

Montclair State University

## Montclair State University Digital Commons

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Sprague Library Scholarship and Creative Works

Sprague Library

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3-2-2016

### Copyright Resources for Images

Mary Mallery

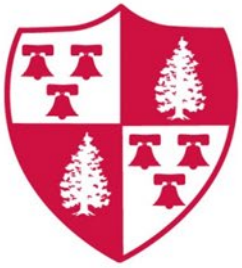
Siobhan K. McCarthy

Follow this and additional works at: <https://digitalcommons.montclair.edu/spraguelib-facpubs>



Part of the [Scholarly Communication Commons](#)

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# MONTCLAIR STATE

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# UNIVERSITY

## Copyright Resources for Digital Images

Mary Mallery, Ph.D, Associate Dean for Technical Services, and  
Siobhan McCarthy, Reference & Interlibrary Loan Librarian

# Before we begin...

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- 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

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- 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

# Guidelines for Responsible Computing

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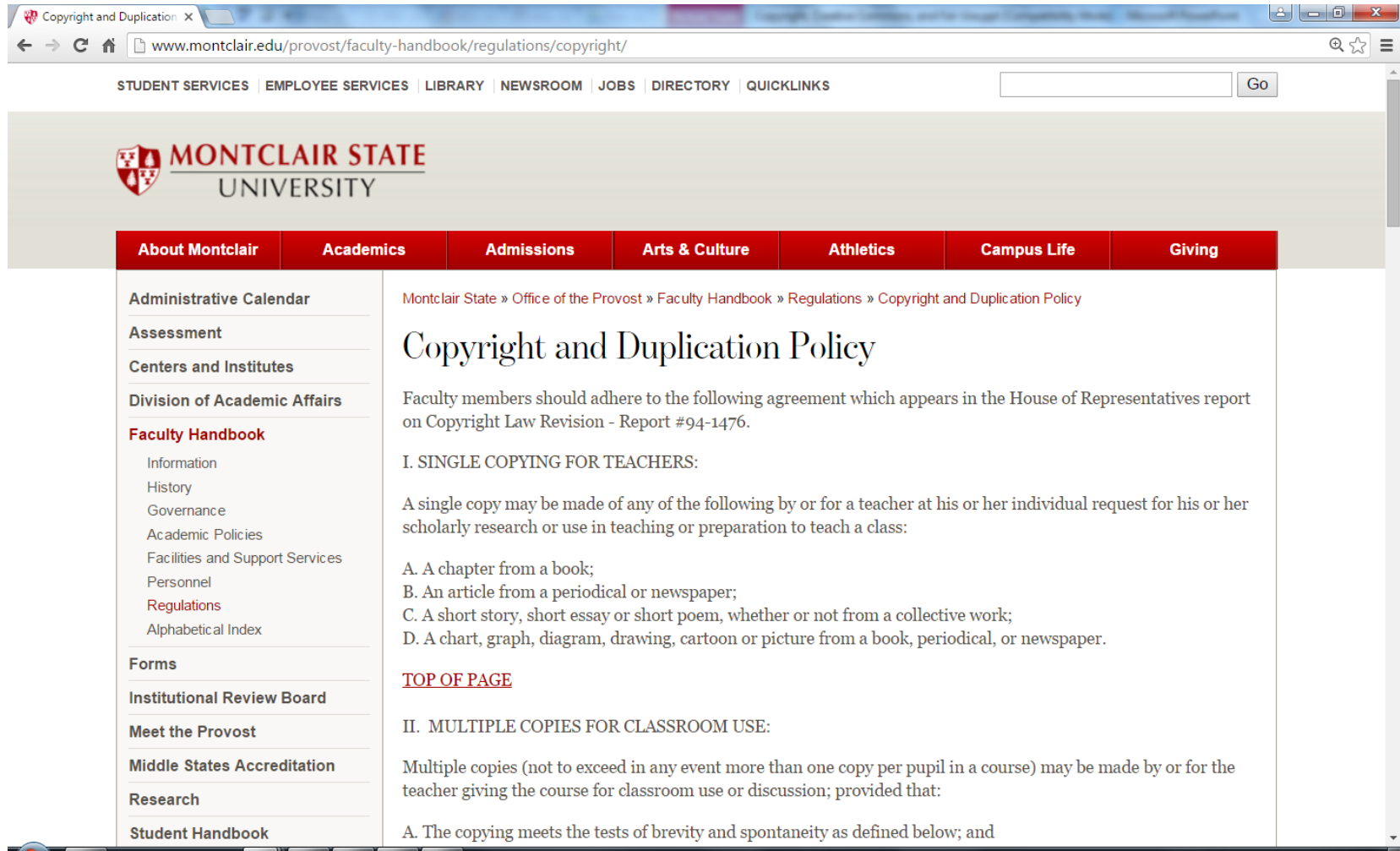
## **IV. GUIDELINES FOR APPROPRIATE COMPUTING BEHAVIOR**

...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/>

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# MSU Copyright and Duplication Policy



The screenshot shows a web browser window with the URL [www.montclair.edu/provost/faculty-handbook/regulations/copyright/](http://www.montclair.edu/provost/faculty-handbook/regulations/copyright/). The page features a navigation menu with links for Student Services, Employee Services, Library, Newsroom, Jobs, Directory, and Quicklinks. Below the navigation is the Montclair State University logo and a horizontal menu with categories: About Montclair, Academics, Admissions, Arts & Culture, Athletics, Campus Life, and Giving. The main content area displays the title "Copyright and Duplication Policy" and a breadcrumb trail: "Montclair State » Office of the Provost » Faculty Handbook » Regulations » Copyright and Duplication Policy". The text states that faculty members should adhere to an agreement from the House of Representatives report on Copyright Law Revision - Report #94-1476. It lists two categories: I. SINGLE COPYING FOR TEACHERS, which includes a list of items (A-D) that can be copied, and II. MULTIPLE COPIES FOR CLASSROOM USE, which includes a list of conditions (A) for copying.

Administrative Calendar

Assessment

Centers and Institutes

Division of Academic Affairs

**Faculty Handbook**

- Information
- History
- Governance
- Academic Policies
- Facilities and Support Services
- Personnel
- Regulations**
- Alphabetical Index

Forms

Institutional Review Board

Meet the Provost

Middle States Accreditation

Research

Student Handbook

Montclair State » Office of the Provost » Faculty Handbook » Regulations » Copyright and Duplication Policy

## 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 individual request for his or her scholarly research or use in teaching or preparation 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.

[TOP OF PAGE](#)

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

Link: <http://www.montclair.edu/provost/faculty-handbook/regulations/copyright/>

# Copyright Resources Guide



[Sprague Library](#) / [Research Guides](#) / [Copyright Resources](#) / [Home](#)

## Copyright Resources

Home

Copyright Basics

Public Domain

Fair Use

Classroom Guidelines

DMCA 2012

TEACH Act

Media in the Classroom

Attribution and Plagiarism

Permissions

What is Open Access?

Best Practices

### Begin Here:

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

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	Fair use = YES	Fair use = NO
Purpose	Nonprofit or transformative	Commercial or duplication
Nature	Factual	Creative
Amount	Small amount (relative to original)	Complete work or heart of the work
Market	Doesn't hurt market for original	Hurts market or there is a potential market

Source: <http://dp.la/info/about/projects/public-library-partnerships/understanding-copyright/>

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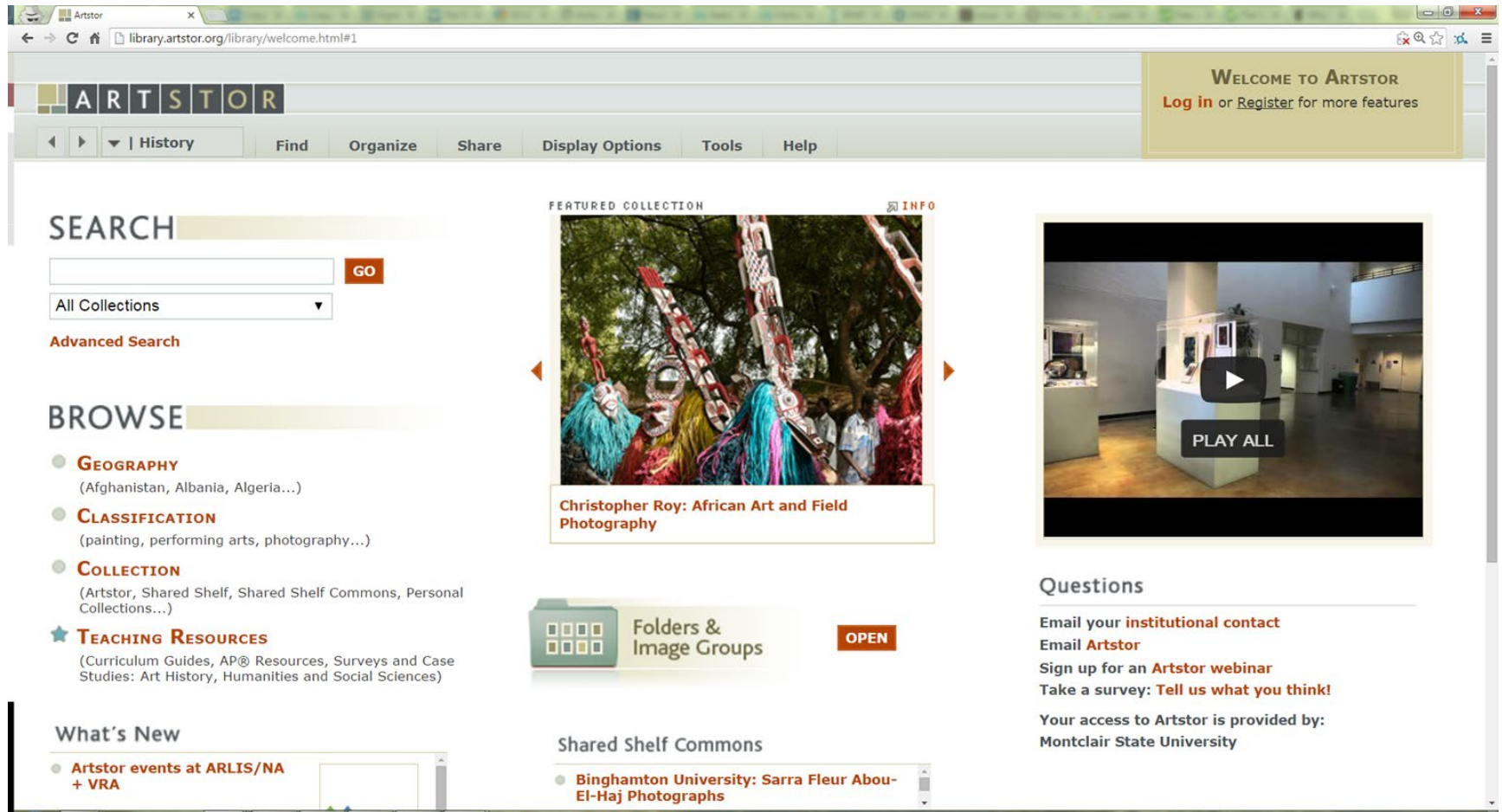
# Scenario: Digital Image Use in Research



The screenshot shows the IMDb page for the TV series "Bob the Builder". The page features a search bar at the top, navigation tabs for "Movies, TV & Showtimes", "Celebs, Events & Photos", "News & Community", and "Watchlist". The main content area includes a "Watch this on Prime Video" banner, a "Start your 30-day free trial" button, and a "FULL CAST AND CREW" section. The series title "Bob the Builder" is prominently displayed with a rating of 5.4/10 and 2,059 reviews. Below the title is an "Episode Guide" section with a video player showing a trailer for the episode "CAN WE BUILD IT? YES WE CAN!". The video player includes a play button, a duration of 1:04, and options for "WATCH NOW", "ON TV", "ON DISC", and "ALL". To the right of the video player is a "Related News" section with a link to "Bob the Builder is back, but can he still fix it? Watch the trailer and find out".

Link: [http://www.imdb.com/title/tt0262151/?ref=fn\\_al\\_tt\\_1](http://www.imdb.com/title/tt0262151/?ref=fn_al_tt_1)

# Licensed Images: Artstor



The screenshot shows the Artstor website interface. At the top, there is a navigation bar with the Artstor logo and a "WELCOME TO ARTSTOR" banner with "Log in" or "Register" links. Below the navigation bar, there are tabs for "History", "Find", "Organize", "Share", "Display Options", "Tools", and "Help". The main content area is divided into several sections:

- SEARCH:** A search bar with a "GO" button and a dropdown menu for "All Collections". Below it is a link for "Advanced Search".
- BROWSE:** A list of categories: "GEOGRAPHY" (Afghanistan, Albania, Algeria...), "CLASSIFICATION" (painting, performing arts, photography...), "COLLECTION" (Artstor, Shared Shelf, Shared Shelf Commons, Personal Collections...), and "TEACHING RESOURCES" (Curriculum Guides, AP® Resources, Surveys and Case Studies: Art History, Humanities and Social Sciences).
- FEATURED COLLECTION:** A central image of a person in traditional African attire with the caption "Christopher Roy: African Art and Field Photography".
- Folders & Image Groups:** A section with a grid icon and an "OPEN" button.
- Shared Shelf Commons:** A section with a list of items, including "Binghamton University: Sarra Fleur Abou-El-Haj Photographs".
- What's New:** A section with a list of items, including "Artstor events at ARLIS/NA + VRA".
- Questions:** A section with links for "Email your institutional contact", "Email Artstor", "Sign up for an Artstor webinar", and "Take a survey: Tell us what you think!". It also states "Your access to Artstor is provided by: Montclair State University".

Link: <http://ezproxy.montclair.edu:2048/login?url=http://library.artstor.org>

# Determining Public Domain

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

Source: <http://dp.la/info/about/projects/public-library-partnerships/understanding-copyright/>

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# Tools for Determining Image Rights

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Digital Image Rights Computator (DIRC)

[http://dirc.vraweb.org/page\\_1.html](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

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- 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.

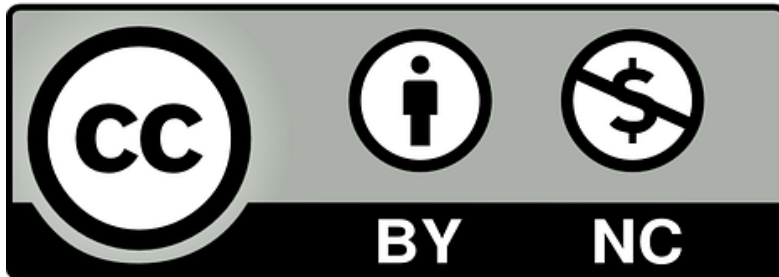
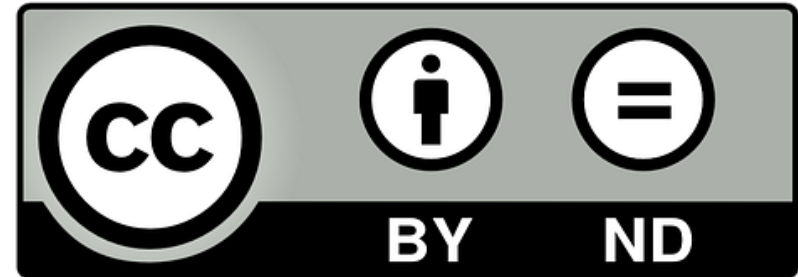
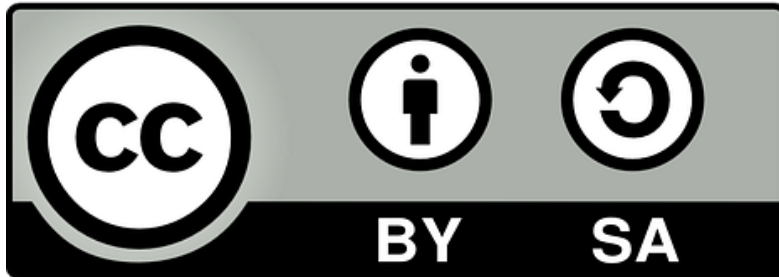
# Alternative Image Sources: Shakespeare

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- [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/>

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# Citing Digital Images

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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.

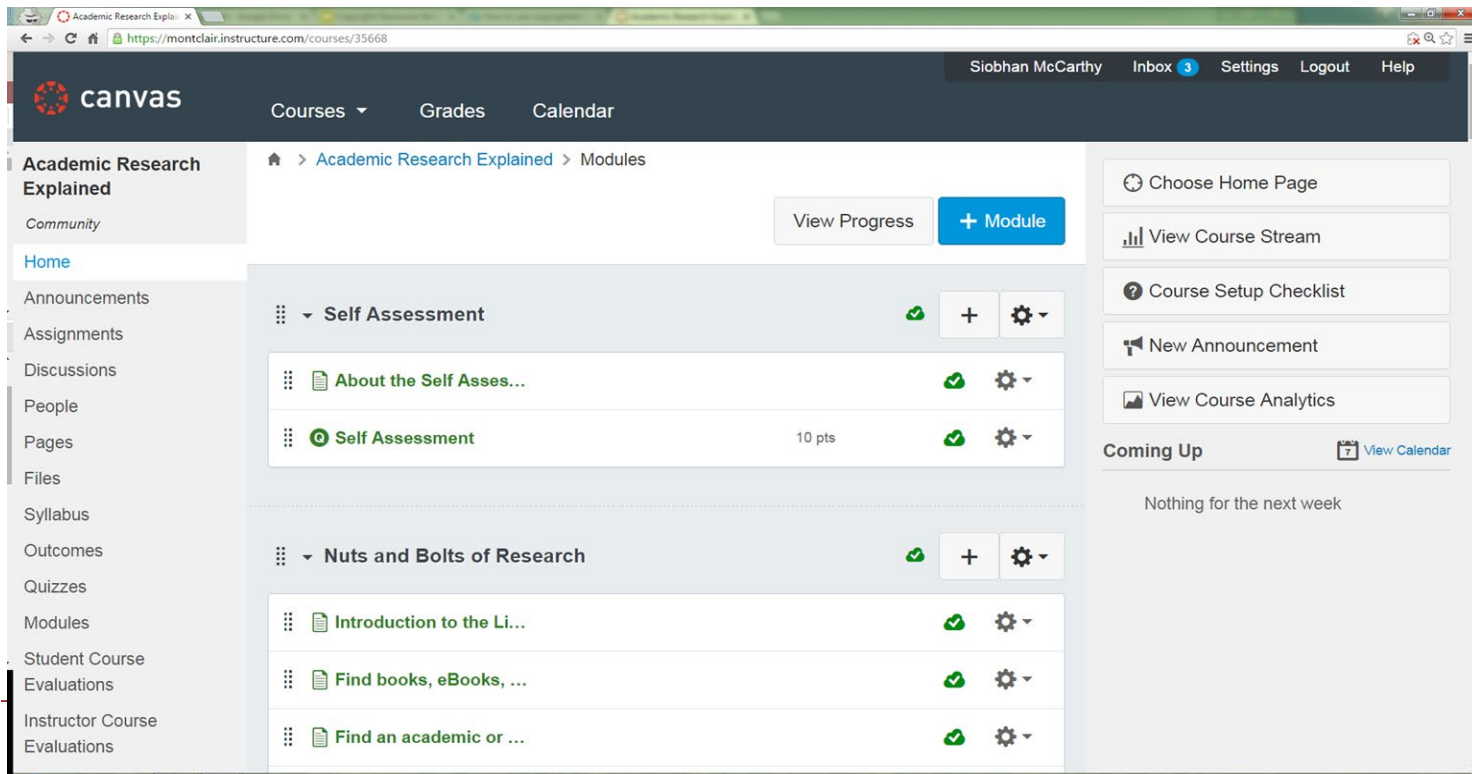
- Image Citation Examples from ARTSTOR  
<http://support.artstor.org/?article=citing-sources>
- How to Cite Images by EBSCO  
[http://support.ebsco.com/help/?int=ehost&lang=en&feature\\_id=CiteIMG](http://support.ebsco.com/help/?int=ehost&lang=en&feature_id=CiteIMG)





# 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 screenshot shows a Canvas LMS interface for a course titled "Academic Research Explained". The user is logged in as Siobhan McCarthy. The course page displays a list of modules and assignments. The "Self Assessment" module is expanded, showing two items: "About the Self Asses..." and "Self Assessment" (worth 10 pts). The "Nuts and Bolts of Research" module is also expanded, showing three items: "Introduction to the Li...", "Find books, eBooks, ...", and "Find an academic or ...". The right sidebar contains various course management tools such as "Choose Home Page", "View Course Stream", "Course Setup Checklist", "New Announcement", "View Course Analytics", and "Coming Up".

# TEACH Act for Online Classes

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- 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.

See: <http://montclair.libguides.com/c.php?g=297182&p=1982156>

# Additional Resources

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- 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](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](http://guides.lib.uci.edu/copyright/copyright_how_to_use)

# Questions?

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For more information, please contact us at:

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