Copyright Resources for Images

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Copyright Resources for Digital Images

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Before we begin...

- We are content providers and users, not lawyers.
- This session is informational only. It is not legal advice.
- Only a lawyer can give legal advice.
Presentation Overview

- Introductions
- Responsible use of computing
- MSU Resources for Copyright Information
- Copyright Resources Guide
  - Fair Use Four Factors
  - Tools for Determining Copyright
- Scenario: Digital Image Use in Research
  - Bob the Builder
- MSU Licensed Content
  - Library Databases: Artstor, etc.
- Alternative Image Sources and Creative Commons
- Scenario: Digital Image Use in Teaching
  - TEACH Act
- Questions & Answers
**IV. GUIDELINES FOR APPROPRIATE COMPUTING BEHAVIOR**

...Concerning material on the World Wide Web, you must first obtain permission of the owner or copyright holder of any image, background pattern, section of text or musical, film or video selection you may want to use on your Web site. You are free to create links to other Web pages, but you may not copy the work of others to publish yourself on the World Wide Web (or elsewhere) or redistribute the work of others via servers, email or other means without authorization and proper attribution. The University's requirements and standards for acknowledgment of sources in academic work, as stated in the Student's Rights and Responsibilities and the Faculty Handbook, apply to all electronic media.

*Source: [https://www.montclair.edu/provost/faculty-handbook/regulations/responsible-computing/](https://www.montclair.edu/provost/faculty-handbook/regulations/responsible-computing/)*
Copyright and Duplication Policy

Faculty members should adhere to the following agreement which appears in the House of Representatives report on Copyright Law Revision - Report #94-1476.

I. SINGLE COPYING FOR TEACHERS:

A single copy may be made of any of the following by or for a teacher at his or her personal request for his or her own use in preparing to teach a class:

A. A chapter from a book;  
B. An article from a periodical or newspaper;  
C. A short story, short essay or short poem, whether or not from a collective work;  
D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

II. MULTIPLE COPIES FOR CLASSROOM USE:

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

A. The copying meets the tests of brevity and spontaneity as defined below; and
Copyright Resources Guide

There are a few questions you can ask to help clarify how to proceed.

First, determine if you are dealing with a copyrighted work.

Is the work in the public domain? Generally works created prior to 1923 are in the public domain. See the public domain tab to learn how to identify works in the public domain.

If the work is copyrighted, then you need to pursue these paths.

Is the work licensed by the University in which case the copyright is covered for you?

• Check the Sprague Library collection of databases and electronic resources.
• Check to see if the copyrighted resources you wish to use are licensed by MSU.
• If licensed and your use is permitted by that license, proceed as the license permits.

If the work is not in the public domain or licensed for use, is there a legal exemption to copyright law that would allow you to use the work? Examples:

Source: http://montclair.libguides.com/copyright
## Determining Fair Use

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Fair use = YES</th>
<th>Fair use = NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonprofit or</td>
<td>Commercial or</td>
<td></td>
</tr>
<tr>
<td>transformative</td>
<td>duplication</td>
<td></td>
</tr>
<tr>
<td>Factual</td>
<td>Creative</td>
<td></td>
</tr>
<tr>
<td>Small amount</td>
<td>Complete work or</td>
<td></td>
</tr>
<tr>
<td>(relative to original)</td>
<td>heart of the work</td>
<td></td>
</tr>
<tr>
<td>Doesn’t hurt</td>
<td>Hurts market or</td>
<td></td>
</tr>
<tr>
<td>market for original</td>
<td>there is a potential market</td>
<td></td>
</tr>
</tbody>
</table>

Scenario: Digital Image Use in Research

Link: http://www.imdb.com/title/tt0262151/?ref_=fn_al_tt_1
Licensed Images: Artstor


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# Determining Public Domain

<table>
<thead>
<tr>
<th>Type of Work</th>
<th>Copyright Term</th>
<th>What was in the public domain in the U.S. as of January 1, 2015?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unpublished works</td>
<td>Life of the author + 70 years</td>
<td>Works from authors who died before 1945</td>
</tr>
<tr>
<td>Unpublished anonymous and pseudonymous works, and works made for hire</td>
<td>120 years from date of creation</td>
<td>Works created before 1895</td>
</tr>
<tr>
<td>Unpublished works when the death date of the author is not known</td>
<td>120 years from date of creation</td>
<td>Works created before 1895</td>
</tr>
</tbody>
</table>

Tools for Determining Image Rights

Digital Image Rights Computator (DIRC)
http://dirc.vraweb.org/page_1.html

Copyright Genie
http://librarycopyright.net/resources/genie/

Stanford Fair Use Overview
http://fairuse.stanford.edu/overview/
Digital Images from the Web

- Just because an image is online does not make it public domain.
- Each image must go through a copyright analysis.
- Some image collections (eg. Google Images, Flickr) will allow you to search by Creative Commons license.
- When in doubt, link directly to content online to avoid redistribution.
Alternative Image Sources: Shakespeare

- **Shakespeare Documented** the largest collection of primary-source materials related to William Shakespeare.
- **Shakespeare's First Folio from the Bodleian Libraries** The Bodleian Libraries digitized copy of the first collected edition of Shakespeare’s plays, dating to c.1623, also known as the First Folio.
- **Map of Early Modern London** This site "maps the streets, sites, and significant boundaries of late sixteenth-century and early seventeenth-century London."
Creative Commons

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**Link:** [http://www.creativecommons.org/](http://www.creativecommons.org/)

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Citing Digital Images

Images that you plan to use in a presentation or research paper must be cited or attributed to the copyright holder of the work. This includes images that are obtained from a database, the Internet or scanned from a print source such as: photographs, paintings, tables, graphs, and other illustrations from primary or secondary source materials.

- Image Citation Examples from ARTSTOR
  [http://support.artstor.org/?article=citing-sources](http://support.artstor.org/?article=citing-sources)

- How to Cite Images by EBSCO
Scenario: Digital Image Use in Teaching

- Use E-Reserves and Cite Copyrighted Images.
- Tools: ArtSTOR Curriculum Builder
- NOTE: Charts, Tables, and Graphs are NOT protected by copyright at this time.
The TEACH (Technology, Education, and Copyright Harmonization) Act of 2002 is meant to cover Fair Use in an online teaching environment because Fair Use and the DMCA do not.

Even if your class has on ground, face to face sessions, anything you transmit through course delivery systems, such as Canvas, would fall under the TEACH Act, unless you choose to use Fair Use as an alternative.

Avoid redistribution concerns by direct linking using permalinks vs. uploading files to directly to Canvas.

Additional Resources

- Copyright Resources (Sprague Library LibGuide)
  http://montclair.libguides.com/copyright

- Using Images in Teaching (online and otherwise) (University of Minnesota Libraries)
  https://www.lib.umn.edu/copyright/using-images-teaching

- Columbia University's For Students: Guidance for Reproduction and Distribution of Scholarly Works:
  https://copyright.columbia.edu/students.html#layout_par_main_1_pagetitle_v2

- Peggy Hoon's Using Copyrighted Works in Your Teaching FAQ: Questions Faculty and Teaching Assistants Need to Ask Themselves Frequently:
  http://www.knowyourcopyrights.org/resources-for-teaching-faculty/frequently-asked-questions (released under a Creative Commons Attribution-Non-Commercial 2.5 license)

- Visual Resources: Copyright & Citation Help: The Yale University Visual Resources Collection's guide to digital image resources.
  http://guides.library.yale.edu/c.php?g=295868&p=1972724

- Copyright and Fair Use: How to use copyrighted material (UCI Libraries)
  http://guides.lib.uci.edu/copyright/copyright_how_to_use
Questions?

For more information, please contact us at:

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