Copyright for Online Media

Building confidence in copyright in while using Libraries systems

Perry Collins & Sarah “Moxy” Moczygemba
Focus on using copyrighted materials on public platforms like social media, UFDC, IR@UF, & LibGuides.

Aiming for thoughtful, confident, well-documented, and legal uses of others’ work.
What are our goals?
Balancing mission, ethics, and the law

- Promoting Libraries’ services
- Building appealing digital resources
- Documenting our professional achievements
- Modeling best practices for students
- Meeting strategic goals
- Respecting others’ legal rights
- Minimizing legal risk to Libraries & UF
How to approach copyright
Copyright 101
Types of intellectual property

Copyright
Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings.

Patents
A patent is an exclusive right granted for an invention. Generally speaking, a patent provides the patent owner with the right to decide how - or whether - the invention can be used by others. In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document.

Trademarks
A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks date back to ancient times when craftsmen used to put their signature or "mark" on their products.
What does copyright protect?
What does copyright NOT protect?

(But most photos of these are still copyrightable!)
What does copyright protect?

**reproduction right** — the right to make copies of a protected work

**distribution right** — the right to sell or otherwise distribute copies to the public

**right to create adaptations** (called derivative works) — the right to prepare new works based on the protected work (including translations, software programs in a new language, movie from a book) and

**performance and display rights** — the rights to perform a protected work (such as a play) or to display a work in public.
Who holds the copyright?

YES

NO
FREE
does not usually mean
COPYRIGHT FREE
What are the rules today?

- Any protected work remains in copyright for 70 years after the life of the author (95 years for corporate works).

- Anything *published* before 1924 is in the public domain.
What are the rules today?

- Not necessary to place symbol on work or to formally register it for copyright to apply.
- Registration can help if you’re seeking to sue over copyright or actively assert your rights.
What are the rules?

- Lots of our collections created 1924-1989 and/or outside the United States
- Different rules apply in these years based on whether or not something was published or unpublished, where created, if registered, etc.
Is it in copyright?

*Through the Looking Glass* by Lewis Carroll with illustrations by John Tenniel. Published by Henry Altemus Company (1897).

Is it in copyright?

Century Tower by Sarah “Moxy” Moczygemba (2018)

Photograph of St. Mary’s Basilica in Krakow by Sarah “Moxy” Moczygemba (2017)
“Photographers need to be concerned only when entering private property without permission to take a photo of a post-1990 building.”

-Richard Stim, NOLO Blog
What can I use?
Option 1: Public Domain

- The copyright has expired. (published before 1924)
- The copyright owner published the work without a copyright notice. (1923 - 1977)
- The copyright owner failed to renew copyright status. (1923 - 1963)
- Copyright law does not protect this type of work. (Federal government and some states incl FL)
- The copyright owner deliberately places — or “dedicates” — it to public domain using the Creative Commons Zero dedication.

-Courtesy Public Libraries Partnership Project, CC BY-NC 4.0
Option 1: Public domain

Free to Use and Reuse: Work Projects Administration (WPA) Posters

Learn more about WPA posters. Browse more content that is free to use and reuse.

Library of Congress Fair to Use and Reuse Sets published 1936-1943
Option 2: Open Licenses

Free to use
Option 2: Open Licenses

Creative Commons

This is an ideal attribution

*Creative Commons 10th Birthday Celebration San Francisco* by tvol is licensed under CC BY 2.0

-Creative Commons Wiki, CC BY 4.0
Option 2: Open Licenses

Creative Commons

- G.I. Detorakis and N.P. Rougier, CC BY 4.0
Option 2: Open Licenses

The TK Labels provide an option for conveying important information about cultural materials. Click on a label below to learn more about its usage:

- TK Family (TK F)
- TK Seasonal (TK S)
- TK Outreach (TK O)
- TK Verified (TK V)
**Option 2: Open Licenses**

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**Where to find free stuff online**

Photos, videos, and music are everywhere, but a lot of what we find online is protected by copyright. Where should you look when you want to freely and legally use media in public presentations, websites, social media, and creative projects?

**Photography and illustration**

Sites like Unsplash and Pexels offer thousands of images to share and reuse for almost any purpose. Other sites like Wikimedia Commons, Flickr, and Vecteezy include lots and lots of images you can use, but you will need to check the details to learn more about how you can use them when you see labels like “Creative Commons” or “Free to Use.”

**Video, film, and owned footage**

The Internet Archive’s Moving Image Archive is a great place to find everything from found footage to classic public domain films. Most film here is free to use, but double-check the "rights" information for each item. Vimeo and YouTube also let you filter to search for “Creative Commons” uploads.

**Music and sound**

SoundCloud lets creators specify how they want others to use their music. Look for the ‘CC’ in the search filter to find music you can share and modify. IMSLP, and the Chordal Public Domain Library offer access to sheet music and some recordings.

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**Try the new CC Search beta, with list-making and one-click attribution!**

Find something that I can... 

- use for non-commercial purposes
- modify and distribute

Enter your search query

Please note that search.creativecommons.org is not a search engine, but rather offers convenient access to search services provided by other independent organizations. CC has no control over the results that are returned. Do not assume that if results display in the search portal they are under a CC license. You should always verify that the work is actually under a CC license by following the link. Since there is no registration to use a CC license, CC has no way to determine what has and hasn’t been placed under the terms of a CC license. If you are in doubt you should contact the copyright holder directly, or try to contact the site where you found the content.
Option 2: Open licenses-Attribution Required
Option 2: Open licenses-Attribution Required

**Attribution 2.0 Generic (CC BY 2.0)**

This is a human-readable summary of (and not a substitute for) the license. [Disclaimer](#).

**You are free to:**

- **Share** — copy and redistribute the material in any medium or format
- **Adapt** — remix, transform, and build upon the material for any purpose, even commercially.

The licensor cannot revoke these freedoms as long as you follow the license terms.

**Under the following terms:**

- **Attribution** — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

- **No additional restrictions** — You may not apply legal terms or technological measures that legally restrict others from

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- Can we use this on social media?
  - Yes with some restrictions

- Would I recommend using it on social media?
  - No

- Why not?
  - Clutter your post with attribution
    - If you add text/change it in any way you have to make note of that too
  - Less room for original message
  - Image is generic enough there are other options
Option 2: Open licenses-No Attribution

No Attribution Needed
Option 3: Fair use

- How is fair use like soup?
- Case-by-case, but practice makes this easier
- Education and scholarship are major goals—but not all educational uses are fair
Option 3: Fair use Four Factors

- What is the purpose, and are you transforming or adding context?
- Is the work factual or fictional? Published or unpublished?
- How much are you using?
- Are you undermining a potential market?
Option 3: Fair use Four Factors

- Are you using the work in a new way (repurposing for education, adding context, commentary, parody, etc.)?

- Are you using *only* enough of the work to meet this purpose?

Jeff Koons’s *Niagara* became the subject of a court case on fair use, which ruled that Koons had legally copied part of a shoe advertisement.
Option 3: Fair use

Go for it

• Linking to websites/databases
• Quoting from texts
• Retweeting/reposting (usually)
• Captioning for accessibility

Needs evaluation

• Creating a meme on social media
• Uploading a postcard to UFDC
• Sharing presentation on IR@UF
• Creating a digital exhibit
• Reusing data visualization in a LibGuide
Option 3: Fair use


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Option 3: Fair use
What can I use?

Option 3: Fair use
Option 3: Fair use

“It is fair use for a library to use appropriate selections from collection materials to increase public awareness and engagement with these collections and to promote new scholarship drawing on them.”

-ARL Code of Best Practices in Fair Use
Big question:

Is that particular image necessary to support and contextualize your argument, or is it primarily decorative?
Option 4: Get permission

• If fair use doesn’t apply, need to get permission in writing (via email, DM, etc.)

• For social media or marketing, can you take a similar photo yourself? Can you use a public domain or openly licensed alternative?
“Because of the flexible and interpretive nature of fair use, Congress provided significant protection for educators. Not only does the fair use exception apply particularly to educational purposes, but additional laws may limit the monetary liability that educators may potentially face. In any event, however, educators must hold a reasonable and good-faith belief that their activities are fair use in light of the four factors. By **documenting your application of the four factors of fair use to your specific use, you will be better able to demonstrate your activities were done in good faith.**”

-Smith University Libraries
THANK YOU

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