

A quick-reference desk  
guide to copyright for public  
library professionals.



# What is copyright?

Designed to protect intellectual properties, copyright law is a vast and faceted area of study that encompasses entire sections of government code. There's no way that every copyright law can be covered in this small booklet, and it is only intended to be used as a guide for common issues that may come up while working in the public library, be that in any of our specialty departments such as Youth and Family or Special Collections, or just general day-to-day circulation duties you may come across.

Copyright is a framework for allowing creators to control the use of their creations. This control can be granted to others for set amounts of time with specific guidelines. Almost everything you use in library programming can be subject to copyright laws, including:

- Movies or TV shows
- Recordings or scripts of plays
- Maps and historical documents
- Literary pieces (books, magazines, etc.)
- Media pieces (newspaper, podcasts, etc.)
- Illustrations, photographs, paintings, and 'clip art'
- Computer programs

Essentially, if you did not create it from scratch by yourself, then the item you're using could be subjected to copyright laws that must be obeyed.

This guide will cover the following areas:

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# Copyright Icons

Most web sites and image banks have a set of icons that tell you immediately how the piece of work may be used. Several icons can be used for a piece of work. Here are some of the most common:



Copyrighted. All rights reserved. Explicit permission must be given to use this work.



May be used, changed, remixed, or built upon for any use, as long as the credit is given to the original creator.



This work is under Creative Commons and may be used freely so long as any conditions are met (usually indicated by other icons).



This work may be used commercially.



This work may not be modified or adapted in any way if it is used.



Share alike. Anything made based on this work must also be shared under the same license as the original work.




This work is in the Public Domain and has no copyright conditions or claims to be met.



This work may not be used commercially.

# Examples

Here are some examples of copyright icon use found online.

DESCRIPTION	ORDER	METADATA	CITATION
IMAGE NUMBER	PC0976		
RIGHTS			
COLLECTION	Postcard collection		

Screenshot from an item in the collection of the Florida State Archives, from FloridaMemory.com.



This item is under Creative Commons license, but may not be used for commercial purposes. If you distribute it, you must use the same license.



# Fair Use

“Fair Use” is a phrase that is often associated with the use of copyrighted works. What is fair use and how does it work?

Fair use is a legal doctrine that allows for limited use of copyrighted material. Its purpose is to balance the rights of creators with the public’s interest in using and accessing their work. It’s always determined on a case-by-case basis, but there are four main points:

- It should be non-commercial, or educational
- The nature of the use of the work as a whole
- How much of the work is being used
- How it would affect the market value of the work

As an example, we use children’s books for storytime. We consider that fair use, as we are using it for a non-commercial, educational use. The nature of the use is for the education and entertainment of children in a public space. Though the entire portion of the work is being used, reading it would not have a negative impact on the market value of the work.

On the other hand, the fair use does not include photocopying or digitizing any part of the book, or reading in a video or audio recording, as that would negatively impact the market value of the book and violate the copyright as most books clearly state “no part of this may be reproduced in any way.”



# Is this fair use?

Yes:

- Reading stories aloud for storytime
- Using the original book jackets for decorations
- Putting up posters or artwork that has been purchased by the library
- Using coloring pages from web sites that explicitly state the images may be used by the public
- Playing a song from a YouTube channel with a Creative Commons license clearly stated
- Selecting a book to read as part of a book club

No:

- Photocopying or otherwise reproducing images from any piece of art or book without permission that states such
- Tracing or otherwise recreating an image. For example, hand-drawing an exact copy of a drawing from a children's book, or using a video of a movie you created in the theatre with your phone.
- Playing movies or music that are found on YouTube but do not have a creative commons statement. Many licensed musicians have music on YouTube that is not under creative commons.
- Using clip art, photos, or drawings found on Google or any other web site that does not explicitly state creative commons.

In the End....

Fair use is not a 'cut and dry' set of rules, and it's often up to interpretation. Book publishers often state on their web sites that they do not advise on whether your chosen use of their book is 'fair use.' If you are in doubt, consult with the Director of Libraries before using any media as 'fair use.'

## Now let's look at some media types

### Clip art, photographs, and other images.

Unless you have created the image yourself from scratch, the image likely has some kind of copyright. While many famous images are in the public domain, most others are not. Copyright on images are as follows:

- All images are copyright to their creators upon creation, without needing to be registered in any way. Many commercial ventures do register images with the U.S. Copyright office, however, which grants them more power in legal actions.
- Works published before 1924 are part of the public domain. Things like early photography, old cartoon images, and classic paintings are considered public domain if they were created before 1924.
- Works created after January 1, 1978, are mostly copyrighted until 70 years after the creator's death. If the creator is unknown, they are copyrighted for 95 years from the date of publication or 120 years from the date of creation, whichever is shorter.

Even if a work is in the public domain, it is considered good practice to still give credit to the creator if you use the image. For example, if you print out a picture of Van Gogh's *The Starry Night* to decorate with, it would be good practice to put the creator, title, and year created on the image.



Detail of Van Gogh's *The Starry Night* with example attribution.

## Movies, Film, and Music

- Movies may only be played in the library if they are licensed or under the public domain
  - Movies made before 1924 are in the public domain. There are also a handful of other films that have either fallen out of copyright or were not copyrighted due to missing paperwork. You can find them at [en.wikipedia.org/wiki/List\\_of\\_films\\_in\\_the\\_public\\_domain\\_in\\_the\\_United\\_Sates](https://en.wikipedia.org/wiki/List_of_films_in_the_public_domain_in_the_United_Sates)
  - The same copyright information applies to films as do clip art and photographs, regarding post-1978 publication.
  - We are allowed to broadcast movies and films that we have purchased a license for. We hold a public performance license with [www.swank.com](http://www.swank.com) to screen films inside the library only. If you wish to screen a film, it must be listed on that site without mention of purchasing an individual license. The purchase of an individual license must be authorized by the Director of Libraries and is on a case-by-case basis, usually costing \$300-\$500 per license.
  - Music may only be used if it is marked clearly for creative commons on YouTube. You can find this information beneath the video in the information. The best way to find this is to use the “Filter” option on your YouTube search bar in the upper right, and select “Creative Commons.” Any videos that are creative commons will clearly state it in the bottom of the video description.



## Books

Most of the rules about dates apply the same for books as they do for the previously-discussed forms of media. It is important to note that most ‘fair use’ of books falls under things like reviews and critiques or educational purposes such as children’s storytimes. If you are reproducing a book in any way, it is important to check with the publisher before doing so. All publishers will have a page about fair use and copyright, and while many will say that do not advise on what is and is not fair use, they will also have a person that can be contacted for general permissions.

Permissions can be sought for many reasons. For example, if you wanted to do a storytime and scan the book so that you could project the images large enough for everyone to see while you read, or you wanted to do a video storytime, or you wanted to use a book as part of a promotion for an event. All of these would require permission from the publisher.

Books – especially children’s books – are one of the things we often use that we’ll find that we cannot contact the author or publisher because the publishing house has closed. In these cases, the media cannot be used. Being unable to get permission does not grant permission for use. If permission cannot be obtained, then it is assumed we do not have permission to use it.



# Resources

Here are a few web sites that specialize in creative commons or public domain media.

[search.creativecommons.org](https://search.creativecommons.org)

A web site that searches for creative commons media across several platforms, including YouTube, Thingiverse (3D models), Google and Google Images, Flickr, and SoundCloud (music).

[Archive.org](https://archive.org)

The Internet Archive is a vast resource of millions of pieces of literature, images, audiobooks, software, music, and more.

[commons.wikimedia.org](https://commons.wikimedia.org)

Wikimedia Commons is the creative commons section of Wikipedia that contains over 100 million images, sounds, and videos that are open to the public to use.

[gutenberg.org](https://gutenberg.org)

Project Gutenberg is a public library of over 70,000 free eBooks. You can find old publications of books, comics, and children's storybooks that are all in the public domain.

[flickr.com/creativecommons](https://flickr.com/creativecommons)

You can search for images here by permissions. Note that this is a specific part of Flickr, and not just Flickr.com. Images must be from this area of the web site to be considered creative commons.

[unsplash.com](https://unsplash.com)

A free an open archive of creative commons photos that are created and shared by users. Unsplash has a clear and simple version of creative commons that tells you exactly what you can and cannot do with the images.

## FREQUENTLY ASKED QUESTIONS

Q: This book is really old, do I need to look for a copyright to use it?

A: If you're using it or part of it for any official library business other than general storytelling, yes!

Q: I can't find copyright information for this because it's old. Can I use it?

A: If you can't find copyright information then you can't use it.

Q: Can I photocopy this old map/book/image to decorate with?

A: It depends on the age and if it's in the public domain. Most things made before the 1920s are, but always check!

Q: Can I draw this licensed character freehand to decorate the wall with?

A: We err on the side of caution when it comes to licensed characters, and only use licensed images of them such as posters and decorations we have purchased.

Q: Can I play this pop music during storytime?

A: Only with permission from the record label.

Q: My friend wrote this book and said I could use the images.

A: That's great! We need it in writing to make it official.

Q: I found this online and the watermark is easy to remove.

A: If you have to remove or clip out a watermark then you are not using that image legally.