


Copyright and Use Rights Policies



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Copyright and Images

In general, follow relevant contract, license or agreement and copyright law. The term of copyright in Canada is the life of the creator + remainder of calendar year of death + 50 years.

NOTE: Where use is permitted, a statement of attribution (source of image, photographer, owner of work, where appropriate, should always be displayed with the image.

Libraries and Cultural Resources digital image databases, such as ARTstor, provide access to over a million high-resolution digital images as well as presentation creation tools for teaching. To check for permissions for ARTstor images, check the [licensing database](#).

In addition, Libraries and Cultural Resources has acquired a further 67,000+ high resolution digital images and provides access to these from our in-house Image Catalogue. These digital images are licensed for educational use and have authentication for remote access. Information on copyright permissions for these images can be found as follows: Saskia, Archivision, Hartill, Ehrentraut, Art Gallery of Ontario, Davis, Bridgeman, Harappa. A list of all licensed image databases can be found at library.ucalgary.ca/images





The slide collection of 250,000 slides is being phased out. A selection of 20th/21st century slides will be browsable in Visual and Performing Arts library, 3rd floor, TFDL (Taylor Family Digital Library). The images represented in these collections include significant objects of visual culture and architecture from around the world and from prehistoric civilization to the modern area.

Royalty free images that you may want to use are available on various sites such as Wikimedia, National Geographic, Flickr as well as those licensed from Microsoft as part of your university access.

<p>Permitted uses:</p> <ul style="list-style-type: none"> · Search, view, print and download images for research and private study and to link to individual images, image groups or page images with electronic bookmarking · Instructors may project these images as part of their lectures at the University of Calgary · Instructors may include images posted to a course management system or handouts with proper credit included · Inclusion of print images in a paper is acceptable if that paper is not copied and distributed outside the institution 	<p>Non-permitted uses:</p> <ul style="list-style-type: none"> · Posting to a public website · Publishing or distributing images in any manner for commercial uses or uses that are made widely available, without obtaining permission · Altering the work in any way, unless the creator has waived these moral rights
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For further information, contact Marilyn Nasserden, Liaison Librarian nasserde@ucalgary.ca or the Copyright Officer, Wendy Stephens, wstephen@ucalgary.ca or email copyright@ucalgary.ca

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Case Copyright Compliance Policy

Case Western Reserve University promotes discovery and communication of information that transform creation and use of copyrighted materials are an important part of the research mission, and respect to the academic ethic.

University policies regarding authorship, use of networked resources, and respect for federal copyright law. The Case [Intellectual Property Policy](#), [Acceptable Use of Computing and Information Technology Policy](#), and the [Copyright Compliance Policy](#) inform the Case community, diminish liability both for the institution, and help individuals take full advantage of appropriate legal exemptions in order to support their teaching responsibilities.

Each member of the University community is accountable for copyright compliance. The [Copyright @Case](#) information about using copyrighted materials, various checklists and charts for informed decisions, legal changes, and support through University contacts.

[Copyright Compliance Policy](#) - overview of the Policy structure for basics, foundations, and copyright balance and how it facilitates your research activities...

[Exclusive Rights of Copyright Holders](#) - what your rights might be, or what you are engaged in holder's exclusive right...

[Fair Use Doctrine](#) - what it is, how to apply the four-factor test and use it, and more...

[Public Domain Charts](#) - use these date charts to determine when a work is still protected, the Policy's [Public Domain Chart](#) (revisions with permission for Appendix E (Laura Gasaway, U information on international & unpublished works, plus extensive, helpful footnotes, use the [Public Domain Chart](#) (Peter Hirtle, Cornell). U.S. books 1923-1963 that might not have been renewed domain and thus available for you to use via information on the [Stanford Renewal Data](#)

[Permissions](#) - tips on how and where to begin, when you need to seek permissions...

[Copyright Myths](#) - common myths to avoid, using copyrighted works to your advantage...

[Important changes in federal law](#) - why and how recent changes affect you...

[Web resources](#) - helpful for copyright basics, permissions, legislation, and more...

Scholarly Communications, Author's Rights & Digital Publications

Learn more about how to retain your copyrights when you publish, as well as more about the new model on the Case site for [Scholarly Communications and Author's Rights, and Digital Publishing](#).

Whether you are new to publishing, or are a student who needs to publish articles but protect your thesis publication value, the [Scholarly Communication Lecture Series](#) site has information and helpful content lists of publisher policies, information about NIH publication and copyrights, addenda forms to use in your discussions, and more about working with publishers to advance knowledge while protecting more of your rights.

We look forward to talking with you, or bringing a session to your department or group about new models to protect both you and your publisher's interests.

The content presented on this site is informational and is not to be construed as legal advice. Counsel is the appropriate source for legal advice.




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Copyright Policies for Collection Managers

In 2005, the Digital Asset Management Task Group on Content worked with university counsel to create guidelines for managers of digital image collections at the University of Colorado. These forms are intended to provide broad and general guidance for creating image collections used in teaching and research by the CU community. CU students, staff, and faculty should direct inquiries to Legal Counsel, University of Colorado.

[Best Practices for Acquiring Digital Content for Image Collection Managers](#)

[Image Collection Managers Checklist for Fair Use of Images](#)

The contents of this document may be integrated into another type of software, such as Excel or an image management software system, to keep electronic records of collection managers' good faith efforts in observing the four factors of fair use.

[When Works Pass Into the Public Domain](#)

Additional Copyright Resources for Collection Managers:

Visual Resources Association

Image Collection Guidelines: The Acquisition and Use of Images in Non-Profit Educational Visual Resources Collections
<http://www.vraweb.org/resources/ipr/guidelines.html>


Digital Image Rights Computator (DIRC)
<http://www.vraweb.org/resources/ipr/dirc/index.html>

- Overview
- Copyright Policies for Collection Managers
- Digitization Best Practices (pdf)
- Metadata Best Practices (pdf)
- Luna Insight

 **Browse all Collections**

-or-

Choose a Collection: 

Additional Digital Images:

[Accessing ARTstor](#)

Find Additional Research Resources:

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Digital Library of the Caribbean (dLOC) Manual Guide to Permissions & Copyright/Public Domain Review

Introduction

In addition to digitizing materials following preservation standards, dLOC further supports preservation and access by ensuring that all applicable rights are respected and supported by seeking Internet distribution permissions as needed. Internet distribution permissions can be required for cultural and documentary heritage rights, privacy rights, and copyright.

This guide provides an overview of rights and responsibilities related to copyright and moral rights for digitization projects. The guide includes step-by-step procedures used by dLOC partners for evaluating rights and requesting permissions.

Permissions-Based Model

dLOC relies on a permissions-based model. In this model, dLOC members request permissions as the primary method for ensuring compliance with copyright, moral rights, and other applicable rights. Using a permissions model allows dLOC to provide equitable support for rights-holders and the public good. This is especially helpful for dLOC as an international collaborative, with different rights protected and understood in different countries and institutions. The permissions model supports discussing rights as a collaborative opportunity. The permissions-based model complements the process of reviewing materials for their status under copyright or within the public domain.

Rights & Responsibilities

Copyright law has changed dramatically in the US in the last 50 years and even more so when viewed on an international scale. Copyright is a property right that seeks to balance the rights of the creator with the rights of the global society. Copyright is but one of many rights and responsibilities that must be considered when digitizing materials. Digitization makes use of new and emerging technologies, technologies whose use may not yet have applicable laws supporting their use for the global public good.

Moral Rights

In addition to copyright, creators may also retain moral rights to their works. Moral rights are generally the creator's right of attribution and right of integrity for the work, but can include many specific rights depending on the type of work and the law of the country. Moral rights are separate from other rights,



and creators retain moral rights even after transferring copyright or ownership of the work. dLOC supports moral rights by ensuring proper attribution is included for materials, for their creators and the partner institution that contributing materials. Moral rights also grant creators the right to integrity which offers protection for holism of the creator's work. dLOC supports these rights again by ensuring that works are presented and preserved as artifacts. The U.S. does not yet fully recognize moral rights, limiting support only to visual art creators' right of attribution, right of integrity, and right to prevent destruction of their work (1990 Visual Artists Rights Act). The U.S. has a reductive view of moral rights compared to many countries. France offers a counter model where moral rights may survive the expiration of copyright.

Cultural Heritage Rights

In many countries, cultural heritage and public institutions have specific additional rights and responsibilities. These may include provisions to support access, preservation, use in teaching, and use in research. These responsibilities may include rights for certain uses that would otherwise be prohibited by the creator's rights.

Copyright

Copyright law varies from country to country. Though many of the Caribbean Basin countries are Berne International Copyright Convention signatory nations, it is often difficult to determine which set of laws to apply or what the term of protection may be from one country to another or, for that matter, from one year to another.

The copyright laws of the European Union and the United States represent the Caribbean's most challenging and longest lasting copyright protections. When in doubt it is often a safe bet to apply the laws of those countries. For assistance understanding United States copyright legislation and duration of protections see: *Cornell University's Copyright Term and the Public Domain in the United States*.¹

When an item selected for digitization is scanned in its country of origin, the laws of the country of origin should be understood to apply. However, when an item selected for digitization is scanned away from its country of origin, consider both the laws of the country of origin and the laws of the location from which the digital resource will be made accessible via the Internet and *apply those laws that afford the item the longest protection*. For content providers using the centralized services of the *Digital Library of the Caribbean*, the laws of that location are the laws of the United States. Applying the longest protections may not be to the advantage of archives, libraries and museums, but this policy affords the *Digital Library of the Caribbean* the greatest protection under the international law.



Permissions, Evaluating for Copyright/Public Domain, and Handling for Orphan Works

Evaluating for Copyright/Public Domain

Evaluation for copyright status will vary based on the jurisdiction, type of materials, whether the work was officially published, and whether the work was created by an individual, corporation, or government. International trade agreements have assisted in standardizing many areas to a default length of copyright and for many it is the life of the author plus either 50 or 70 years.ⁱⁱ Copyright requirements and length are subject to change based on legal changes.

Overview of Permissions

Because of the collaborative opportunities presented by requesting permissions and the complexities of copyright law, dLOC partners focus on requesting and receiving permissions to support the digitization, online access, and long-term preservation of materials.

dLOC partners frequently work with publishers and copyright owners to request permissions. Copyright owners can grant permissions to dLOC through any partner or by contacting the dLOC Coordinator.

dLOC's permissions process has been refined over the course of many years. Currently, dLOC partners use a template letter as a cover letter to send to rights holders along with a template form for the grant of permissions that rights' holders are requested to sign.

The cover letter template provides basic information: on dLOC, the permissions model wherein rights' holders retain all rights, and the included grant of permissions.

The grant of permissions template is the standard agreement signed by all who grant permissions. The grant of permissions explicitly states that the rights' holder is only granting:

- a non-exclusive grant of permissions for on-line and off-line use for an indefinite term. Off-line uses shall be consistent only with the maintenance and preservation of an archival copy.
- Digitization allows dLOC to generate image- and text-based versions as appropriate and to provide and enhance access using search software.

To ensure the permissions model is clearly understood, the grant of permissions also specifically states that dLOC is *not* requesting and is *not* being granted permissions for commercial or for-profit uses.



Overview of the Process to Request Permissions

Requesting permissions does require locating the person or entity holding the rights and sending them the permissions request letter and grant of permissions. Most often, simply locating the person is the most difficult part of this process. Luckily, the Caribbean fosters many rich collaborative networks and often other dLOC partners can assist in locating particular rights' holders.

The dLOC cover letter and grant of permissions templates cover most of the information needed, including:

- the scope of dLOC as a collaborative, international digital library
- where and how the work will be used
- any future uses envisioned
- the specific rights being requested

Partners will need to amend the templates to include the specific creator, title, and item information for the item for which permissions are being requested. Placeholder text in red marks where the information needs to be updated in the templates. The templates are included with this guide and are also available from the dLOC website.

Partners will need to, maintain documentation on the process of requesting permissions: when, where, and to whom permissions have been sent; and similar documentation on any responses received from rights' holders.ⁱⁱⁱ This documentation is important for internal workflows. Further, if the rights' holders prove to be un-findable, the documentation will show due diligence in the process. With this documentation, some institutions will proceed with digitization. For example, some institutions will digitize orphan works for open access online. The works are displayed with a note stating that the institution believes the use to be acceptable per copyright and other laws and requesting that any concerned parties contact the institution, and then providing contact information.^{iv}



Workflow Steps

Evaluating materials for copyright:

1. Review or contact a legal advisor to review the country's copyright laws.^v
 - a. Wikipedia offers a general summary with links to further reading as a first step in this process.^{vi}
2. Note: items published before 1900 are often simple to review, and most often are in the public domain.
3. Determine further research requirements, which may include:
 - a. What are the copyright terms based on (publication date, author death date, material type)?
 - b. For copyright terms based on years after the death of the creator, consult reference materials to determine when the creator died.^{vii}
 - c. Are there any special considerations?
4. Conduct any additional research needed copyright, and conduct research on other rights when needed.
5. Decide on the next action:
 - a. Determine the work is in the public domain.
 - b. Determine the work has an unclear status and request permissions.

Requesting Permissions:

1. Determine the appropriate contact for requesting permissions.
2. Locate contact information for the rights' holder or an appropriate group to forward the request.
 - a. Scholars and others who have been in contact with the rights' holders are often able to pass on the inquiry and/or to share contact information.



PERMISSIONS

COPYRIGHT STATUS

Many of the digital resources here were created from public domain materials - that is, materials not protected by copyright. However, in many other cases the materials are still within copyright and the owners have only granted permissions for access and preservation. This is the case for many modern materials, including artworks, newspapers, books, oral histories, journals, and more.

Additionally, there are many materials for cases where the rights holder and status was not clear, and so the contributing institution followed normal due diligence to locate the rights holder and, finding none, digitized the materials for access and preservation with a note for any rights holder, if found, to contact the institution. Also, a number of materials have been digitized from the US for creation and presentation as part of a new work, supported as a transformative creation of works under US copyright.

For questions on the status of any materials or for more information on any procedures, please [contact us](#).

PERMISSIONS OVERVIEW

The [SobekCM system](#) - here powering the University of Florida Digital Collections (UFDC), the Digital Library of the Caribbean (dLOC), and many other digital collections - holds digital resources made from source materials contributed by libraries, archives and museums of the University of Florida and its many partner institutions.

Many of the digital resources were created from public domain materials - that is, materials not protected by copyright. However, in many other cases the materials are still within copyright and the owners have only granted permissions to the University of Florida for Internet Distribution. Moral, cultural heritage, and other rights may be present in addition to copyright. Copyright laws vary by country and type of material, so the information here cannot address the complexity of the law. Users are responsible for respecting all copyright restrictions.

Fair Use is explicitly supported and encouraged for materials. As with all uses within Fair Use, [proper citation/attribution](#) should be included.

Proper attribution should include sufficient information for someone else to identify and locate the resource (e.g.; title and permanent link) and to identify the source institution (listed in the "citation" tab).

Before using any materials for uses other than those expressly permitted by [Fair Use](#), please [contact us](#).

FAIR USE

Unless additional restrictions are noted, copyrighted electronic materials in this collection may be used for research, instruction, and private study under the provisions of Fair Use. Fair Use is a provision of United States Copyright Law ([United States Code, Title 17, section 107](#)) which allows limited use of copyrighted materials under certain conditions. The [text for Fair Use, current as of December 2011](#), is:

§107 · Limitations on exclusive rights: Fair use

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

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For other uses, including but not limited to display, publication and commercial use, [permission](#) of the copyright holder must be obtained.

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Citations, quotations, and use of images, multi-media or other data in these collections made under [Fair Use](#) or with permission of the copyright holder must acknowledge their source.

Proper attribution should include at least:

- Title/Name of the resource
- URL of the resource (listed in the citation as the permanent link), or the URL of the collection where the resource can be found
- Name of the holding institution

Attribution elements may be found in the "Citation" view, available for every item.

For materials in the [Digital Library of the Caribbean \(dLOC\)](#), please include this in the citation:

Digital Library of the Caribbean (dLOC), <http://www.dloc.com>

CITATIONS IN A CV

Author/creator materials that have been contributed to the digital collections for permanent preservation and access support scholarly and public discourse and so should be include in CVs and other materials that document contributions. Citation of contributed materials in a CV should include the same information as a standard citation for attribution. For a CV, the citation format should follow the style standard in use.

Depending on the type of material contributed, there may be an existing standard category where these citations can be listed. Often enough, these will be listed within a section like "Creative Works or Activities" with a short description and then the contributed materials. Also, these are frequently listed under a section within publications, often "Miscellaneous" or "Non-refereed" depending on the resources.

Typical information for listing author/creator contributed materials includes:

Author name(s). Title/name of resource. Digital Collection/Library (e.g., Digital Library of the Caribbean, UF Digital Collections, etc.). Publisher (institution through which the material is published, which may be the George A. Smathers Libraries, University of Florida). Publication date listed in citation for the resource. URL of the resource.

Possible example:

Sullivan, Mark V. "Data within University of Florida Digital Collections." *UF Digital Collections*. George A. Smathers Libraries. 2011. <<http://ufdc.ufl.edu/AA00000032/00001/>>.

PERMISSION FOR USE

Users assume all liability for copyright infringement and are advised to contact the Holding Location for copyright information and permission to use the electronic versions. Permission must be obtained for display, publication, commercial use, or any other use of the digital materials in these collections *except as allowed under [Fair Use](#)*.

The Holding Location is noted in the "Citation" view of any item. Exact copyright information can be found by [contacting](#)

[us](#) regarding any item in question.

PUBLIC DOMAIN

Bibliographic Records

All bibliographic records are open - the data is fully available for download and use under the terms of [Creative Commons CC0](#).

Florida Geological Survey Publications

All [Florida Geological Survey \(FGS\) Publications](#) are available for use under the terms of [Creative Commons CC0](#).

CLEAR RESTRICTIONS

Users interested in University of Florida Athletic images post 1992 will need to contact the [University Athletic Association](#).

Many publishers and authors have granted Internet Distribution Permissions that restrict commercial and profit uses. For any commercial or profit-based uses, please [contact us](#) to research permissions.

REFERENCING SOBEKCM

For standardized referencing of collections or materials in SobekCM, please use (and modify as needed) the following text samples for UFDC or dLOC:

UF Digital Collections (UFDC)

The materials and collections are hosted by the University of Florida Digital Collections. The functionalities and features of the UF Digital Collections are supported using the UF-developed SobekCM software. SobekCM is released as open source software under the GNU GPL license and can be downloaded from the SobekCM Software Download Site: <http://ufdc.ufl.edu/software>. To learn more about the technologies, please visit the SobekCM page: <http://ufdc.ufl.edu/sobekcm>.

Digital Library of the Caribbean (dLOC)

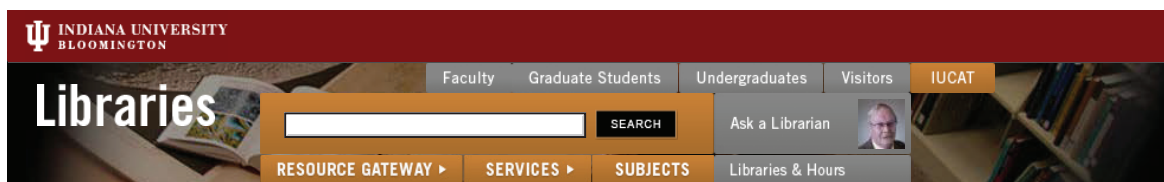
The materials and collections are hosted by the Digital Library of the Caribbean. The functionalities and features of the Digital Library of the Caribbean are supported using the University of Florida-developed SobekCM software. SobekCM is released as open source software under the GNU GPL license and can be downloaded from the SobekCM Software Download Site: <http://ufdc.ufl.edu/software>. To learn more about the technologies, please visit the SobekCM page: <http://ufdc.ufl.edu/sobekcm>.

An image for [SobekCM](#) is also available.

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last updated: 11/10/2011

Using Images

Using images presents additional challenges because they often do not have any identifying information printed on them to help identify who owns the copyright of the item. Permission to use an image is most likely still needed, regardless of how difficult it is to find the owner. There are some sources to help find the copyright owner, or there are alternative sources of images that may be useful.

Using Images in Teaching

You may be able to use the images by relying on one of the statutory limitations within copyright law such as [fair use](#) or [section 110 \(1\)](#) which covers face to face teaching. If your use does not fall within one of these, you may need to obtain permission.

Using Images in Publications

This is actually the most frequently asked question at the library regarding copyright. If you want to use an image in a publication, you need to go through the same steps as using any other material. So, you first need to determine whether the material is still covered by copyright protections, whether your use is a fair use, or whether you need to obtain permission from the owner.

Finding A Copyright Owner

This is hard! If the image is not well known, it may be difficult to find the copyright owner. There are a few databases that may be of use though:

[Google Image Search](#) A Google search may reveal who the artist is, if you don't already know. If you use the advanced search features of an image search, you can filter by usage rights.

[ARTStore](#) A digital image library of over 1,000,000 images in the areas of art, architecture, the humanities, and social sciences.

[Artist Rights Registry](#) Once you determine who the artist is, you can check here to see if they are represented and licensing can be determined.

[The Digital Image Rights Computer](#) is a database that walks through a decision tree regarding the use of image. You need to know the copyright status of the image already though for best results.

Alternative Sources of Images

Kenneth Crews at Columbia University has compiled an excellent [list](#) of places to look for images that are in the public domain, or that have licenses attached that support noncommercial uses.



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Intranet (Library Staff Only)

The Library of Congress >> Researchers

 **Prints & Photographs Reading Room** PRINTS AND PHOTOGRAPHS DIVISION

[Home](#) >> [Copyright and Other Restrictions...](#) Find in [Rights & Restrictions Pages](#) [go](#)

Copyright and Other Restrictions That Apply to Publication/Distribution of Images: Assessing the Risk of Using a P&P Image

This document provides guidance on some of our most frequently asked questions about rights to images in Prints & Photographs Division (P&P) collections:

1. [Can I use an image that I've found in P&P's collections?](#) (This discussion includes information on [how long copyrights last](#))
2. [This all seems complicated when all I need is for you to sign a form giving me permission!](#)
3. [If it displays for me off-site \(searching from somewhere other than a Library of Congress workstation\), does it mean it's ok to use?](#)
4. [How should I credit the Library as the source of the images I'm using?](#)
5. [What's the worst that might happen if I decide to publish an image whose rights status is uncertain?](#)

The information below applies to use of material in the United States. Use outside the U.S. is governed by the [laws of the country in which the material is being used](#).

1. Can I use an image that I've found in the P&P collections?

The answer to this question involves considering other questions:

- a. **What do you know about the rights associated with the image?** ([more about this](#))
and
- b. **How do you plan to use the image?** (For instance, if your use falls under the "fair use" clause in the copyright law, copyright will be less of an issue, though you will need to pay attention to any donor restrictions) ([more about this](#))

Sometimes the answer is very clear. Other times the answer isn't clear at all.

In all cases, it is the researcher's obligation to determine and satisfy copyright or other use restrictions when publishing or otherwise distributing materials found in the Library's collections.

1a. What do you know about the rights associated with the image?

When the Prints & Photographs Division has information about the rights associated with an image or a collection of images, it conveys that information to researchers through catalog records and/or rights statements.

Can you find:

- **An associated catalog record (text giving data about the specific image)** in the [Prints & Photographs Online Catalog](#)? ([more about catalog records](#))
- **A rights and restrictions statement** giving information about rights? ([more about rights and restrictions statements](#))

If no catalog record data or rights statement is available, you will need to find the rights information related

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Using Images: Copyright & Fair Use

Using Images Identifying Images For Reuse

Using Images Print Page

Fair Use Explained

What is Fair Use?

Fair use provisions of U.S. copyright law allow use of copyrighted materials on a limited basis for specific purposes without the permission of the copyright holder.

Is my use fair? -- The four factor test:

FACTOR	WEIGHING TOWARDS FAIR USE
Purpose of use	Nonprofit, educational, scholarly or research use; Transformative use: repurposing, recontextualizing, creating a new purpose or meaning
Nature or type of work	Published, fact-based content
Amount Used	Using only the amount needed for a given purpose; Using small or less significant amounts
Market Effect	If there would be no effect, or it is not possible to obtain permission to use the work

It is necessary to weigh all four factors to decide whether a fair use exemption seems to apply to a proposed reuse. Courts take a holistic approach -- they do not simply add up a positive or negative for each factor.

Judges have tended to focus on two questions that collapse the four factors:

- Does the use **transform** the material, by using it for a different purpose?
- Was the **amount taken appropriate** to the new purpose?

To help support a fair use case for an image:

- Use lower resolution or thumbnail versions where possible;
- Place the image in a new context or use it for a new purpose; and
- Use only the parts of the image needed for the purpose

In addition to fair use, consider [Using images that are openly available for reuse](#)

Why Copyright and Citation Matter

Properly citing sources protects against plagiarism.

- Plagiarism is using someone else's work without giving them credit. This is a form of academic dishonesty that is considered a serious offense and is handled by university processes.
- Properly citing a work is essential in an academic community but does not protect against copyright infringement.

Following fair use principles protects against copyright infringement.

- Copyright infringement can occur when using someone else's copyrighted work without permission or without a solid fair use case, and is a legal matter handled by the courts.

To make a fair use assessment:

- Review [the four factor test](#)
- Watch the [Fair Use Overview](#)
- Consult the [Codes of Best Practice in Fair Use](#)

Ask the expert

Need help with copyright questions?

Email copyright-lib@mit.edu

Fair Use Overview

Special Considerations for Images

Photographs of people may involve rights of privacy or publicity, state and/or federal laws which limit the use of a person's likeness. Consider:

- Using photographs of people taken in larger public scenes
- Avoiding photographs of famous people, or people engaging in private activities
- Being aware that Publicity rights limit commercial uses

Photographs of works of art may involve the rights of the work's creator/copyright holder. Consider:


- Using photographs of 2-D public domain works -- these are usually not protected by copyright

Buildings designed after Dec. 1, 1990 are copyrighted. Consider:

- Using photographs taken from a public place

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Images at the Library

Most images acquired by the Library, including those found in ARTstor may be used in the classroom. Exceptions are stated when applicable.

These images are **not to be used for publication purposes** without the permission of the copyright holder.

To enquire about obtaining rights and images, write to [Media Resources at libmedia@uottawa.ca](mailto:libmedia@uottawa.ca).

No permission no PPR no showing

Public showing of copyrighted material without permission or PPR (Public Performance Right), regardless of the purpose of usage, is an infringement of copyright.

The Library assumes no responsibility if an image is shown illegally in a classroom or elsewhere on campus. Responsibility falls to the user to ensure that copyright is respected for the material used.

The penalty for illegally using copyrighted materials in a classroom:

- The Copyright Act states that a person found guilty of infringement of public performance may be fined or imprisoned or both.
- The fine can be up to \$25,000.
- Every individual involved in the violation is liable.

Copyright guide

The *Canadian Copyright Act* governs how images of various formats may be used in the classroom.

The *Canadian Copyright Act* applies even if:

- Images are rented, purchased or personally owned;
- Images are only partially shown;
- Images are shown within a non-profit, educational context;
- Images are shown to small groups.

Section 29.7 (3) indicates that images **cannot** be shown in public places, including classrooms, without public performance rights (PPR).

Even if a video is being shown for educational purposes, and where no admission is being charged, you must secure public performance rights (PPR).

Fair dealing is more restrictive than the fair use provisions in the United States, particularly in regards to education and teaching.

Sections 29, 29.1 and 29.2 of the Copyright Act provide that it is not an infringement of copyright to deal fairly with a work **for the purposes of research, private study, criticism, review or news reporting**.

Public domain

Works that are in the public domain are not protected by copyright and can be used and copied freely.

- Copyright for **images of all works** (including paintings, drawings, sculptures, maps, etc.) subsists for the remainder of the calendar year in which the author dies, and a period of 50 years following the end of that calendar year.
- Copyright for **images of photographic works** subsists for the remainder of the year of the making of the initial negative or plate from which the photograph was derived or, if there is no negative or plate, of the initial photograph, plus 50 years.

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Special Collection Libraries (ie: **Holding Libraries**)



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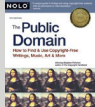
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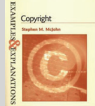
- Determine if a work is in the Public Domain
- What is considered "Fair Use"?
- Find the Copyright Holder
- Artistic Appropriation & Reuse

Comments (0)


Books on Image Copyright and Fair Use



The public domain : how to find & use copyright-free writings, music, art & more
Call Number: KF3022.Z9 F57 2004 [Paley Stacks]



Copyright : examples and explanations
Call Number: KF2995 .M35 2006 [Law Library]



Permissions, a survival guide : blunt talk about art as intellectual property
Call Number: KF3050 .B54 2006 [Paley Stacks]

Comments (0)

Disclaimer

Resources listed on this page and guide are informational only and should not be substituted for legal advice.

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Determine if a work is in the Public Domain

- Copyright Term and the Public Domain in the United States
- Digital Copyright Slider
- Copyright Term Calculator
- Public Domain Works DB
An open registry of artistic works that are in the public domain.

Comments (0)

What is considered "fair use"?

- Digital Image Rights Computerator
- Copy Photography Computerator
- Checklist for Fair Use (Otis)
- Checklist for Conducting a Fair Use Analysis before using Copyrighted Materials (Cornell)
- Fair Use Overview
The Stanford University Fair Use Overview guide is comprised of content from NOLo

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Find the Copyright Holder


- Author's Permission Guidelines
Options to consider when publishing visual media
- Copyrights Clearance Center
Offers annual copyright licenses and pay-per-use licensing services
- Writers, Artists, and their Copyright Holders (WATCH)
Provides copyright contacts for writers, artists, and prominent figures in other creative fields

Comments (0)

Artistic Appropriation and Reuse

- Intellectual Property and the Arts
This is the seventh in a series of articles sponsored by the CAA Committee on Intellectual Property (CIP).
- Creative Commons
provides free tools that let authors, scientists, artists, and educators easily mark their creative work with the freedoms they want it to carry. You can use CC to change your copyright terms from "All Rights Reserved" to "Some Rights Reserved."
- The Photographer's Right
Your Rights and Remedies When Stopped or Confronted for Photography
- Artists' Rights Society (ARS)
A copyright, licensing, and monitoring organization for visual artists in the United States.

Ask the Librarian?



Jill Luedke

[Ask Us](#)

Sorry, Jill is unavailable to chat. Email me, please:
jluedke@temple.edu

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Rm. 317, 3rd Fl.
jluedke@temple.edu

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Note about this guide


Content in this guide has been appropriated from the *Visual Literacy Guide* created by the Image Services Team at the University of California, Irvine.

Thank you, Virginia Allison and your team at UC Irvine.


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How to Cite DLA Resources and Materials

Journal of Technology Education, Digital Library and Archives, University Libraries, Virginia Tech (<http://scholar.lib.vt.edu/ejournals/JTE/>)

Palmer, Earl. "Woman Preparing Grit Bread." (undated) VT ImageBase, Digital Library and Archives, University Libraries, Virginia Tech. <http://spec.lib.vt.edu/imagebase/palmer/full/ep504.jpeg>

International Archive of Women in Architecture: Lilia Skala Collection, Ms2002-100, [Watercolor of dining area, undated] VT ImageBase, Digital Library and Archives, University Libraries, Virginia Tech. (http://imagebase.lib.vt.edu/view_record.php?URN=IAWASK0057).

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Images Research Guide

Guide to image databases and websites. Includes interdisciplinary, art, architecture, advertising, history, medicine, photography, science, and Pacific Northwest images. Tips on finding, evaluating, and using digital images.

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Image Copyright and Ethical Use

Digital images are electronic resources that need to be used responsibly and with an awareness of copyright and ethical use best practices. Most databases and web sites provide information about how their images can be used. It is important to read this information carefully, and comply with all usage guidelines. Usage guidelines can vary considerably, so be alert to differences and details.

The UW Libraries outlines some general do's and don'ts for **electronic resources**. Please see [Responsible Use of Electronic Resources](#).

The UW Copyright Connection provides information about many aspects of copyright, including [Compilations](#), [Music and Images](#) and [Images of Art and People](#).

[Appropriate Use of UW Resources](#) is published by UW Information Technology and provides additional copyright information and guidelines for using electronic resources.

[Comments \(0\)](#)

Checklists

Checklists can help you think about your ethical responsibilities when using images. Use these checklists to help determine if your image use is fair and ethical.

Fair Use Checklists

[Fair Use Analysis Checklist, Cornell University \(pdf\)](#)

[Fair Use Checklist, Columbia University](#)

Ethical Use Checklist

[Ethical Image Use Checklist, UW Libraries \(pdf\)](#)

[Comments \(0\)](#)

Brief Definitions

You may encounter the below terms in your efforts to use images ethically and legally. Brief definitions and links to more information are included here.

Intellectual property

Creative products and results of intellectual work, including designs, images, symbols, art, and architecture.

For more information:

[World Intellectual Property Organization](#)

Copyright

Legal right of creators to control how their works are used by others. Images may be subject to multiple copyright claims, including claims by artists, photographers, designers, institutions, corporations, or others.

For more information:

[UW Copyright Connection](#)

Copyright Term

The period of time a work is covered by copyright. The copyright term is limited by copyright law.

For more information:

[Copyright Term and the Public Domain in the United States \(Cornell University\)](#)

Public Domain

When a work is not covered by copyright (because the copyright term has expired, the creator has released the work, or the work was never copyrighted) it is in the public domain. The public then holds the rights to the work.

For more information:

[UW Copyright Connection - Images of Art and People](#)

Fair Use

A provision in copyright law that allows for the use of copyrighted works under some specific circumstances and for particular purposes such as criticism, comment, scholarship, or research. Fair use is determined by the following four factors (from Chapter 1, Section 107 of the [Copyright Law](#)):

- the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
- the nature of the copyrighted work
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole
- the effect of the use upon the potential market for or value of the copyrighted work

To help you determine if your use is a "fair use," consult one of the fair-use checklists in the box to the right.

Why Fair Use?

"Fair Use is an essential part of copyright law. Its purpose is to allow you to use or quote copyrighted material without permission or payment in order to create new culture"

- from *Fair Use is a Right!* video by Kristian Perry for the [Center for Social Media](#)

[Fair Use Is A Right! from Kristian Perry on Vimeo.](#)

[Comments \(0\)](#)

Ethical Use and Copyright Resources

National Press Photographers Association

National Press Photographers Association (NPPA) Code of Ethics

Ethical guidelines for documentary photography and visual journalism.

[NPPA Ethics in the Age of Digital Photography](#)

Essays on ethics in photography by John Long, NPPA Ethics co-chair and past president. Includes "[Visual Lies](#)," "[Changes to Photographs](#)," and "[Digital Manipulation](#)."

For more information:

[UW Copyright Connection - Fair Use](#)

Open Access

"Free and unrestricted online availability," according to the [Budapest Open Access Initiative](#). Open Access images are typically images that archives, libraries, museums, or copyright holders have chosen to make available online without restrictions on distribution or reuse.

For more information:

[UW Libraries Open Access FAQ](#)

License agreements

Contracts between the UW Libraries and digital content providers that determine how the content can be accessed and used. License agreements are often more restrictive than copyright or fair use laws, and override these other provisions. Terms of Use typically describe how users may use particular databases or resources. An example is [ARTstor's Terms and Conditions of Use](#).

For more information:

[UW Libraries' Responsible Use of Electronic Resources](#)

More definitions

[US Copyright Office FAQ Definitions](#)

[US Copyright Office Definitions](#)

Comments (0)



Center for Social Media at American University

Media-related copyright and Fair Use information, codes, best practices, videos, and toolkits



VRA Fair Use Statement on the Use of Images for Teaching, Research, and Study

Statement on scholarly image use and Fair Use from the Visual Resources Association

Comments (0)

Books on Copyright and Fair Use



Reclaiming Fair Use - Patricia Aufderheide; Peter Jaszi
ISBN: 9780226032276
Publication Date: 2011-08-15



Cutting Across Media - Kembrew McLeod (Editor); Rudolf Kuenzli (Editor)
ISBN: 9780822348115
Publication Date: 2011-07-15



Copyfraud and Other Abuses of Intellectual Property Law - Jason Mazzone
ISBN: 9780804760065
Publication Date: 2011-10-05



Copyright Clarity - Renee Hobbs
ISBN: 9781412981590
Publication Date: 2010-04-07

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The Yale University Visual Resources Collection's guide to digital image resources.

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Image Resources by Subject
Museum Collections
Advanced Research
Copyright & Citation Help
Digital Image Help
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Copyright Information

- US Copyright Office
 - US Copyright Law and the Fair Use Doctrine | Fair Use in Education and Research, Columbia University Library, Copyright Advisory Office
 - Fair Use of copyrighted materials for educational purposes is determined by four factors
 - the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
 - the nature of the copyrighted work;
 - the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
 - the effect of the use upon the potential market for or value of the copyrighted work.
 - US Copyright Office: How to Investigate the Copyright Status of a Work (PDF)
- Learn about Public Domain | Copyright Term and the Public Domain Chart (Cornell University)

A work of authorship is in the "public domain" if it is no longer under copyright protection or if it failed to meet the requirements for copyright protection. Works in the public domain may be used freely without the permission of the former copyright owner.
- Digital Image Rights Computer (DIRC)

Developed by the Visual Resources Association, the Digital Image Rights Computer (DIRC) program assists the user to assess the intellectual property status of a specific image documenting a work of art, a designed object, or a portion of the built environment so that the user can make informed decisions regarding the intended educational uses of that image.
- Images for Academic Publishing and ARTstor

Certain images provided by the Met available through ARTstor are publication-quality images and are available free-of-charge for use in scholarly publications. These images will have an IAP icon below the thumbnail. Users will have to agree to a terms and conditions statement to download the publication-quality images.
- Yale University Library Copyright Circulars

Read about Bridgeman Art Library, Ltd. vs Corel Corporation, US District Court, 1998

United Kingdom-based company, which marketed transparencies and CD-ROMs of reproductions of public domain works of art brought suit against Canadian corporation, alleging copyright infringement, violation of the Lanham Act, and unfair competition. Upon defendant's motion for summary judgment dismissing the complaint and plaintiff's cross-motion for partial summary judgment, the District Court, Kaplan, J., held that: (1) United Kingdom-based company's transparencies and CD-ROMs lacked sufficient originality to be copyrightable under United Kingdom law; (2) even if company's images were copyrightable, company did not make out its claim of infringement; and (3) company failed to establish violation of Lanham Act.

- Association of Research Libraries 2007 Know Your Copyrights Brochure for Teaching Faculty
- Center for Social Media Best Practices for Fair Use



With the launch of NGA Images, the National Gallery of Art implements an open access policy for digital images of works of art that the Gallery believes to be in the public domain. Images of these works are now available free of charge for any use, commercial or non-commercial. Users do not need to contact the Gallery for authorization to use these images. NGA Images offers more than 20,000 open access images. [Click here for recent additions.](#)



For more open access images, see ARTstor's Images for Academic Publishing (IAP) initiative.

US Copyright Office RSS Feed



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A COPYRIGHT WILL PROTECT YOU FROM...
And make you a fortune. If you have a PLAY, SKETCH, PHOTO, ACT, SONG or BOOK that is worth anything, you should copyright it. Don't take chances when you can secure originality and wealth cost. Send for our SPECIAL OFFER TO INVENTORS before BIGBROOK on patents and FREE. We advise if patentable or not. FREE. We incorporate STOCK COMPANIES. Small fees. Consult.
WORMELLE & VAN MATER, Managers, Columbia Copyright & Patent Co. Inc., WASHINGTON, D. C.

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- S.912 Television Consumer Freedom Act of 2013

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- [American Library Association Information on TEACH Act](#)

- [Stanford University Copyright and Fair Use](#)

Thorough website relating to Fair Use in the educational context.

- [Columbia University Copyright Advisory Office](#)

Thorough website about the relationship of copyright law and higher education organized by Kenneth Crews,

- [North American Coordination Council Japanese Library Resources: Image Use Protocol](#)

Guide for using images from Japan for publication.

- [Creative Commons](#)

"Provides free licenses and other legal tools to mark creative work with the freedom the creator wants it to carry, so others can share, remix, use commercially, or any combination thereof."

When you need to purchase rights to publish a copyrighted image, look here:

- [Art Resource](#)

Clearing house for the rights of major European and American museums, archives and collections.

- [Artists Rights Society \(ARS\)](#)

Clearing house for the rights of the majority of the artists active in the 20th century.

- [WATCH File](#)

A database of copyright contacts for writers, artists, and prominent figures in other creative fields.

Citation Guidelines*

Digital images, like text, must be cited when used in papers, articles, books, etc. Don't forget citing a digitized version of an image is different than citing the original object. A very good guide that includes how to use images is the 2008 edition of Sylvan Barnet's *A Short Guide to Writing About Art*, which is available through Yale Libraries.

Chicago Manual of Style

[The Chicago Manual of Style](#): Online version of the 15th edition. [See chapter 12](#) for detailed information on artworks. [The Chicago Manual of Style](#) is available also available in print editions at many YUL libraries.

Here is an example of a proper citation for a photograph in Chicago Style. The image was located in the Library of Congress Prints & Photographs Division online catalog.



Footnote or Endnote

Ann Rosener, "Don't let pretty labels on cans mislead you," 1942, Photograph, Washington D.C., Library of Congress, Prints and Photographs Division, FSA – OWI Collection, <http://hdl.loc.gov/loc/pnp/fsa.8e10753>.

Bibliography

Rosener, Ann. "Don't let pretty labels on cans mislead you," 1942. Photograph. Washington D.C., Library of Congress, Prints and Photographs Division, FSA – OWI Collection. <http://hdl.loc.gov/loc/pnp/fsa.8e10753> (accessed June 10, 2008).

Additional citation guidelines:

[A Manual for Writers of Research Papers, Theses, and Dissertations](#) by Kate L. Turabian is available at numerous Yale Libraries has ample information in a section called Visual Sources. Turabian style indicates paintings, sculptures, photographs, and other artworks should only be cited in notes, not bibliographies. Titles of paintings are italicized while titles of photographs are set in quotation marks.

Examples:

Georgia O'Keeffe, *The Cliff Chimneys*, 1938, Milwaukee Art Museum.

Ann Rosener, "Don't let pretty labels on cans mislead you," 1942. Photograph, Washington D.C., Library of Congress, Prints and Photographs Division, FSA – OWI Collection, <http://hdl.loc.gov/loc.pnp/fsa.8e10753>.

APA (American Psychological Association) Style

[Publication manual of the American Psychological Association](#) is available in print at the YUL Libraries.

MLA (Modern Language Association of America) Style

[Using the Principles of MLA Style to Cite and Document \(Online\) Sources](#)

A summary of MLA style as applied to online sources - from the companion website to Online!: A Reference Guide to Using Internet Sources. Click [here](#) for clear information about citing multimedia sources including works of art in a MLA list of Works Cited.

[MLA handbook for writers of research papers](#) is available in print at the YUL Libraries.

**Provided by Ian McDermott, formerly Assistant Librarian at the Yale Center for British Art*

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