

Sued for Reposting a Photo of Herself on Instagram -That Just Happened to Gigi Hadid

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Earlier this week, a company called Xclusive-Lee, Inc. filed a complaint in federal court against the fashion model Gigi Hadid (real name Jelena Noura Hadid) alleging willful copyright infringement when Gigi reposted a photo of herself on her own Instagram account. According to the complaint, Xclusive is the copyright owner of the photo and claims that Gigi should have known better than to post copyrighted photos to her social

accounts because she's been sued for this before. The complaint further alleges that Gigi's Instagram feed is full of similarly "uncredited photographs" that were posted without a license or permission from the copyright holders. Although the photo in question has been removed from her feed, the exhibits to the complaint show that the post garnered more than 1.6 million likes. The plaintiff also threw in a claim for contributory copyright infringement based on Gigi's 43 million Instagram followers, who presumably (?) went on to copy and redistribute the photo themselves. The complaint doesn't really make it clear.

What is clear is that Gigi is not alone. As readers of this blog know, other celebrities have been sued for this exact same reason, including P. Diddy. Brands, influencers and other advertisers can also easily find themselves in hot water by reposting unlicensed photos on their Instagram accounts, whether they are photos of themselves, others or even photos with no people at all. Copyright law is pretty clear that copyright holders retain the exclusive right to reproduce and display their works. The concept of "fair use" that everyone talks about is narrower than you might think -- it's a complex analysis of multiple factors that may not excuse social media posts made for commercial benefit. Despite the suggestion in Xclusive's complaint, attribution or credit won't solve the problem either. So make sure you have permission before posting. Formal written licenses are not always necessary, a quick DM chat with the copyright owner providing consent works just as well.