



Fair use checklist for AEC firms

Before using an image without a license, run through this quick check. If you're unsure on more than one point, it's usually safer to source a licensed or owned image instead.

1. What's the purpose of this image?

- Are you using the image to **analyze, critique, or explain** something?
- Or are you using it to **enhance a proposal, presentation, or marketing piece**?

Gut check: If the image is there to support a point, fair use may apply. If it's there to make your work look better, it likely doesn't.

2. Are you transforming the image, or just reusing it?

- Are you adding **new meaning, annotations, or commentary**?
- Or are you using the image as-is (or lightly edited) for the same purpose?

Gut check: Cropping, filters, or overlays don't count as transformation. New context does.

3. How much of the image are you using?

- Are you using only what's necessary to make your point?
- Could you use a smaller portion, lower resolution, or different angle?

Gut check: If you're using the full, high-resolution image, your risk increases—especially in commercial contexts.

4. Could your use replace the original?

- Would someone viewing your content have **no need to find or license the original image**?
- Are you using it in a way that could compete with the creator?

Gut check: If your use could substitute for the original, it likely isn't fair use.

● 5. Is the image highly creative or commercially valuable?

- Is it a **professional architectural photo, rendering, or branded visual**?
- Or is it more **informational or documentary** in nature?

Gut check: The more creative and polished the image, the stronger the copyright protection—and the higher your risk.

● 6. Are you using this in a commercial context?

- Is this going into a **proposal, pitch, website, or marketing asset**?
- Or is it purely **educational or internal**?

Gut check: The more commercial the use, the harder it is to justify fair use.

● 7. Do you have a safer alternative?

Can you source a similar image from:

- Your firm's project library?
- A licensed stock platform?
- A partner with permission?

Best practice: If a licensed alternative exists, it's almost always the better choice.

● Final decision

Mostly “yes” to transformation, limited use, and non-commercial purpose > Lower risk

Mixed answers > Proceed with caution or get approval

Mostly “no” (commercial, full image, no transformation) > Don't rely on fair use

● Pro tip for AEC teams

Fair use decisions get harder as teams grow. The most effective firms build repeatable systems to reduce ongoing risks.

OpenAsset's DAM helps teams:

- Track image ownership and licensing
- Surface approved assets instantly
- Reduce reliance on “gray area” decisions like fair use