



**mr. know-it-all**  
by Clive Thompson



## Stalker or Shutterbug?

**I sometimes snap pictures of strangers and post them on my blog and Flickr. Could I get into legal trouble for violating their privacy?**

Snap away, shutterbug. As long as your subjects don't have a "reasonable expectation of privacy" – meaning they're not somewhere they'd never expect a camera to be – you're on pretty solid ground. Even if you photograph them while they're on private property, you're in the clear – just make sure they're in plain view and you're not trespassing.

Privacy issues aside, your little habit could still land you in hot water, but the circumstances of your snapshot would have to be pretty weird. For example, if you happen to catch a couple of underage teens having sex in the park, don't shoot or you'll effectively be a child pornographer. Taking a picture of public art can theoretically violate copyright law, though only the most dim-witted artist would object to the free publicity. And, of course, some parts of military installations and nuclear plants are off-limits, too, for national security reasons.

Also, rules vary from state to state, and some have "really goofy laws," notes Bert Krages, an Oregon lawyer who specializes in photography issues. In Texas, for example, it's illegal to take someone's picture if it's "for the purpose of another's sexual gratification" – which could include, say, a candid shot at a nude beach. Outside the US, it's best to ask permission. In Québec, a teenage girl successfully sued a photographer for \$8,000 after he took her picture without her knowledge, even though she was sitting on the front steps of a public building.

If you post pictures of strangers on your blog, watch for other legal traps. Don't write a caption that misidentifies someone or is unduly mocking – your subject could sue you for placing him in a "false light." Or let's say you've started a blog, and you take a snapshot of someone at a bus stop, then Photoshop it into a banner ad promoting your site. This implies the subject endorses your work, and she could file suit for publicity rights – a cut of the enormous revenues from your vast blog empire. That's unlikely, though. In general, only big celebs with bankable images are rich and self-important enough to hire a lawyer to sue your ass. So don't worry about the man on the street. But think twice before using that shot of Madonna. She is the Material Girl.

**Dude, I use Napster To Go – the service that lets me download whatever I want to my MP3 player for \$15 a month. In the first weekend I snagged, like, 4,000 songs! Can I just unsubscribe now and keep the music? How much would that rock?!**

It would totally rock! If it were possible. Napster uses Microsoft's Janus digital rights management technology, which requires you to dock your player to a computer with a valid subscription at least once a month. If you don't, your music is disabled. Rhapsody To Go works the same way. Yes, some hacker will subvert this. But Mr. Know-It-All hopes these services will persist. All the music you can listen to for \$15 a month? Dude, you probably spend that much a week on Red Bull.

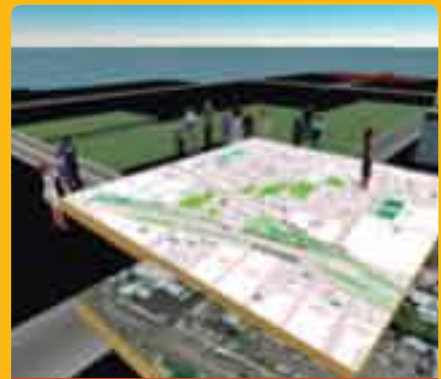
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### URBAN PLANNING

## Second Life for a City Park

About the nicest thing anyone could say about Landing Lights Park in New York is that you get to see jets up close on final approach, 398,000 times a year. Located near LaGuardia Airport, the all-but-abandoned strip of green covers only half a square mile and is in dire need of a makeover. But what kind? To save on landscape-architecture study costs, the borough of Queens put a digital version of the park in the massive multiplayer online game *Second Life* and asked the resident avatars to redesign it. Players from around the world are installing water fountains, playground equipment, and refreshment stands purchased from an in-game vending machine. And this year, when the airport starts shelling out \$100 million as part of a lease-renewal deal, Queens will use elements of the online designs to draw up its blueprint. Finally, some fresh air for a neighborhood that's been breathing the exhaust of our connected world. – **Jacob Ward**



This in-game design may yet get real.