

Discover DH: Copyright & Digital Projects

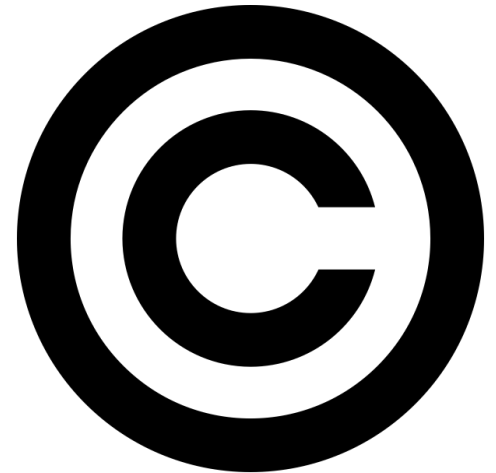
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Agenda

1. What does copyright protect?
2. What is not (fully) protected?
3. Fair Use guidelines
4. Getting permission
5. Orphan works



Created by Stefan Pamarov
from Noun Project

What is copyright protection?

Bundle of **exclusive rights** granted to creators of **original works** for a limited period of time

Includes the right to:

- reproduce a work
- distribute copies of a work
- perform a work publicly
- display a work publicly
- create derivative works

What does copyright protect?

“Original works of authorship,” including:

- Literary works
- Musical works
- Dramatic works
- Pictorial, graphic, and sculptural works
- Audiovisual works
- Sound recordings
- Architectural works

What is not protected?

- Works not fixed in a tangible form of expression
- Abstract ideas, principles, procedures, systems
- Titles, names, short phrases
- Familiar symbols or designs
- Works consisting entirely of factual information (no evidence of originality or judgement)
- Works for which copyright protection has expired (“public domain”)
- Inventions, discoveries (patent protection)

Public Domain resources

Directions:

- Set arrow at correct date
- Read information in windows
- Mouse-over any [notes] or asterisks [*] for clarifying information

Is it Protected by Copyright?

For works first published in the U.S.A.*

[Click for more information](#)

No

Permission Needed?

Copyright
Status/Term

In Public Domain

Date of First Publication

Before 1923

After 1922 & Before 1978

If published without © notice

After 1922 & Before 1964

If published with © notice, but not renewed after 28 years

After 1922 & Before 1964

If published with © notice & renewed after 28 years

After 1963 & Before 1978

If published with © notice

After 1977 & Before 2003

Created (unpublished) before 1978 & first published before January 1, 2003

After 1977 & Before March 1, 1989

If published without © notice & without subsequent registration

After 1977 & Before March 1, 1989

If published without © notice but registered within 5 years; or published with © notice

On or after March 1, 1989

Published with or without © notice

Published after 2002

Created before 1978 and author died more than 70 years ago

<http://librarycopyright.net/resources/digitalslider/>

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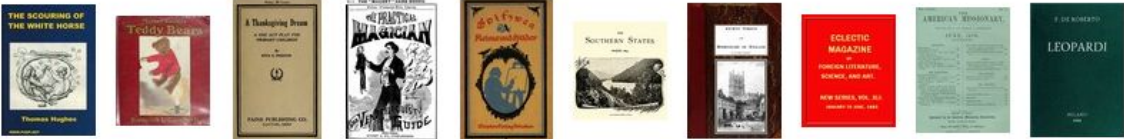
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Finding Public Domain & Creative Commons Media

This guide will help you find and correctly attribute public domain and Creative Commons media for your project or presentation.



LAST UPDATED AUG 26, 2016

Meg Kribble | [Email](#)

What Do Public Domain & Creative Commons Mean?

[Images](#)

[Audio Content](#)

[Video Content](#)

[Getting Help](#)

WHAT DO PUBLIC DOMAIN & CREATIVE COMMONS MEAN?




Public Domain versus Creative Commons



When you are adding images, videos and other content that you did not create to your presentation, it is important to make sure that you are not violating anyone's copyright. One way to do so is to find public domain images for your presentations. [Copyright.gov](#) explains the public domain as follows: "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

<http://bit.ly/2e11pHe>

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| What does it apply to? | What does it apply to? | What does it apply to? |
| <u>All original work</u> is protected under copyright when it's created. | Creators set <u>rules</u> for the way their work is used.  | Work published prior to 1923, work by long-dead creators, and work that creators have placed in the Public Domain. |

Credit: <http://www.gcflearnfree.org/useinformationcorrectly/copyright-and-fair-use>

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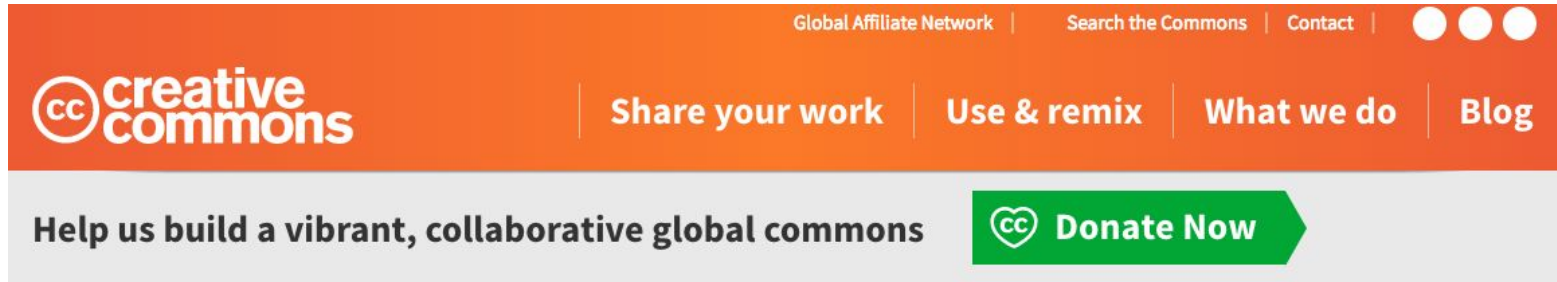
Credit: <http://copyright.ubc.ca/guidelines-and-resources/support-guides/creative-commons/>

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Credit: [How To Attribute Creative Commons Photos by Foter](#), CC-BY-SA

Creative Commons resources



New to Creative Commons? [[Considerations before licensing](#)] [[How the licenses work](#)]

Explore the Creative Commons licenses. [[Want public domain instead?](#)]

[[Looking for earlier license versions, including ports?](#)]

License Features

Your choices on this panel will update the other panels on this page.

Allow adaptations of your work to be shared?



☒ Yes ☐ No ☐ Yes, as long as others share alike

Allow commercial uses of your work?



☒ Yes ☐ No

<https://creativecommons.org/choose/>

Creative Commons resources



Find content you can share, use and remix

Enter your search query

I want something that I can... ☒ use for commercial purposes;
☒ modify, adapt, or build upon.

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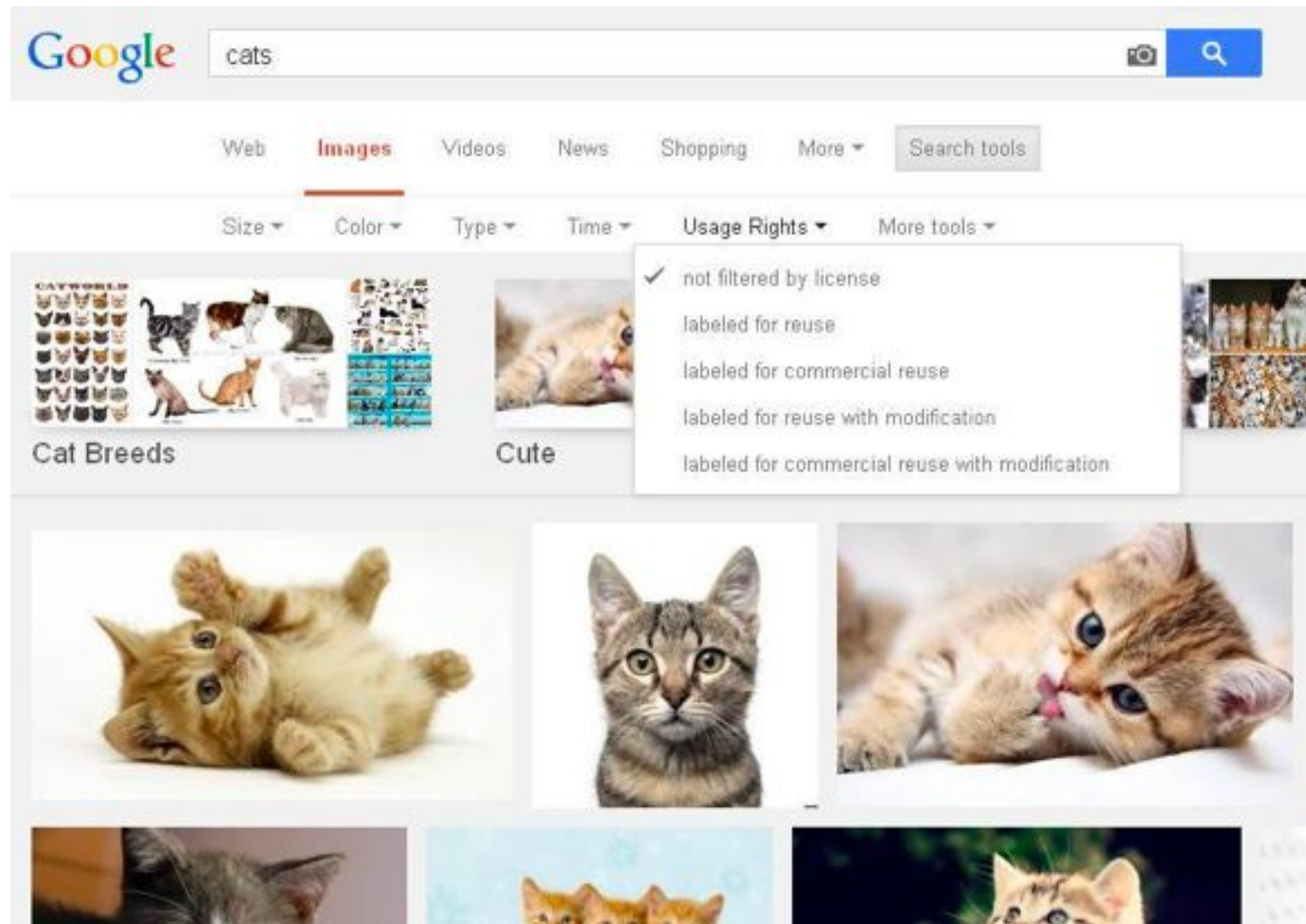
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Fair Use



Óðinn, https://commons.wikimedia.org/wiki/File:Fair_use_logo.svg

Fair Use

Permits limited use of copyrighted material without permission, provided that the use is “fair”

Four factors to consider in assessing fairness:

1. **Purpose** and **character** of the use
2. **Nature** of the copyrighted work
3. **Amount** and **substantiality** used
4. Effect on the **market** for the work

Fair Use

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↑ ABOUT COPYRIGHT BASICS FOR FACULTY FOR STUDENTS

FAIR USE CHECKLIST

Introduction to the Checklist

The Fair Use Checklist and variations on it have been widely used for many years to help educators, librarians, lawyers, and many other users of copyrighted works determine whether their activities are within the limits of fair use under U.S. copyright law (Section 107 of the U.S. Copyright Act). The four factors form the structure of this checklist. Congress and courts have offered some insight into the specific meaning of the factors, and those interpretations are reflected in the details of this form.



[Benefits of Using the Checklist](#) | [The Checklist as a Road Map](#) | [Caveat](#) | [Fair Use Checklist](#)

BENEFITS OF USING THE CHECKLIST

A proper use of this checklist should serve two purposes. First, it should help you to focus on factual circumstances that are important in your evaluation of fair use. The meaning and scope of fair use depends on the particular facts of a given situation, and changing one or more facts may alter the analysis. Second, the checklist can provide an important mechanism to document your decision-making process. Maintaining a record of your fair use analysis can be critical for establishing good faith; consider adding to the checklist the current date and notes about your project. Keep completed checklists on file for future reference.

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CONTACT

507D Butler Library
535 West 114th Street
New York, NY 10027

Phone: (212) 854-7309

E-mail: [copyright@columbia...](mailto:copyright@columbia.edu)

Map: [Libraries Map »](#)

[Copyright Quick Guide](#)

[Fair Use Checklist](#)

[Fair Use](#)

[Asking For Permission](#)

[Special Cases](#)

<https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html>

Fair Use

Key questions:

1. Is the use transformative?
 - a. Is the work being used for a different purpose or audience?
 - b. Does the use add new utility or meaning?
2. Does the use compete with the original in the same market?

Permissions & licensing

What if the work is copyrighted and you aren't confident that the use is fair?

Seek permission! It only takes a few minutes, and can provide certainty and reassurance

Especially important if your project involves publishing works in their entirety on the web

Permissions & licensing

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 ABOUT COPYRIGHT BASICS FOR FACULTY FOR STUDENTS

ASKING FOR PERMISSION

This page provides an overview of procedures for contacting and requesting permission from a copyright owner to use a copyrighted work. If you already know exactly what you want and are in communication with the copyright owner, you may go directly to one of the permission forms found at the end of this section.

Procedures for Securing Permission

Permission is not always required to use a work, depending on the work you choose or on your intended use. You may need to secure permission if you determine that the work you have selected to use is protected by copyright (i.e., not in the public domain), your use is not a fair use, and there are no other statutory exceptions apply. If you are just beginning the process, you may need to carefully consider the steps for securing permission, as detailed below:

- [Step 1: Contact the Copyright Owner](#)
- [Step 2: Secure Permission and Write an Effective Letter](#)
- [Step 3: Keep a Record](#)
- [Model Permission Letters](#)



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<https://copyright.columbia.edu/basics/permissions-and-licensing.html>

Orphan works

What if you can't determine who owns the work,
or can't find contact information for the owner?

How much effort are you expected to devote to
identifying and contacting the owner?

What strategies can you use to conduct a
reasonably diligent search?

Orphan works



Orphan Works: Statement of Best Practices

January 12, 2009
Rev. June 17, 2009

1. INTRODUCTION

Purpose of the Report

“Orphan works” is a term used to describe the situation in which the owner of a copyrighted work cannot be identified and located by someone who wishes to make use of the work in a manner that requires permission of the copyright owner. Proposed orphan works legislation, such as the Orphan Works Act of 2008 (H.R. 5889) and the Shawn Bentley Orphan Works Act of 2008 (S.2913), would reduce penalties for infringement if an infringer “undertakes a diligent effort to locate the owner of the infringed copyright.” This statement describes what professional archivists consider to be best practices regarding

<http://www.archivists.org/standards/OWBP-V4.pdf>

Questions?

Copyright @ FSU



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Research Guides

[The Florida State University](#) / [LibGuides](#) / [Copyright Resources](#) / [Home](#)

Copyright Resources

A primer on copyright and fair use.

Home

For Students

For Faculty & Staff

Fair Use

Public Domain

Digital Rights

Citation Guide

Basic Copyright Information

- [FSU Copyright Compliance Guidelines](#)
- [U.S. Copyright Act](#)
Copyright Law of the United States and Related Laws Contained in Title 17 of the U.S. Code
- [Fair Use and Copyright Guidelines](#)
Fair Use and Copyright Guidelines (Hosted by Stanford University)
- [Copyright Advisory Office](#)
Information on issues involving copyright law, teaching and research from Columbia University's Copyright Advisory Office.
- [U.S. Copyright Office](#)

Subject Guide



Devin Soper

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<http://guides.lib.fsu.edu/copyright>

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95 Chieftan Way,
Dittmer Building Suite 312
Ph: (850) 645-7217

[View Staff Listing](#)

OFFICE OF COMMERCIALIZATION

Copyright Ownership: Who Owns What?

As a general rule, the copyright in a work is initially owned by the work's creator, but this isn't always the case.

What are the exceptions to the rule that the creator of a work owns the copyright?

Copyrights are generally owned by the people who create the works of expression, with some important exceptions:

- If a work is created by an employee in the course of his or her employment, the employer owns the copyright.
- If the work is created by an independent contractor and the independent contractor signs a written agreement stating that the work shall be "made for hire," the commissioning person or organization owns the copyright only if the work is one of the following:
 - a part of a larger literary work, such as an article in a magazine or a poem or story in an anthology
 - part of a motion picture or other audiovisual work, such as a screenplay
 - a translation

<http://www.research.fsu.edu/research-offices/oc/innovators-portal/innovators-resources/ip-guidelines/copyright-ownership/>

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Let's Talk DH!

DH events and discussion spaces @ FSU

- Percolator: A Digital Scholarship Support Group
 - Meets Wednesdays from 3-5 in the TaDS Commons.
- <http://digischolfsu.slack.com>
 - A discussion space for those interested in digital scholarship
- Invisible Work in the Digital Humanities
 - November 17-18 - Bradley Reading Room (Strozier)
 - Get more info and register at <http://iwdh.cci.fsu.edu>



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