



# Grappling with Digital Copyright: Images, Videos & Music

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**Images**

**Videos**

**Music**

**DISCLAIMER**

**This is not legal advice**

**Please consult a Copyright Lawyer.**

## Outcomes

- ✓ Apply copyright guidelines to evaluate the images, videos and music to best meet the purpose
- ✓ Quickly and effectively assess the digital copyright concerns of resources
- ✓ Discover Digital Copyright Resources



(Anonymous101, 2008)

## Place to Start

- **Assume** all content is protected by copyright
- Educational use is **not** a safety net
- **Royalty-free** is not cost free
- Attribution is **not** enough
- **Password-protection** is not enough

(Hoon, n.d.b)



(МихаилБанчев, 2016)

## Basics

### Automatic Protection

- \* Originality
- \* Fixed Format
- \* Minimally Creative



(Petelinforth, 2015)

**Protects the expression  
of an idea**

### Does **NOT** Protect

- Ideas
- Facts
- History
- News



# Licensed Content



(Bykst, 2016.)

Licenses or Contracts

**ALWAYS**

take Precedence

in

Copyright Cases

You can **only** use the material according to your license specifications.

## Question 1

The Copyright of a photo usually resides with the person who took the photo. Under this assumption who best holds the copyright to the “Ellen Selfie”?

- a. Ellen DeGeneres
- b. Bradley Cooper
- c. Samsung
- d. All the actors in the photo



<https://twitter.com/theellenshow/status/440322224407314432>



## Images

- Who owns the copyright according to the US Copyright Act?
  - Work for hire?
- Why releases from people in the picture?
  - Who owns their own likeness?
- Creative Common Licenses

### *Good News!*

There is No Copyright infringement with taking pictures of your Food! Unless there are signs prohibiting it.



## Types of Sites

### Google

- Search engine
- Depends on how image is posted
- Sort feature is very limiting, but a place to start.

### Flickr (Yahoo)

- Repository of images
- Depends on the owner
- Sites must link back to Flickr

(The Flickreens, 2017)

### Creative Commons

- Content is licensed
  - Check each image for requirements
- Not a search engine, nor a repository, rather provides access to other sites
  - Pixabay
  - Flickr
  - Wikimedia

# Example

The screenshot shows a Pixabay image page. The main image is a fisherman in a small boat on the water at sunset, holding a large fishing net. The page includes a search bar, navigation links, and a sidebar with user information and download options.

pixabay All images Search images, vectors and videos Explore Sign up Log in

Fischer Fishing Boat Boat Fish Sea Water Lake

Myriams-Fotos / 1324 images Coffee Follow

387 317

**CC0 Creative Commons**  
Free for commercial use  
No attribution required

Free Download

Like Pixabay on Facebook Like 500K Share

Sponsored Images shutterstock

(Myriams-Fotos, 2017)

## Highsmith vs. Getty

Photographer received a bill from Getty Images for using her own images

- Highsmith gifted her work to the Library of Congress in the public domain since 1992
  - 18,755 images available for free, in high-resolution

(“Highsmith”, n.d.)

Getty Images

- “acknowledges that the images are in the public domain, but still maintains that it has the right to charge a fee for distributing the material.”

(Hiltzik, 2016)



Library of Congress, Prints & Photographs Division, photograph by Carol M. Highsmith [reproduction number, e.g., LC-USZ62-123456]

(Highsmith, 2008)

## Question 2

A faculty member wants to show a **video** in class (face-to-face classroom instruction in a non-profit educational institution)

Where can they get the video from?

- a. Faculty personally owns a legal copy
- b. Netflix account
- c. Library owns a copy
- d. Redbox
- e. All of the above

## Videos

Don't Download! Embed or Link



- Let YouTube manage the Copyright concerns and challenges

The Netflix logo, consisting of the word "NETFLIX" in red, bold, uppercase letters on a white background.

### Educational Screenings of Documentaries

Some Original educational documentaries are available for one-time educational screenings.

To find out which titles are available for educational screenings, go to the "Only On Netflix" section of [media.netflix.com](https://media.netflix.com).

Titles that are available for educational screening will display the following grant of permission on their details page:

## Rights Needed?

**Sec.101 of U.S. Copyright Act:** defines a public performance as one for people outside the normal circle of family and friends, or at a venue that is open to the public.

(Cameron, n.d.)

### Classroom Instruction

- Non-profit educational institution
- Face-To-Face instruction
- Academic Discussion
- Directly related to the course

**VS**

### Student Club Movie Night

- Doesn't matter if admission is charged
- PPR should be purchased
  - Swank Motion Pictures



## Music

Essentially all Sound Recordings are under copyright protection until 2067 in the U.S.

### Sampling

- 1991 ruling by US Supreme Court
- Get permission or it will be considered stealing
- Changed the way the music industry operated



If you believe that this content should not have been removed from Instagram, you can contact the complaining party directly to resolve your issue:

Report #: 377251929143079

Rights Owner: NPG Records Inc.

Email: [npgrecords2@gmail.com](mailto:npgrecords2@gmail.com)

Copyrighted Work: Artwork my organization or client created



# Best Practices

- Ask Permission
- Be wary of the 3 M's (Movies, Music & the Mouse)
- Link to the content – don't copy
- Post a copyright statement on copyrighted material
- Librarians are your best resource!
- Make educated decisions

# Grappling with Digital Copyright

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