

Digital Graphics – Yours, Mine and Ours. A guide to their legal use.

Infopeople



labeled for reuse



Thursday, November 3, 2011
Presenter: : Mary Minow

Agenda

1. Yours: using other people's images

2. Mine:

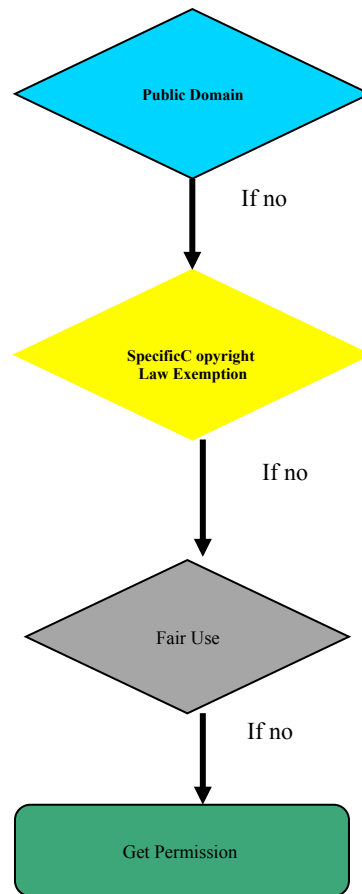
images created by my library
images of my library

3. Ours: social media

Legal information, not legal advice

1. Yours – using other people's images

Is it okay to copy and paste digital graphic?



Public Domain



Facts

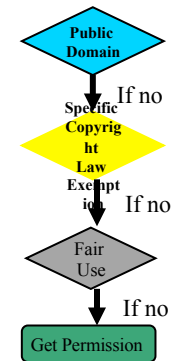
Recipes

Ideas

Dedicated works

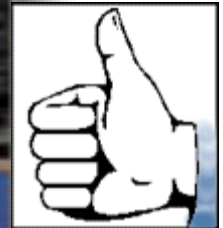
Government works (U.S.)

Expired works



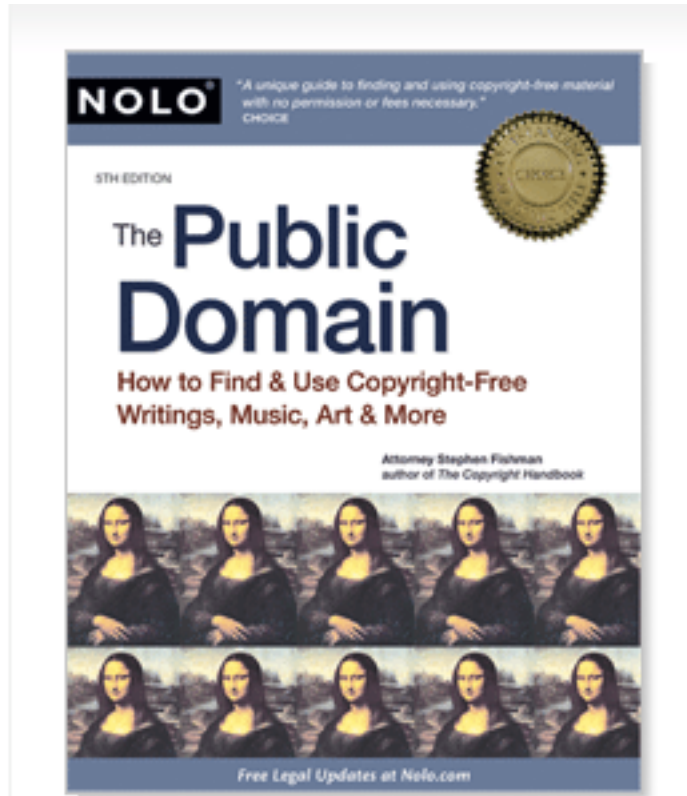
Public Domain

1922



Images published in the
U.S. in 1922 or earlier

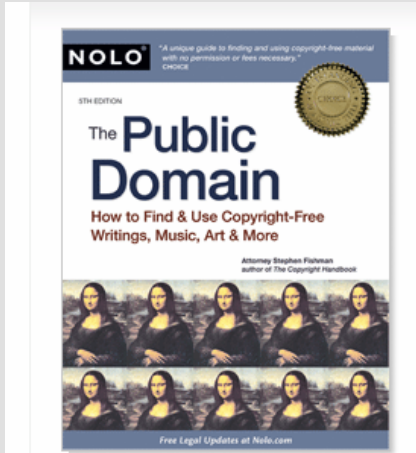
Reputable Sources



The Public Domain:
How to Find & Use
Copyright-Free
Writings, Music, Art &
More

*Stephen Fishman, J.D. 2010,
5th Edition*

Two sad truths



1. Works on the Internet are not automatically in the public domain

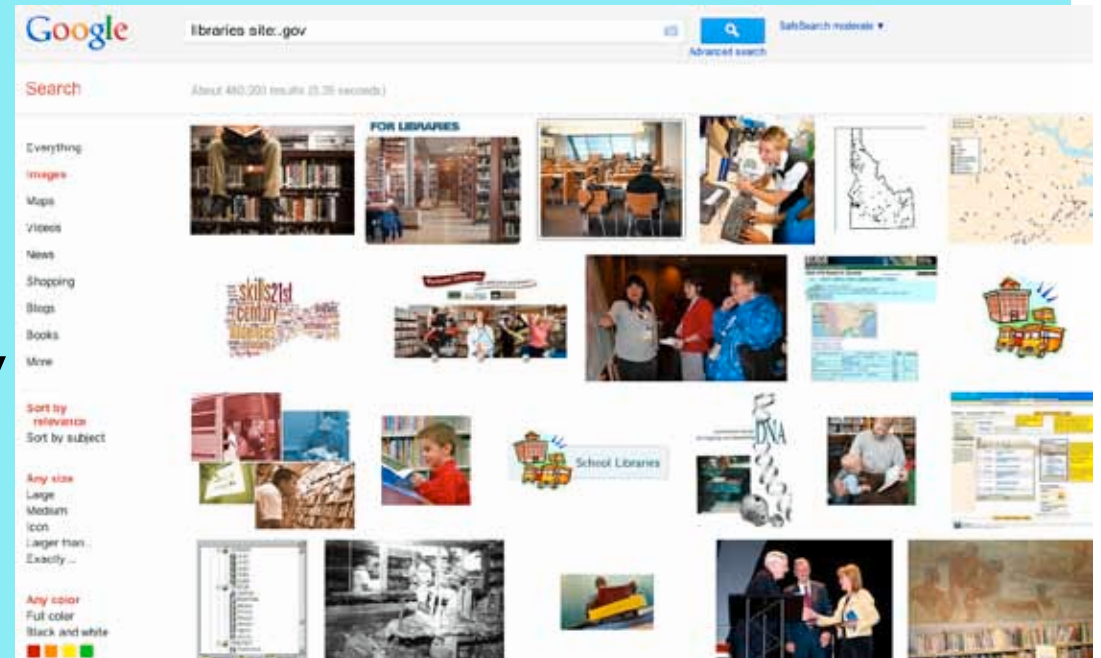
2. The presence or lack of a copyright notice is meaningless

e.g. © Bogus 2011

Good sources of Public Domain images

Still my favorite:
U.S. Government

Make sure created by
U.S. Government



<http://www.google.com/imghp> search keyword site:.gov
<http://search.usa.gov/images>

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This is a human-readable summary of the [Legal Code \(read the full text\)](#).

[Disclaimer](#)

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<http://creativecommons.org/publicdomain/zero/1.0/>

www.openclipart.org

The screenshot shows the Open Clip Art Library website interface. At the top, there is a navigation bar with the site logo, 'Open Clip Art Library', and links for 'Log In' and 'Register'. Below the navigation bar is a search bar with a 'Search' button. The main content area displays search results for 'library', listing various clipart items with their titles, creators, dates, and popularity metrics (stars and hearts).

Clipart Title	Artist	Date	Stars	Hearts
Por uma sociedade livre e igualitária	cliparteles	03.08.2011	287	1
Book Orange	ypssun	02.08.2011	336	0
Books	Moini	26.07.2011	379	1
Stack of Books	gka	26.06.2011	1126	0
Library door sign	Moini	16.06.2011	545	0
Open Clip Art Library Neon Sign	jhnri4	21.05.2011	374	0
OCAL favorite folder icon	gsagri04	14.05.2011	365	0
Open Clip Art Library Seal of Approval	jhnri4	13.05.2011	557	0
OCAL 2012 Seal	jhnri4	12.05.2011	941	1
Agnes Macphail	gingercoons	08.05.2011	453	2
OCAL Logo Black	gsagri04	08.05.2011	343	1
OCAL logo Saffron	gsagri04	08.05.2011	364	1

Dedicated to the public domain

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WIKIMEDIA
COMMONS

- Main Page
- Welcome
- Community portal
- Village pump

Language select
 English
 Select

- Participate
- Upload file
- Recent changes
- Latest files
- Random file
- Help
- Contact us
- Donate

Toolbox

- In Wikipedia
- العربية
- Azərbaycanca
- Žemaitėška
- Беларуская
- Беларуская (тарашкевіца)
- Български
- Brezhoneg
- Bosanski
- Català
- Česky
- ЧӀаӀаашна
- Сумраег
- Dansk
- Deutsch
- Ελληνικά
- English
- Esperanto

Gallery Discussion

View Edit View history Search

Library

See also: [Category:Libraries](#)

Brezhoneg: Levraoueg · **Deutsch:** Bibliothek, Bücherei · **Eesti:** Raamatukogu · **English:** library · **Español:** Biblioteca · **Français:** bibliothèque · **Galego:** Biblioteca · **한국어:** 도서관 · **Italiano:** Biblioteca · **Nederlands:** Bibliotheek · **日本語:** 図書館 · **Polski:** Biblioteka · **Português:** Biblioteca · **Slovenščina:** Knjižnica · **Suomi:** Kirjasto · **中文:** 图书馆

Contents [hide]

- 1 Typical library pictures
- 2 American & Canadian libraries
- 3 European libraries
- 4 South and Middle American libraries
- 5 Middle East (Southwest Asia and North Africa)
- 6 Asia
- 7 Australia and Oceania
- 8 Libraries in paintings
- 9 Libraries on postal stamps

Mix of public domain and freely licensed images

Typical library pictures

Library book shelves	A woman browses a bookshelf	Inside the Library of the FH Eberswalde, germany.	toronto university of toronto library	San Diego City College Learning Resource City	Computerpool in the Public Library Dresden	An assortment of papers at a Norwegian library	Bibliography shelves
Stack transport system	★ Subject catalogue (in German)	● Bookshelf in the Austrian National Library in Vienna	La Trobe University library	a library full of facts			

commons.wikimedia.org

Permissions – freely given in advance

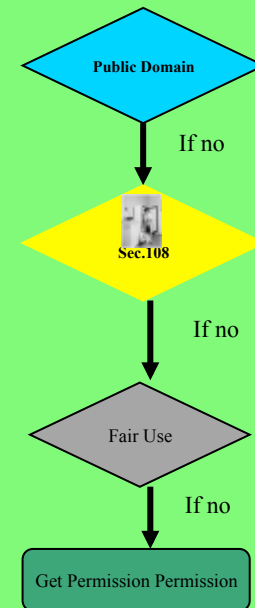
Creative Commons
Licensed Images

Clip Art

Copyright statement
gives permission



Is it okay to copy digital graphic?



search.creativecommons.org



library

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

Search using:

Europeana Media	Flickr Image	Fotopedia Image	Google Web	Google Images Image	Jamendo Music
Open Clip Art Library Image	SpinXpress Media	Wikimedia Commons Media	YouTube Video		

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[Add CC Search](#) to your browser.

[Learn how](#) to switch to or from CC Search in your Firefox search bar.

English [Help Translate](#)

Fotopedia

lots of beautiful creative commons images... but some images "all rights reserved"



<http://www.fotopedia.com/wiki/IPhone>



Advanced Image Search

taking picture

Find images of...

all these words:

taking picture

[More keyword options](#)

Image attributes

Image size:

Any size

Aspect ratio:

Any aspect ratio

Type of image:

- Any type
- Face
- Photo
- Clip art
- Line drawing

Source of image:

- All sources
- Site or domain

Example: flickr.com

Color in image:

- Any color
 - Full color
 - Black and white
 - Specific color
- 

Need more tools?

Usage rights:

- All images, regardless of license labeling
- Only images labeled for reuse. Conditions might apply. [More info](#)
 - Also limit to images labeled for:
 - Commercial use
 - Modification

May Limit by TYPE of License



You aren't signed in [Sign In](#) [Hi](#)

[Home](#) [The Tour](#) [Sign Up](#) [Explore](#) | [▼](#)

 [Search](#)

Advanced Search

Search for

All of these words

Tip: Use these options to look for an exact phrase or to exclude words or tags from your search. For example, search for photos tagged with "apple" but not "pie".

Full text Tags only

None of these words:

Search by content type

Tip: Check the boxes next to content you'd like to see come up in searches.

- Photos / Videos
- Screenshots / Screencasts
- Illustration/Art / Animation/CGI

Search by media type

Tip: Filter to only display either photos or videos in your search results.

- Photos & Videos
- Only Photos
- Only Videos



Tip: Find content with a Creative Commons license. [Learn more...](#)

- Only search within Creative Commons-licensed content
- Find content to use commercially
- Find content to modify, adapt, or build upon



attribution



attribution
non-commercial

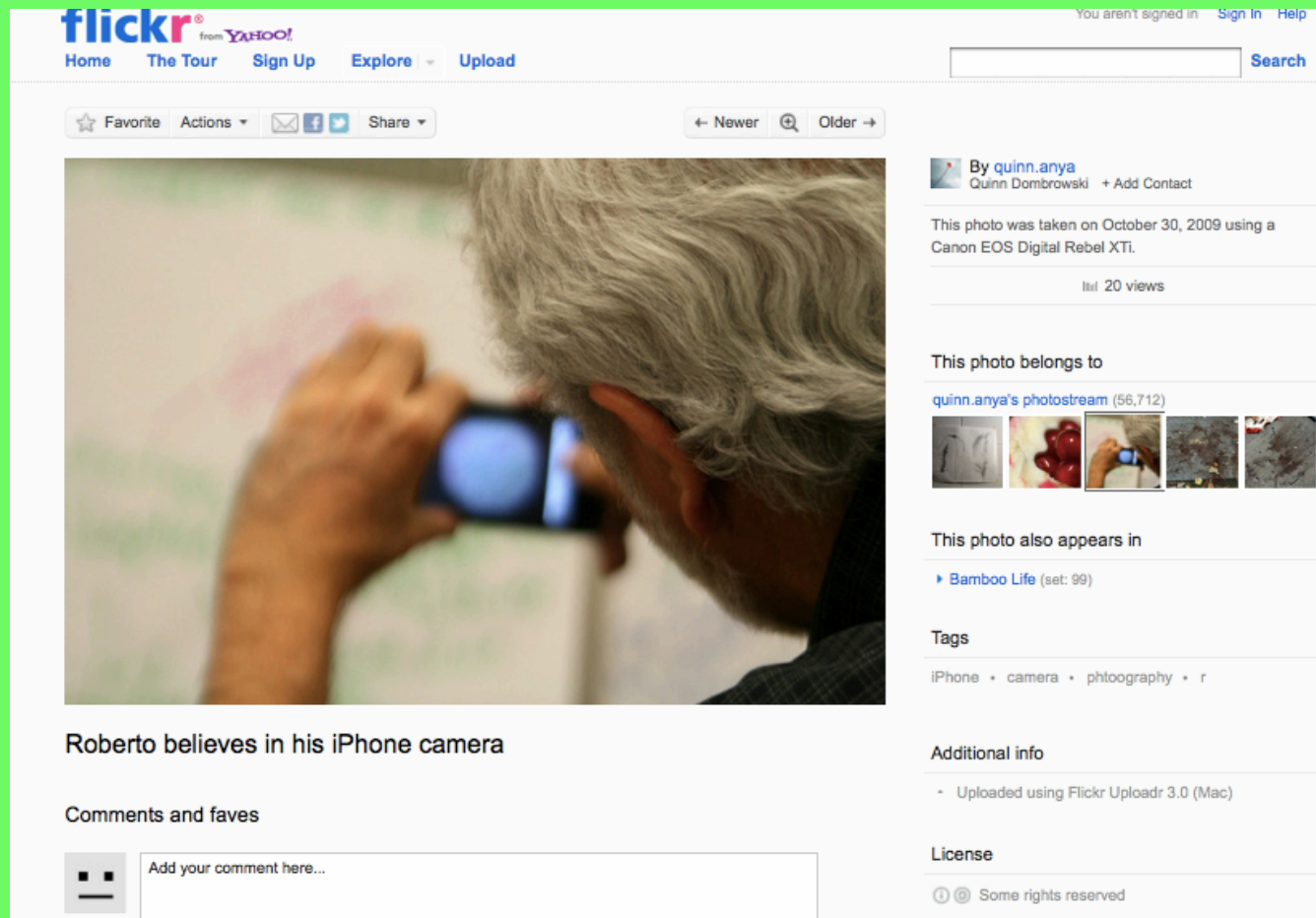


attribution share
 alike



attribution no
 derivatives

I used flickr to find image for later in this presentation



The screenshot shows a Flickr photo page. The main image is a close-up of a person's hands holding an iPhone camera, with the camera's lens and flash visible. The person's hair is grey. The background is blurred, showing what appears to be a whiteboard or a wall with some text. The Flickr interface includes a navigation bar at the top with links for Home, The Tour, Sign Up, Explore, and Upload. A search bar is located in the top right corner. Below the main image, there is a caption: "Roberto believes in his iPhone camera". To the right of the main image, there is a sidebar with information about the photo, including the photographer's name (quinn.anya), the date taken (October 30, 2009), the camera used (Canon EOS Digital Rebel XT), and the number of views (20). There are also sections for "This photo belongs to" (quinn.anya's photostream), "This photo also appears in" (Bamboo Life), "Tags" (iPhone, camera, phtography), "Additional info" (Uploaded using Flickr Uploadr 3.0 (Mac)), and "License" (Some rights reserved).

flickr® from YAHOO!

Home The Tour Sign Up Explore Upload

You aren't signed in Sign In Help

Search

Favorite Actions Share

Newer Older

By quinn.anya
Quinn Dombrowski + Add Contact

This photo was taken on October 30, 2009 using a Canon EOS Digital Rebel XT.

It's 20 views

This photo belongs to

quinn.anya's photostream (56,712)

This photo also appears in

Bamboo Life (set: 99)

Tags

iPhone camera phtography r

Additional info

Uploaded using Flickr Uploadr 3.0 (Mac)

License

Some rights reserved

Roberto believes in his iPhone camera

Comments and faves

Add your comment here...

<http://www.flickr.com/photos/quinnanya/4060344109/>

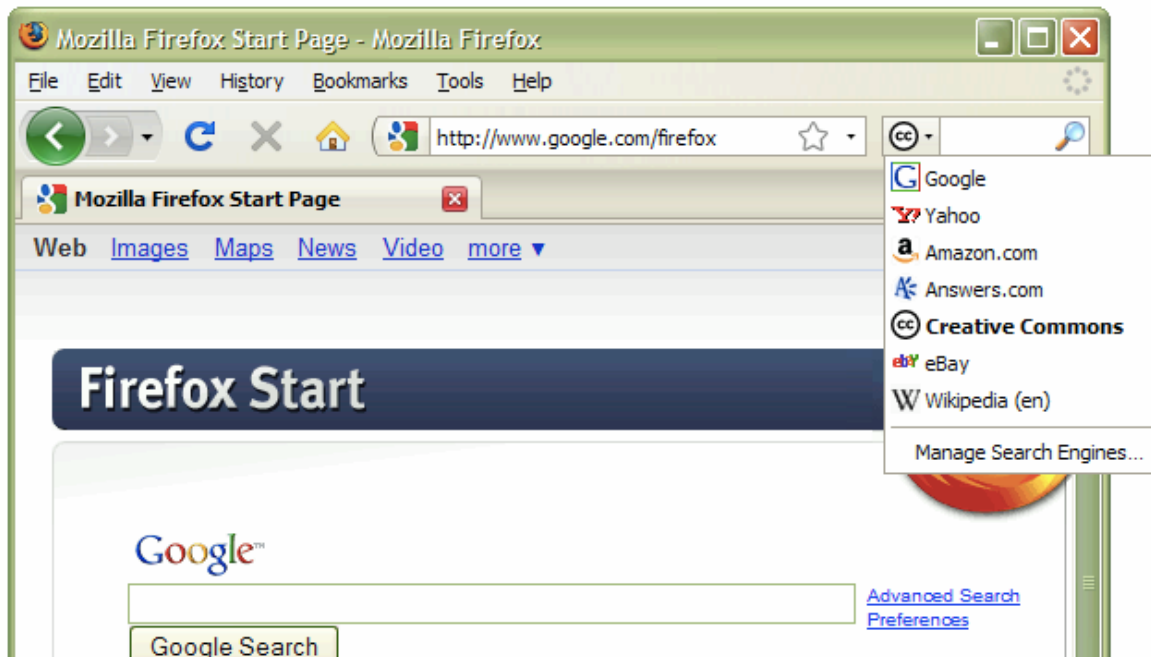
Plug-in

Firefox and CC Search

Log in / create

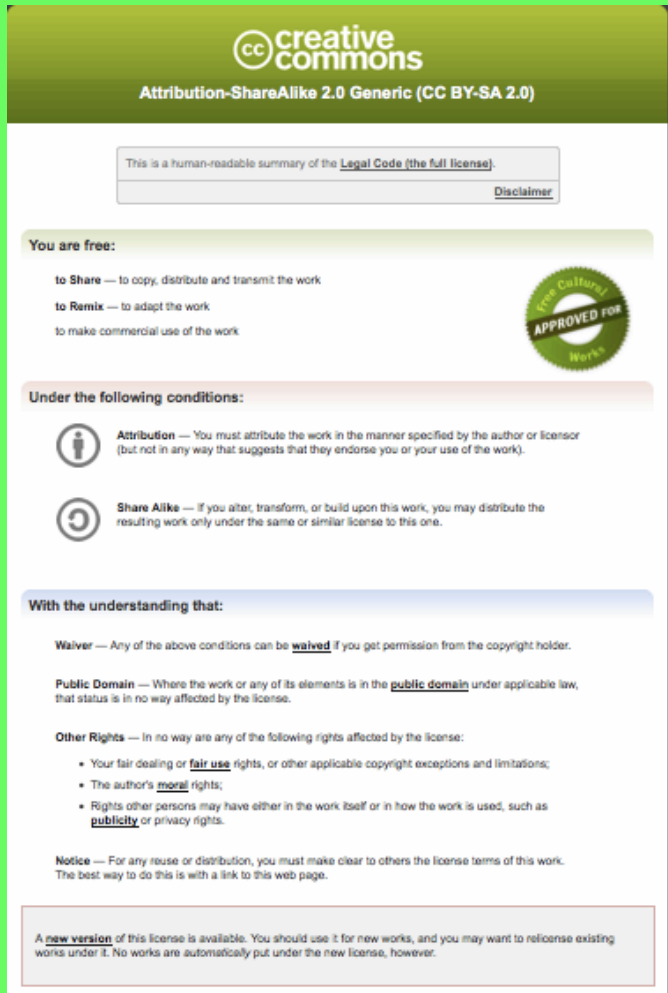
A plugin for the [Creative Commons search tool](#) is built into some versions of the [Firefox web browser](#). On most versions, the search box defaults to using Google. You can change your search engine by clicking on the small black arrow in the search bar. See the screenshot below.

If CC Search isn't available on your browser, you can always visit <http://search.creativecommons.org> directly, or see [CC Search Browser Plugins](#) for search plugins you can add to your browser.



http://wiki.creativecommons.org/Firefox_and_CC_Search

Abide by License Terms



The screenshot shows the Creative Commons Attribution-ShareAlike 2.0 Generic (CC BY-SA 2.0) license page. It features the Creative Commons logo at the top, followed by the license name. A disclaimer box is present, stating it is a human-readable summary of the legal code. The page is divided into sections: 'You are free:' which lists permissions to share, remix, and make commercial use; 'Under the following conditions:' which details attribution and share-alike requirements; and 'With the understanding that:' which covers waivers, public domain status, and other rights. A footer note mentions a newer version of the license is available.

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Free to
Share (distribute)
Remix (adapt)
Commercial Use

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Giant Paper Boats in Sai Kung, by kev/null (Kevin Cheng), May 1, 2005

CC License: Attribution-Noncommercial-Share Alike

<http://www.flickr.com/photos/kurioso/11784898/>

Credit author in the manner s/he specifies

Link to the Creative Commons license

or show chosen logo

Most important: LINK to the work



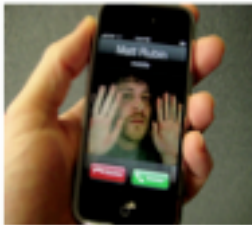
See Creative Commons FAQ wiki.creativecommons.org/FAQ

... or credits at end of presentation

Credits



Library parking garage, by [jonathan_moreau](#) (Jonathan Moreau), March 11, 2007.
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http://www.flickr.com/photos/jonathan_moreau/418008212/



Rubin is iTrapped, by [stillframe](#) (Brad Smith), July 13, 2007.
CC License: Attribution, Noncommercial, No Derivative Works.
<http://www.fotopedia.com/wiki/IPhone>
<http://www.flickr.com/photos/stillframe/803148758/>



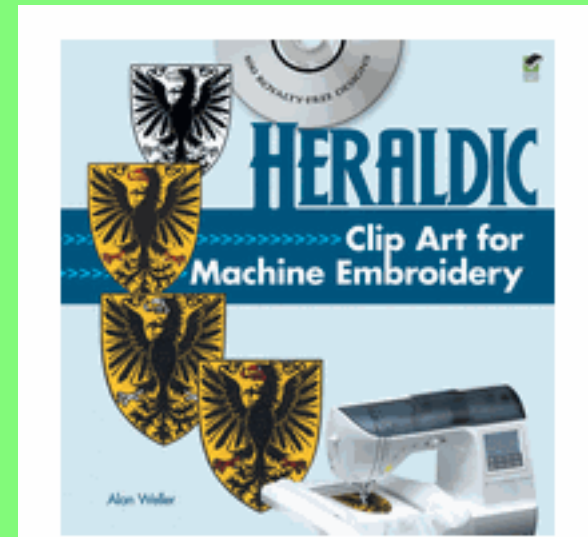
Roberto believes in his iPhone camera, by [quinnanya](#) (Quinn Dombrowski) October 30, 2009.
CC License: Attribution, Share Alike.
<http://www.flickr.com/photos/quinnanya/4060344109/>

Clip Art

Hard copy – simplest
(no license)

Dover Publications

Take your own photo



Clip Art – Web, CD-ROM

Click-Wrap
Shrink-Wrap
Agreements

X I agree

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SEARCH BUSINESS Fall Sale BUSINESS

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Our CD-ROM and Book sets give graphic artists, designers, and crafters access to a wealth of decorative borders and ornaments, specialty fonts and fancy initials, historical engravings and line illustrations, and a variety of classic fine and period art from all over the world – all at prices just about anyone can afford. With these digital clip art collections, the images displayed in the book are also supplied in multiple digital file formats on the accompanying disc, so users can incorporate images directly into their work and manipulate them readily to suit their needs. All of our high-quality sets are produced at the lowest price possible and often feature over 200 hard-to-find images.

NEW Series and Collections

- Design Tools, Brushes, Backgrounds
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- Animal, Birds, Sea Life
- Celtic, Norse
- Design Tools, Brushes, Backgrounds
- Display Fonts (Lettering)
- Embroidery Designs
- Fashion, Costume
- Fine Art, Advertising, More
- Flowers, Floral Designs, Plants
- Historical Design
- Holidays
- Japanese, Chinese, Egyptian, African, More
- Men, Women, Children

Fine Art, Advertising, and Photographs

- AMERICAN WEST
- Monet
- SPACE PHOTOS

Clip Gallery : PowerPoint

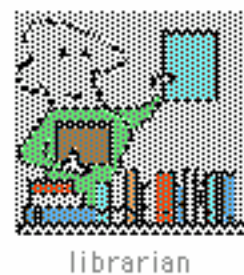
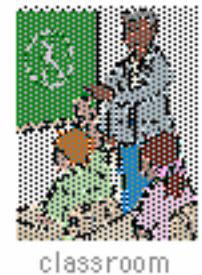
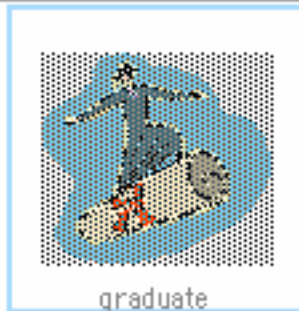
Clip Gallery

Search:

Category

- Search Results
- Favorites
- Lost & Found
- Academic
- Animals
- Buildings
- Business
- Communications
- Emotions
- Entertainment
- Food & Dining
- Gestures
- Government
- Healthcare & Medicine

Clips 1 - 13 of 13 in Academic



Show:

Preview



Microsoft Clip Art

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elements by themselves
product is the main
further license or
distribute for commercial
representation of
trademarks, or elements
could imply an endorsement
or activity; or (iv)

For more information
webpage (<http://>)

You may not

1. Redistribute (if clip art is the primary value)
2. Give your users rights to redistribute
3. Commercial use (as specified)
4. Create obscene works

Some Copyright Statements Give Permission



My cat with string attached
© Mary Minow 2008.
May reproduce for print use only.

Strings attached.
Must satisfy
copyright owner's
conditions*

*Fair Use or other exceptions
might apply (unless a valid
contract is formed)

If actual valid license
agreement, terms and
conditions can override
Fair Use

Asking for Permission

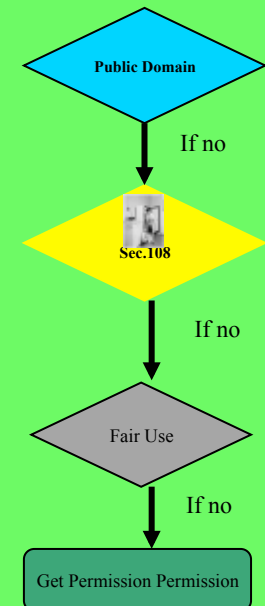
Verbal is legally sufficient

Best to ask in writing

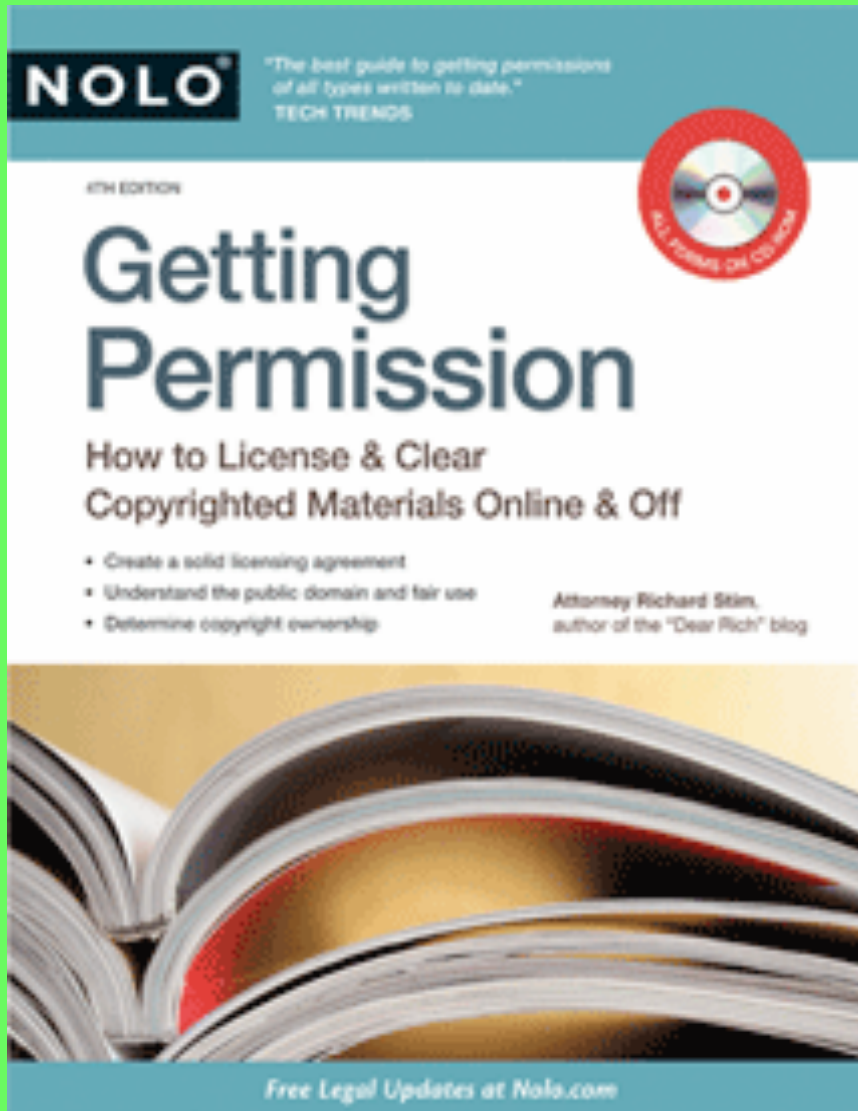
*proof

*assurance that signer has authority to give

Is it okay to copy digital graphic?



Get Permission



Forms

- Text Permission Worksheet
- Text Permission Letter Agreement
- Text Permission Agreement
- Photo Permission Worksheet
- Photo Permission Agreement
- Artwork Permission Agreement

www.nolo.com/products/getting-permission-RIPER.html

2. Mine

Images created by library staff

Images of my library and staff



The staff in the Library's Interpretive Programs Office work together to develop presentations that feature the Library's treasures. - *John Sayers*

Staff creates image – who owns?

Employer owns

“works made for hire”

by employee at direction
of employer

BUT

independent contractor
(freelance graphic artist),
artist is the owner,

absent a valid “work made for hire”
agreement



Can local government be copyright owner?



Yes. Only FEDERAL GOVERNMENT works are in the Public Domain per federal law.

States and local governments may *dedicate* works to the public domain. Rarely do.

May offer creative commons licenses.

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Enter image address

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Interesting searches: [James Bond](#), [Heartbrand](#), [Engineer Barbie](#)

Reverse
search
image
engine



<http://www.tineye.com/>



362 Results

Searched over **2.0228 billion** images in 1.528 seconds.
for file:
http://caps.ucsd.edu/self_help_library_web/self_help_libr

These results expire in 72 hours. [Why?](#)

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Sort Order

Best Match

Most Changed
Biggest Image

Share Results

On Twitter
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Via Email
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[Compare](#) | [Link](#)
JPEG Image
600x530, 135.2 KB

airow.com
[showcontent.php](http://airow.com/showcontent.php?viewgroups=1)
<http://airow.com/?viewgroups=1>



[Compare](#) | [Link](#)
JPEG Image
600x530, 51.1 KB

www.principledpolicy.com
[bookstack.jpg](http://www.principledpolicy.com/bookstack.jpg)
http://www.principledpolicy.com/blog/index.php?blog=1&category=0&date_archives=0

[view all 3 matches](#)

sarahhamidmahmoud.blogspot.com
[self_help_library_home.jpg](http://sarahhamidmahmoud.blogspot.com/self_help_library_home.jpg)
<http://sarahhamidmahmoud.blogspot.com>

education.systemgroup.net
[b22f0d6d186b4fd.jpg](http://education.systemgroup.net/news/d/b22f0d6d186b4fd.jpg)
<http://education.systemgroup.net/news/d/b22f0d6d186b4fd.jpg>

www.tuanvietnam.net
[1806giaoduc2.jpg](http://www.tuanvietnam.net/vn/thongtinde/1806giaoduc2.jpg)
<http://www.tuanvietnam.net/vn/thongtinde/1806giaoduc2.jpg>

community.adlandpro.com
[self_help_library_home.jpg](http://community.adlandpro.com/self_help_library_home.jpg)

Yes, I was able

to search

by the

IMAGE

Google
images

Search by image

Search Google with an image instead of text.

[Paste image URL](#) | [Upload an image](#)

[Browse...](#)

Or drag an image here

<http://www.tineye.com/>

<http://www.google.com/insidesearch/searchbyimage.html>

Takedown request

If you are a copyright owner or an agent thereof and believe that any User Submission or other content infringes upon your copyrights, you may submit a notification pursuant to the Digital Millennium Copyright Act ("DMCA") by providing our Copyright Agent with the following information in writing (see 17 U.S.C 512(c)(3) for further detail):

1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
2. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;
3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled and information reasonably sufficient to permit the service provider to locate the material;
4. Information reasonably sufficient to permit the service provider to contact you, such as an address, telephone number, and, if available, an electronic mail;
5. A statement that you have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
6. A statement that the information in the notification is accurate, and under penalty of perjury, that you are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

<http://twitpic.com/terms.do>

Chillingeffects.org – shows takedown requests

Chilling Effects

Home | Weather Reports | Report Receiving a C&D Notice | Search the Database | Topics Sending

Topic Home | FAQs

Monitoring the legal climate for Internet activity



[Chilling Effects Clearinghouse](#) > [DMCA Notices](#) > [Notices](#) > DMCA (Copyright) Complaint to Twitter (NoticeID 132629, <http://chillingeffects.org/N/132629>)

Print-friendly

DMCA (Copyright) Complaint to Twitter

August 31, 2011

Sender Information:

Universal Music Group (authorized representative: Recording Industry Association of A
Sent by: [Private]
Online Anti-Piracy, RIAA
Washington, DC, 20004, USA

Recipient Information:

[Private]
Twitter
San Francisco, CA, 94107, USA

Sent via: Twitter form

Re: Dear Twitter, I am reporting copyright infringement.

RIAAAntipiracy, Aug-31 09:46 am (PDT):

[DMCA](#) Takedown Notice

Tell us about yourself: I am an authorized representative of the copyright owner.
Copyright owner's full name: Universal Music Group (authorized representative: Recording Industry Association of America, Inc.)
Your full name: [redacted]
Job title: Online Anti-Piracy, RIAA

Email address: [redacted]
Street address: [redacted]
City: Washington
State/Province: DC
Postal code: 20004
Country: USA
Phone number (optional): [redacted]
Fax number (optional): [redacted]

Reported Twitter account: @ThaCarterCartel
Type of infringing material: n/a

FAQ: Questions

- [Why does a search engine get DMCA takedown notices for materials in its search listings?](#)

Other Recent C&Ds

- [DMCA \(Copyright\) Complaint to Twitter](#), Universal Music Group (authorized representative: Recording Industry Association of A, August 31, 2011
- [DMCA \(Copyright\) Complaint to Twitter](#), Universal Music Group (authorized representative: Recording Industry Association of A, August 31, 2011
- [DMCA \(Copyright\) Complaint to Twitter](#), Universal Music Group (authorized representative: Recording Industry Association of A, August 30, 2011
- [DMCA \(Copyright\) Complaint to Twitter](#), Universal Music Group (authorized representative: Recording Industry Association of A, August 25, 2011
- [Movie DMCA \(Copyright\) Complaint to Twitter](#), Magnolia Pictures, September 7, 2011

[more](#)

Related News

- [Repeat Senders](#), Wendy Seltzer, *Chilling Effects Clearinghouse*, December 15, 2010
- [Better to Switch Than Fight?](#), David Abrams, *Chilling Effects Clearinghouse*, September 3, 2010
- [The IFPI's Takedown Campaign: By the Numbers](#), Blake Ellis Reid, *Chilling Effects Clearinghouse*, May 16, 2010
- [Fight the \[Automated\] Powers That Be](#), David Abrams, *Chilling Effects Clearinghouse*, April 27, 2010
- [We Don't Need No Stinkin' Court Order. We've Got the DMCA.](#), David Abrams, *Chilling Effects Clearinghouse*, March 11, 2010

[more](#)

Other Topics

- [ACPA](#)
- [Anticircumvention \(DMCA\)](#)
- [Chilling Effects](#)
- [Copyright](#)
- [Copyright and Fair Use](#)
- [Court Orders](#)
- [Defamation](#)
- [Derivative Works](#)
- [DMCA Safe Harbor](#)

What are my legal rights?

Online service provider has safe harbor if it follows DMCA take down procedures

May sue party that posted your image if image is registered with U.S. Copyright Office

Register copyright online \$35

The screenshot shows the homepage of the United States Copyright Office. At the top left is the 'Copyright' logo with 'United States Copyright Office' underneath. To the right is a search bar with the text 'Search our site' and a 'GO' button. Below the search bar is a navigation menu with buttons for 'About', 'News', 'Publications', 'Forms', 'Law', 'Licensing', 'Registration', and 'Search Records'. On the left side, there is a 'Hot Topics' section with links to 'Designation of OSP Agent', 'Discontinuance of Form CO in Registration Practices', and '1201 Notice of Inquiry and Request for Comments'. The main content area is divided into two columns. The left column is titled 'About Copyright' and contains a list of links: 'Copyright Basics (en Español)', 'Frequently Asked Questions (FAQ)', 'Current Fees', and 'Taking the Mystery Out of Copyright (for students and teachers)'. The right column is titled 'How to Register a Work' and contains a link for 'eCO Login' and a logo for the 'Electronic Copyright Office' which features a stylized 'e' in a circle with an arrow pointing to it.

Protection upon creation in fixed format...

But to get \$\$\$ need to register, must timely register

(within 3 months of publication or before infringement begins)

<http://copyright.gov>

Registration is simple

The screenshot shows the 'Registration Process Overview' page on the Copyright Home website. The page features a navigation bar with links for Home, My Profile, Contact Us, Help, and Log Out. The main content area is titled 'Registration Process Overview' and includes a '<< Back' button and a 'Start Registration' button. Below this, there is a link for general information and a list of three steps: 'Step 1: Complete an application', 'Step 2: Make payment', and 'Step 3: Submit your work'. A callout box on the right points to these steps, and another callout box at the top points to the 'Start Registration' button. A privacy notice is visible at the bottom of the page.

Copyright Home

Home | My Profile | Contact Us | Help | Log Out

Registration Process Overview

<< Back | Start Registration

For general information on copyright registration, click [here](#).

Register a claim in three steps in the following order:

- Step 1: [Complete an application](#)**
- Step 2: [Make payment](#)**
- Step 3: [Submit your work](#)**

To begin, click the START REGISTRATION button above.

Privacy Act Notice: Sections 408-410 of title 17 of the United States Code authorize the Copyright Office to collect the personally identifying information requested on this form in order to process the application for copyright registration. By providing this information you are agreeing to routine uses of the information that include publication to give legal notice of your copyright claim as required by 17 U.S.C. § 705. It will appear in the Office's online catalog. If you do not provide the information requested, registration may be refused or delayed, and you may not be entitled to certain relief, remedies, and benefits under the copyright law.

FEEDBACK

What if my library wants to give permission so others may use?



About

Licenses

Public Domain

Support CC

Projects

News

With a Creative Commons license, **you keep your copyright** but allow people to **copy and distribute** your work under the conditions you specify here. For those new to Creative Commons licensing, we've prepared a **list of conditions** attached, or you want to mark a work that is already free of known copyright restrictions, we have **tools**.

When you choose a **license**, we provide you with HTML you can use to add the license information to your work. We also provide you with HTML for several free hosting services that have incorporated Creative Commons. This is not a registration

Allow commercial uses of your work?

Yes

No

Allow modifications of your work?

Yes

Yes, as long as others share alike

No

Jurisdiction of your license

International

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

Images of my library and staff

Photos of library,
staff and patrons



<http://www.flickr.com/photos/quinnanya/4060344109/>

Patron asks to take photo for blog

Library says:

- 1) Yes.
- 2) Yes, for private use.
- 3) Yes, but no patrons without their permission.
- 4) No.



Are any of these answers legally correct?

Guiding Principles



Follow library policy

Treat everyone same

Check with lawyer
before restricting
photos

1) Library Says Yes

Library is public place.



Deal with abusive behavior under
conduct codes.

What About Critics?

Q: What if photographer is critical of govt and posts with derogatory comments?



Drawing by AndyRob CC
Attribution 2.0 [www.flickr.com/
photos/aroberts/3056047060/](http://www.flickr.com/photos/aroberts/3056047060/)

What About Bad Uses?

Q: What if photographer is critical of govt and posts with derogatory comments?



A: That's her First Amendment right.

**Focus on photo taking,
not uses

Drawing by AndyRob CC
Attribution 2.0 [www.flickr.com/
photos/aroberts/3056047060/](http://www.flickr.com/photos/aroberts/3056047060/)

2) Library says yes, for Private Use

... or “noncommercial use”

No longer meaningful...
blogs, ads...

Use conduct policy.



California law forbids some *uses* of photos

Any person who knowingly uses another's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services, without such person's prior consent ... shall be liable for any damages sustained.

Cal. Civ. Code § 3344(a)

Direct connection

use of a name, voice, signature, photograph, or likeness in a commercial medium shall not constitute a use for which consent is required under subdivision (a) solely because the material containing such use is commercially sponsored or contains paid advertising. Rather it shall be a **question of fact whether or not the use of the person's name, voice, signature, photograph, or likeness was so directly connected** with the commercial sponsorship or with the paid advertising as to constitute a use for which consent is required under subdivision (a).

Cal. Civ. Code § 3344(e)

3) Library says Yes, but not without Patrons' Permission.

Broad prohibition.

Need to justify. See attorney.

Hard to enforce.



No audible click.

Generally, Photographers Do Not Need Consent in Public Places

Taking the Photo

Using the Photo



[herzogbr](#)

Attribution-Noncommercial-Share Alike 2.0 Generic
www.flickr.com/photos/herzogbr/1658397241/

newsworthiness:

"a use of a name, voice, signature, photograph, or likeness in connection with any news, public affairs, or sports broadcast or account, or any political campaign, shall not constitute a use for which consent is required."

Cal. Civ. Code § 3344(d)

4) Library says: No Photography

Need to justify. See attorney.

Some justifications:

No Flash (bothers users)



Library Responsibility for Patron Privacy?

Expectation of privacy?



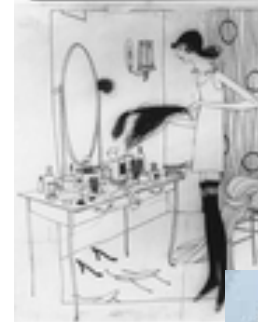
Public restrooms and upskirting

Calif. Penal Code 647(j) **CALL POLICE**



Library records

Calif. Govt Code 6267



Possibly at closed children's programs



mere presence
in library
not protected



Video voyeurism laws <http://tinyurl.com/videovoyeur>

Copyright Issue

Library is not the copyright police

Could be fair use

Could be another legally
justified use



... But Library Must Honor Contracts re Exhibits, Programs

Protect commercial interest of
exhibitors, performers

... How to enforce?



(don't sign contracts you can't honor)

For discussion of On the Road exhibit, see <http://williampatry.blogspot.com/2006/02/on-road-again.html>

Sample Library Policy

Filming and photography is allowed if it does not interfere with the delivery of library services.

Persons filming or taking photographs on library premises are responsible for gaining all necessary permissions to use the photos.

Taking photos or videos of persons in the library who ask not to be photographed is unacceptable under the Library's Code of Conduct.

Library staff may terminate any photo session that violates Library policies or appears to compromise public safety or security.

Family in Prague store window

Here is the real picture:



And here is our modeling debut in Prague.



Legal recourse if pictures of library staff or patrons show up in unusual places?

<http://www.extraordinarymommy.com/are-you-kidding-me/stolen-picture/>

Family in Prague store window

Here is the real picture:



And here is our modeling debut in Prague.



Legal recourse if pictures of library staff or patrons show up in unusual places?

Yes, if commercial use

Otherwise must show
invasion of privacy

(impossible if taken in public place),

false light

<http://www.extraordinarymommy.com/are-you-kidding-me/stolen-picture/>

3. Ours: Social Media

Who owns photos users post to our site?

Who owns images library posts on flickr, facebook, twitter etc.?

What if we get a takedown notice for an image *a patron* posted to our site?

Users as Copyright Owners

Person who creates picture is default owner

Ownership can be transferred by contract



<http://www.flickr.com/photos/quinnanya/4060344109/>

Owner of library photos on flickr etc.

Fine print in Terms of Service (TOS)

Flickr, Twitter, Facebook:

Creator is owner; posting it gives them permission to display

Flap last May – Twitpic claimed ownership of photos uploaded.
Backed down right away.

Takedown Notice for Patron-posted photos



Designate copyright agent to receive complaints

Put agent contact info on your site

... Limits copyright liability for user content

Take down notices procedure and samples at chillingeffects.org

'Chinese New Year 4704 (2007)' by FaceMePLS (via Flickr). CC BY license.

Protect library from copyright action based on images a patron posts to library site

Interim Designation of Agent to Receive Notification of Claimed Infringement

Full Legal Name of Service Provider: _____

Alternative Name(s) of Service Provider (including all names under which the service provider is doing business): _____

Address of Service Provider: _____

Name of Agent Designated to Receive Notification of Claimed Infringement: _____

Full Address of Designated Agent to which Notification Should be Sent (a P.O. Box or similar designation is not acceptable except where it is the only address that can be used in the geographic location): _____

Telephone Number of Designated Agent: _____

Facsimile Number of Designated Agent: _____

Email Address of Designated Agent: _____

Signature of Officer or Representative of the Designating Service Provider: _____
Date: _____

Typed or Printed Name and Title: _____

Note: This Interim Designation Must be Accompanied by a Filing Fee*
Made Payable to the Register of Copyrights.
*Note: Current and adjusted fees are available on the Copyright website at
www.copyright.gov/docs/fees.html

Mail the form to:
Copyright GC/I&R
P.O. Box 70400
Washington, DC 20024

Sample website language:

Peninsula Library System

The screenshot shows the 'Terms and Conditions' page of the Peninsula Library System. The page includes a navigation menu with links for 'Home', 'About Us', 'Contact Us', and 'Privacy Policy'. The main content area is titled 'Terms and Conditions' and includes a 'Copyright' section with the following text: 'COPYRIGHT NOTICE. Copyright © 2008 Peninsula Library System. All rights reserved. All content included on this site, such as text, graphics, logos, icons and images is the property of the Peninsula Library System or its content suppliers and is protected by United States and International copyright law and the copyright notice and the permission notice appear on all documents and materials available on this site. The information on this site is the intellectual property of the Peninsula Library System and is provided to you for your personal use only and is not to be reproduced, distributed, or otherwise made available to the public without the express written permission of the Peninsula Library System. Violations will be prosecuted to the maximum extent possible.' Below this, there is a 'Disclaimer' section and a 'Links to Other Sites' section. A red box highlights the URL www.plsinfo.org/copyright in the 'Copyright Complaints' section.

Form – <http://www.copyright.gov/onlinesp/agent.pdf>

Info and directory of agents <http://www.copyright.gov/onlinesp/>

Summary

1. Yours: using other people's images

2. Mine:

images created by my library
images of my library

3. Ours: social media

Legal information, not legal advice

Check with your jurisdiction's legal authority.

Credits



Library parking garage, by jonathan_moreau (Jonathan Moreau), March 11, 2007.

CC License: Attribution, Noncommercial, No Derivative Works.

http://www.flickr.com/photos/jonathan_moreau/418008212/



Rubin is iTrapped, by stillframe (Brad Smith), July 13, 2007.

CC License: Attribution, Noncommercial, No Derivative Works.

<http://www.fotopedia.com/wiki/IPhone>

<http://www.flickr.com/photos/stillframe/803148758/>



Roberto believes in his iPhone camera, by quinnanya (Quinn Dombrowski) October 30, 2009.

CC License; Attribution, Share Alike.

<http://www.flickr.com/photos/quinnanya/4060344109/>

Credits Continued



Giant Paper Boats in Sai Kung, by kev/null (Kevin Cheng), May 1, 2005

CC License: Attribution-Noncommercial-Share Alike

<http://www.flickr.com/photos/kurioso/11784898/>



Theatre Critics by aroberts (Andy Roberts), November 24, 2008.

CC License; Attribution

www.flickr.com/photos/aroberts/3056047060/



Chinese New Year 4704 by FaceMePLS, February 17, 2007.

CC License; Some Rights Reserved: Attribution.

<http://www.spixi.com/i/2915423471?link=direct&size=5>