Presentation Power: Be an Agent of Ethical Image Use!

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#SIDLIT2016
Objectives

▪ Identify the exclusive rights of copyright holders
▪ Identify the types of Creative Commons licenses
▪ Define public domain
▪ Name sources for finding health sciences and other stock images
Basis of Copyright Law

United States Constitution Article I, Section 8

The Congress shall have Power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

Image by jp26jp / CC0
What Can Be Protected by Copyright?

- (1) literary works
- (2) musical works, including any accompanying words
- (3) dramatic works, including any accompanying music
- (4) pantomimes and choreographic works
- (5) pictorial, graphic, and sculptural works
- (6) motion pictures and other audiovisual works
- (7) sound recordings
- (8) architectural works

–Title 17, Chapter 1, §102, United States Code
Criteria for Copyright Protection

- Fixed in any tangible medium of expression
- Originality – minimum amount of creativity

Registration not required (but has benefits)

© copyright notice not required

“Georgia + Jason doodle napkin” by Jason Eppink is licensed under CC-BY 2.0
## “for limited Times”

<table>
<thead>
<tr>
<th>Published before 1923*</th>
<th>Copyright expired</th>
</tr>
</thead>
<tbody>
<tr>
<td>Published after 1978*</td>
<td>Copyright lasts life of the author plus 70 years</td>
</tr>
<tr>
<td>Published between 1923 and 1978*</td>
<td>It’s complicated!</td>
</tr>
</tbody>
</table>

*For items published in the United States*
Exclusive Rights of Copyright Holders

Copyright owner has the right to (or can authorize someone else to):

▪ (1) make copies
▪ (2) create derivatives
▪ (3) distribute copies
▪ (4) perform publicly
▪ (5) display publicly
▪ (6) for sound recordings, perform publicly by means of a digital audio transmission

All rights reserved.

– Adapted from Title 17, Chapter 1, §106, United States Code
What Can’t Be Protected by Copyright?

▪ Facts

▪ Ideas (no tangible form)

▪ Most United States (federal) government works
Limitations on Exclusive Rights

§110(1) – Performance or display in face-to-face teaching activities of a nonprofit educational institution
Limitations on Exclusive Rights

§110(2) – Performance or displays in distance learning

Tips

• Limited to registered students only
• Password protected access
• Available only for the duration of the course
Limitations on Exclusive Rights

§107 – Fair use

Exceptions for

▪ Education
▪ Research
▪ News reporting
▪ Criticism
▪ Commentary

Determine if a use is fair by considering 4 factors
Four Factors of Fair Use

▪ (1) the **purpose** and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
▪ (2) the **nature of the** copyrighted work
▪ (3) the **amount and substantiality** of the portion **used** in relation to the copyrighted work as a whole
▪ (4) the **effect** of the use upon the potential **market** for or value of the copyrighted work

–Title 17, Chapter 1, §107, United States Code [bold/underlining added]
# Purpose of the Use

<table>
<thead>
<tr>
<th>Favoring Fair Use</th>
<th>Opposing Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teaching (including multiple copies for classroom use)</td>
<td>Commercial activity</td>
</tr>
<tr>
<td>Research or scholarship</td>
<td>Profiting from the use</td>
</tr>
<tr>
<td>Nonprofit educational institution</td>
<td>Entertainment</td>
</tr>
<tr>
<td>Criticism or comment</td>
<td>Bad-faith behavior</td>
</tr>
<tr>
<td>News reporting</td>
<td>Denying credit to original author</td>
</tr>
<tr>
<td>Transformation or productive use</td>
<td></td>
</tr>
<tr>
<td>Parody</td>
<td></td>
</tr>
</tbody>
</table>

Adapted from Crews & Butler, 2008, licensed under [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0)
# Nature of the Work

<table>
<thead>
<tr>
<th>Favoring Fair Use</th>
<th>Opposing Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Published work</td>
<td>Unpublished work</td>
</tr>
<tr>
<td>Factual or nonfiction based</td>
<td>Highly creative work (art, music, novel, films, plays)</td>
</tr>
<tr>
<td>Important to favored educational objectives</td>
<td>Fiction</td>
</tr>
</tbody>
</table>

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# Amount & Substantiality Used

<table>
<thead>
<tr>
<th>Favoring Fair Use</th>
<th>Opposing Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small quantity</td>
<td>Large portion or whole work used</td>
</tr>
<tr>
<td>Portion used is not central or significant to the entire work</td>
<td>Portion used is “heart of the work”</td>
</tr>
<tr>
<td>Amount is appropriate for favored educational use</td>
<td></td>
</tr>
</tbody>
</table>

Adapted from Crews & Butler, 2008, licensed under [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0)
## Effect upon the Market

<table>
<thead>
<tr>
<th>Favoring Fair Use</th>
<th>Opposing Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>User owns lawfully acquired copy</td>
<td>Could replace sale of the copyrighted work</td>
</tr>
<tr>
<td>One or few copies made</td>
<td>Significantly impairs market</td>
</tr>
<tr>
<td>No significant effect on the market</td>
<td>Reasonably available licensing mechanism</td>
</tr>
<tr>
<td>No similar product marketed by copyright holder</td>
<td>Affordable permission available</td>
</tr>
<tr>
<td>Lack of licensing mechanism</td>
<td>Numerous copies made</td>
</tr>
<tr>
<td>Making it accessible on the Web/publicly</td>
<td>Repeated or long term use</td>
</tr>
</tbody>
</table>

Adapted from Crews & Butler, 2008, licensed under CC BY 4.0
Sources with Copyright Protected Images

Health Sciences Images
AccessPharmacy
AccessMedicine
ClinicalKey
UpToDate

Other Images
CAMIO (Catalog of Art Museum Images Online)
Digital Sanborn Maps
Artstor
Library of Congress Prints and Photos Online Collection (PPOC)

Check your library’s list of databases
Check each resource and image for terms & conditions of use
Creative Commons

Photo by Kristina Alexanderson is licensed under CC BY 2.0
Creative Commons

- Founded in 2001 by Lawrence Lessig
- A copyright licence that allows you more freedom to share work
- Allow others to share, use, modify your work
- Six licenses to apply to your songs, videos, images, papers, books, etc.

creativecommons.org
License Elements

BY - Attribution

NC - NonCommercial

ND - NoDerivs

SA - ShareAlike

All images are from Creative Commons and licensed under CC-BY
Six Combinations

Image from Creative Commons is licensed under CC-BY
Examples of Resources Licenced Under CC

- Rockstar by SR Topo is licensed under CC-BY-NC-SA
- Rockstar Buttons by Jem Yoshioka is licensed under CC-BY-SA
Creative Commons Licensed Images

Health Education Assets Library (HEAL)
Creative Commons: More Sources

- Wikipedia
- YouTube

Search for Creative Commons Licensed Images
- Flickr
- Photosforclass
- Google
- CC Search
LMS Tools

- Search and embed Creative Commons digital content
- Flickr images includes licences

Library by Geoff Coupe is licensed under CC-BY-NC-SA
Public Domain
Public Domain

Works no longer or never protected by copyright

Includes:

▪ U.S. government works
▪ Works with expired copyright
▪ Works for which creator waived exclusive rights
CC0 Public Domain Dedication

- Use on your work to waive your exclusive rights
- Dedicate your work to the public domain

Example:
CC0 is default licence for datasets on figshare

No Rights Reserved.
CC Public Domain Mark

- Use to mark works that are free of copyright restrictions
- Should be used for items free of copyright all around the world
Public Domain Images

Public Health Image Library (PHIL)*

*Check each image’s usage terms. The site contains some copyrighted images
Public Domain: More Sources

- Genome Image Gallery
- National Cancer Institute*
- National Gallery of Art*
- National Institute of Mental Health
- US Department of Agriculture

- pixabay
- morgueFile
- unSplash

*Check each image’s usage terms. These sites contain some copyrighted images.
Citing Images
Usual Components of a Citation

1. Quotation marks
2. In-text citation (parenthetical, endnote, or footnote)
3. Reference entry
Citing When the Expression Is an Image or Illustration

- No quotation marks
- Use an in-text citation in the running text
- Use a credit line with the item
- List the item in the references (as needed)

**Usual Components of a Citation**

1. Quotation marks
2. In-text citation (parenthetical, endnote, or footnote)
3. Reference entry
Best Practices for Creative Commons

T = Title?
provide title of work

A = Author?
include author name & link to profile

S = Source?
link to original source page

L = License?
indicate terms & link to license deed

"Georgia + Jason doodle napkin" by Jason Eppink is licensed under CC-BY 2.0
References


Creative Commons. (n.d.) [Creative Commons icons]. Retrieved from [https://creativecommons.org/about/downloads/](https://creativecommons.org/about/downloads/)

Crews, K.D. & Butler, D.K. Fair use checklist. Retrieved from [https://copyright.columbia.edu/content/dam/copyright/Precedent%20Docs/fairusechecklist.pdf](https://copyright.columbia.edu/content/dam/copyright/Precedent%20Docs/fairusechecklist.pdf)

Q&A

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