actually stored on a completely different site.

Hotlinking is sometimes referred to as “leeching” or “bandwidth theft” or “inline linking”.

What is the problem with hotlinking?

The initial problem with hotlinking is that you are using up someone else’s bandwidth. Bandwidth is an allowance for the amount of data that can be downloaded from a domain. For example, if your bandwidth limit is 100MB and you have a picture that is 1MB that people can download then this can be downloaded 100 times before your bandwidth limit is reached. Once the bandwidth allowance is reached / exceeded then the web host may either charge a fee for running over the agreed limit or the website may be taken offline. Therefore if someone hotlinks to your 1MB image then whenever someone views the hotlinked image it is using up your bandwidth.

It could be argued that with bandwidth allowances being much larger and some web hosts offering unlimited bandwidth that it should no longer be a problem. There is however the other argument over whether or not hotlinking constitutes copyright infringement.

Is hotlinking to an image an infringement of Copyright?

This is a fairly well argued topic but as Masnick (2010) explains, the consensus seems to be “No”. Hotlinking, particularly without acknowledging the original source, is generally considered to be rude and annoying but is not actually an infringement on anyone’s Copyright.

There is a simple reason why hotlinking is not an infringement on copyright. The simple reason is that hotlinking does not create a copy of the image. The image still remains on the original site and is still downloaded from there. If you made a copy of the image from another website and uploaded it to your own then that is a different story, but hotlinking is not a copyright violation. A good case in point is *Perfect 10, Inc. v Amazon.com, Inc.* [2007] in which it was found that:

“in-line linking and framing may cause some computer users to believe they are viewing a single Google webpage, [but] the Copyright Act ... does not protect a copyright holder against acts that cause consumer confusion.”

Perfect 10, Inc. v Amazon.com, Inc. [2007]

The case therefore deemed Google’s use of hotlinking as fair use. If hotlinking was an infringement of copyright, then Google Image Search would be infringing a lot of people’s copyright! When you do a Google Image Search the resulting images are being displayed from the source websites. Google has not taken a copy of all of these images and kept them on their own servers, as this would be a copyright infringement. So while it might be annoying to photographers and considered rude to see their images hotlinked to on other websites, the copyright holders don’t currently have grounds to claim a copyright infringement.

Steinberger (2013) has some interesting views on how changes to the way Google Image Search displays results has led to websites experiencing a drop in the number of visitors. Now that Google Image Search hotlinks to the original image, not just a small thumbnail, people searching for images can download the original without viewing the whole webpage. For photographers selling images online this is potentially a problem since people may simply view the image without actually visiting the website where a sale could potentially be made.

Just because hotlinking is not a copyright infringement, it doesn’t mean you have to accept it. So what can you do?

If you find your images being hotlinked and you want it to stop then you have some possible remedies for this. The most obvious is you can contact the website owner and ask them to stop hotlinking or at least credit the image and perhaps provide a hyperlink back to your

original page. The reality is that website owners are likely to ignore the request, particularly if they know you don't have a leg to stand on legally. It is also quite a time consuming affair if you have had a lot of images hotlinked.

The most effective remedy is a technical one, often referred to as hotlink protection. Hotlink protection works by checking each time that a request is made to view an image, or other media, that the request came from the original hosting site. If a request to view an image or media comes from another website / server then the access to the request file or media is denied. It is also possible to effectively redirect these requests to another image that you define. Some people redirect these requests to an image that advertises their site. There are also numerous examples of people redirecting these requests to display images that include messages along the lines of "Stop hotlinking my content"; some examples are less polite! Steinberger (2013) explains that there are far more advanced methods for hotlink protection that include watermarking hotlinked images on the fly and redirected people from these hotlinked images to the original source.

Should photographers enable hotlink protection?

Photographers should weigh up the pros and the cons of enabling hotlink protection. It may give photographers who find this practice particularly annoying peace of mind. On the other hand hotlinking might provide an opportunity for promotion of images, particularly for photographers that watermark their images with their web address. There are some websites that build libraries of hotlinked images that link back to the original source, effectively become an alternative to Google Image Search; enabling hotlink protection will exclude your images from these libraries. Ultimately professional photographers are likely to want to consider whether allowing hotlinking does any harm to their business and results in any loss of income. There is not a right or wrong answer as to whether photographers should be using hotlink protection, it is just something to consider given the views and circumstances of the photographer.

References

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