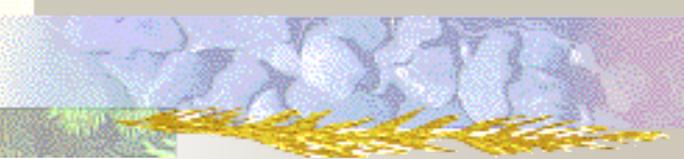
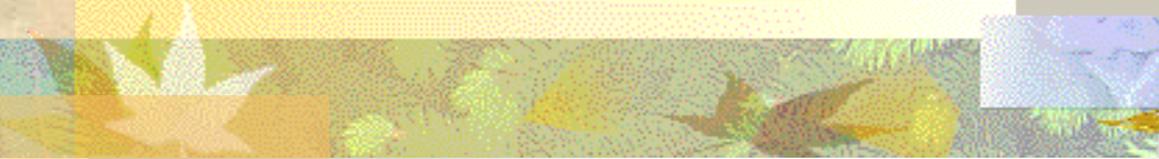


Using Images



Fair Use and Creative
Commons



Copyright

- Copyright attaches automatically to any form of expression that is minimally creative.
- Copyright applies to the choice of expression but not to the underlying facts or ideas that are expressed.
 - E.g. a newspaper article is protected for the word choice but not the underlying facts.



Copyright

- Most images are considered creative enough for protection as long as some choice is involved in how the picture was taken.
- Courts have said that museum photographs of out-of-copyright paintings are not creative enough if they only represent the underlying image.



Copyright

- Copyright is structured to grant the owner a series of exclusive rights that are subject to limitations and exceptions that allow certain uses.



Copyright

- The copyright owner's exclusive rights are to:
 - Reproduce the work in copies
 - Prepare derivative works (adapt)
 - Publicly distribute copies
 - Publicly perform (e.g. show a movie)
 - Publicly display (e.g. any image on the Internet)
 - Publicly perform SR by digital audio transmission



User's Rights

- Congress has defined a series of uses that are permissible even if the copyright owner objects.
- The broadest and most general user's right is fair use.



Fair Use

- **Purpose and character of use.**
 - Commercial/non-commercial?
 - Is the use “transformative”
- **Nature of copyrighted work.**
 - How much original expression involved.
- **Amount and substantiality of portion used.**
 - Has defendant taken a substantial portion?
 - Even if not, has defendant taken the “heart” of the work?
- **Effect on the potential market for or value of copyrighted work.**
 - Look to licensing opportunities, etc.
 - Have to consider aggregate effects if others make the same use as defendant



Fair Use

- A transformative use is one that either transforms the copyrighted work OR uses the work in a new context or for a different purpose than the owner primarily intended for the work.
- Courts have held that search engines are making a transformative use when they copy images as thumbnails for the purpose of providing image search.





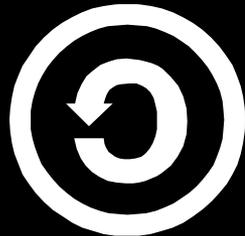
Creative Commons

- Creative Commons licenses are permissions granted to the public with some conditions
- Six CC licenses combine different sets of conditions
- “CC BY” is shorthand for the Creative Commons Attribution license.
 - The only condition on reuse is that the source is properly credited.

Step 1: Choose Conditions



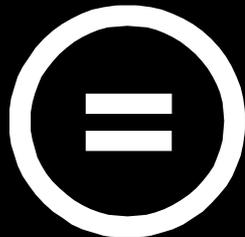
Attribution



ShareAlike



NonCommercial



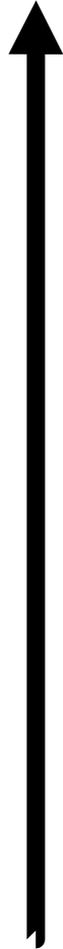
NoDerivatives

Step 2: Receive a License

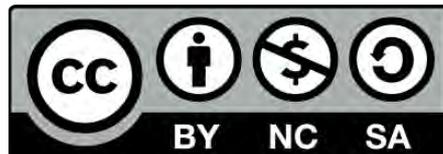
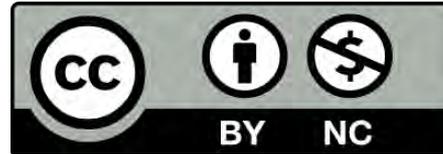


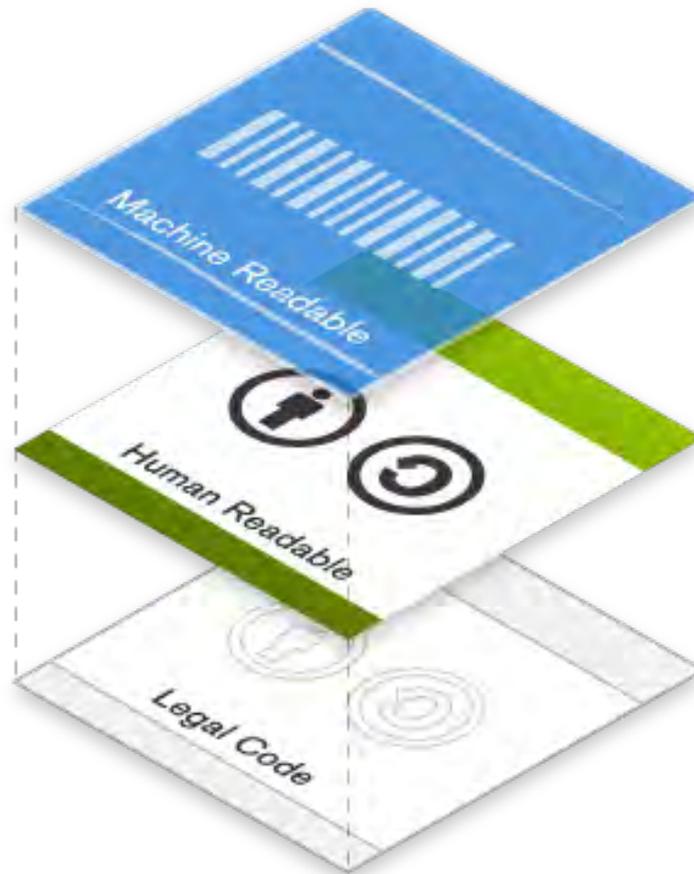


most free



least free







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