



c/o The Society of Authors  
24 Bedford Row  
London WC1R 4EH  
Friday 5 August 2023

Dear PicRights,

This is with reference to your letter of 8 January 2026 and 11 February 2026, and your allegation that we are using The Associated Press's imagery on our website, social media, or in media accessible from our website without a valid licence ("**Your Photograph**"). Having now taken legal advice, we deny this allegation.

Automated content identification leading to claims like this are both frivolous and costly for recipients to deal with, and companies like yours when filing them should ensure they make claims which are accurate and unlikely to have clear defences before making demands for payment.

### **About our work**

We, Open Rights Group (ORG), are a UK based digital campaigning organisation working to protect fundamental rights to privacy and free speech online. Our work on data protection and privacy includes challenging the immigration exemption to UK data protection law, defending the General Data Protection Regulation (GDPR) from attempts to water down its provisions, and challenging uncontrolled and unlawful data sharing by online advertisers.

We prepare reports as part of our mandate to protect privacy and free speech in the digital realm. The photograph you allege is infringing your rights is contained in our report, released in April 2025, titled "Bad Ads: Targeted Disinformation, Division and Fraud on Meta's Platforms" (the "**Report**"). The relevant section, which starts on page 17, is titled "Sectarian Hate and Violence in Northern Ireland". A full page screenshot of the page on which the photograph in dispute occurs, page 18, is at Annex 1 to this letter.

### **Your allegations**

To begin with, we note that this photograph (“**Our Photograph**”) is not the same as Your Photograph, which we have been able to access via the link shared with us in your letter. This is because, first, a large blue box containing the text “Voting hasn’t worked, take to the streets” completely masks the two police officers shown in the original photo. Second, a substantial proportion of the image, on the left, showing the road and the pavement, has also been cropped out.

In fact the photograph at page 18 of the Report was borrowed from a report by Global Witness (which is credited) titled ‘The Big Tech business model poses a threat to democracy’, published on 28 June 2021 and available here:

<https://globalwitness.org/en/campaigns/digital-threats/the-big-tech-business-model-poses-a-threat-to-democracy/>. Screenshots of their report are at Annex 2. Global Witness themselves claim that they created the ad to highlight harms in Meta's advertising.

### **Fair dealing**

Putting the issue of the differences between Your Photograph and Our Photograph aside, we claim that Our Photograph has been placed in the Report to for the purpose of review of Global Witness’s report, which is allowed under UK’s copyright law (specifically, section 30 of the Copyright, Designs and Patents Act 1988) as a form of fair dealing. As you can see, page 18 explains and reviews the actions taken by Global Witness (as also described in Global Witness’s own report) with respect to exposing the inadequacies of Facebook’s ad moderation system. In *Fraser-Woodward Ltd v BBC [2005] F.S.R. 36*, the defence of criticism and review succeeded where the copyright owners’ photographs were used to criticise the media’s general reporting of celebrity. Similarly, here, fair dealing for the purpose of review would succeed as Our Photograph and the accompanying text criticises Facebook’s ad moderation policy.

Alternatively to our claim that the use of Our Photograph amounts to permissible review under copyright law, we say that it is a permissible quotation from Global Witness’s report, also under section 30 of the Copyright, Designs and Patents Act 1988. Indeed, in *Painer v Standard Verlags GmbH (C-145/10) EU/C/2011/798 (01 December 2011)*, the use of the whole photograph of a girl who had been abducted without the consent of the copyright owner was deemed to be a permissible quotation.

Whether as review or quotation, the use of Our Photograph is fair as it does not prejudice the commercial value of Your Photograph. Indeed, Courts have held this to be the most important factor in the assessment of fair dealing, see *Duchess of Sussex v Associated*

*Newspapers Ltd [2021] EWHC 273 (Ch) (11 February 2021).*

We sincerely hope this resolves the matter.

Best wishes,

Jim Killock  
Executive Director

## **Annex 1**

the United Kingdom ignited anger in Northern Ireland's Unionist communities.<sup>121</sup> In April, the riots that erupted in Belfast and further afield were, according to the police, at a scale that had not been seen for a number of years.<sup>122</sup>

During the increasing tensions leading to these riots, human rights campaign organisation Global Witness designed a series of adverts containing divisive, hate-filled messages and direct incitements of violence targeting Northern Irish Facebook users. This was done to experimentally test Facebook's advertising moderation systems in the context of increasing sectarian tensions. **The ads were targeted across the sectarian divide by using readily available proxies for Catholic and Protestant religious affiliation, themselves proxies for Unionism and Loyalism.** To achieve this, Global Witness targeted their adverts at users whom Facebook had profiled as having an interest in Protestantism and the Catholic Church. Additionally, they **geographically targeted communities using postcodes which fell across the Catholic Falls Road side and Protestant Shankill Road side of the peace wall in west Belfast.**<sup>123</sup>

Initially, two ads were designed and submitted to Facebook's moderation system. The first targeted people who Facebook had profiled as having an interest in Protestantism, saying "Northern Ireland is for the British - join the cause." The other targeted people who Facebook had profiled as having an interest in the Catholic Church, saying "They'll never leave the North of Ireland unless we make them." The next set of ads expressed the inferiority of and contempt for Protestants and Catholics, using offensive sectarian slurs, which violated Facebook's community standards regarding hate speech directed at the protected characteristic of religious affiliation.<sup>124</sup>

Finally, Global Witness submitted an advert that directly incited violence, containing the words "Voting hasn't worked, take to the streets."



Figure 8: A 2021 ad targeted to people in Northern Ireland who Facebook had profiled as having an interest in Protestantism or the Catholic Church, in addition to those with postcodes on either side of the peace wall in west Belfast. (Source: [Global Witness](#))

This ad was targeted in two ways. Firstly, as per the previous two examples, by using quasi-religious identifiers Facebook had profiled users as belonging to – Protestantism and the Catholic Church. Secondly, by **geographically targeting the postcodes of people who lived on either side of the peace wall in west Belfast, representing Catholic-majority and Protestant-majority communities.** It was across this very geographic divide that violence soon erupted.<sup>125</sup>

Every targeted ad Global Witness submitted was accepted for publication, often approved in just a few hours. None of the ads were ever seen by the targeted communities, however, as Global Witness withdrew them before they went live.<sup>126</sup>

When presented with this investigation, a Facebook spokesperson said several of the adverts violated their policies. They also said, "People's interests are based on their activity on Facebook -- such as the pages they like and the ads they click on -- not their personal

121 Fitzpatrick, J. (2021). [NI Protocol: Palpable anger but no return to violence, says Sheridan](#). *BBC NI Spotlight*.

122 BBC. (2021). [Belfast: Rioting 'was worst seen in Northern Ireland in years'](#). *BBC News*.

123 GW. (2021). [The Big Tech business model poses a threat to democracy](#). *Global Witness*.

124 GW. (2021). [The Big Tech business model poses a threat to democracy](#). *Global Witness*.

125 Hirst, M. (2021). [NI riots: What is behind the violence in Northern Ireland?](#) *BBC News NI*.

126 GW. (2021). [The Big Tech business model poses a threat to democracy](#). *Global Witness*.

## Annex 2



 This ad was targeted to people in Northern Ireland who Facebook has profiled as having an interest in Protestantism or the Catholic Church as well as to people living either side of the peace wall in west Belfast.

We put the allegations raised in this article to Facebook to give them the opportunity to