Public Domain and Creative Commons Resources for Images and Art: An Overview of Resources You Can Use Freely

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Standard disclaimer
I’m not a lawyer.
• I’ve never played one on TV
Hotel Miramar in Puerto Pollensa, Mallorca Island, Spain; By Son of Groucho (CC 2.0 license: BY) flickr.com
Public Domain and Creative Commons tutorial-- introduction

• Center for Intellectual Property (University of Maryland) Level 1 Certification
• Capstone project
• Desire to potentially create a solution to the problem of “So what can we use without getting sued anyway?”
• What kinds of materials are in the public domain?
• What kinds of materials are in the Creative Commons?
Public Domain and Creative Commons: A Guide to Works You Can Use Freely

http://libguides.lib.umt.edu/PublicDomainCC
Public Domain and Creative Commons: A Guide to Works You Can Use Freely

Here is an in-depth guide to using public domain and Creative Commons materials for your theses, dissertations, publications, and other scholarly projects.

Last update: Mar 21st, 2011  URL: http://libguides.lib.umt.edu/PublicDomainCC  Print Guide  RSS Updates  SHARE

Introduction  Definitions  Is it a Public Domain work?  Is it a Creative Commons work?  Sources for Public Domain Works
Sources for Creative Commons Works  Beware of These Problem Areas  Sources for Learning More

Media Coordinator

Are there materials I can freely use for my project?

So, you're looking for that perfect image, text excerpt, map, music score excerpt, photograph, movie, etc. for your thesis, dissertation, class, or publication.

Consider using works in the public domain or works covered by a Creative Commons (CC) license.

- **Public Domain works**: You do not need to request permission or pay a license fee to use these works; and, for the most part, you can use these works in any way you wish because they are not covered by copyright law.

- **Creative Commons licensed (CC) works**: creators of these works allow certain uses under terms of a license—some of which may be more compatible with academic projects. The uses allowed by the CC license typically do not require you to request permission or pay a license fee.

This tutorial will cover five main points in regards to the basics of finding and using materials in the public domain as well.
What is the public domain?

• Work does not qualify for copyright protection.
• Work’s duration of copyright expired or was not renewed.
• Work was created by the U.S. Government.
• Copyright owner dedicated the work to the public domain.
Kite towing test photos

This work is dedicated to the Public Domain.

Due to restrictions of the Flickr licensing system, this work is marked with a Creative Commons Attribution License. Please disregard that license. You may feel free to attribute authorship to me, though.

Also, please consider letting Flickr know that the community would like Public Domain as an automatic licensing option.
What is the Creative Commons?

Authors allow certain kinds of uses:

• 1. Attribution (Abbreviation: BY):
• 2. Non-Commercial (Abbreviation: NC):
• 3. No Derivative Works (Abbreviation: ND):
• 4. Share Alike (Abbreviation: SA):
• * Public Domain (Abbreviation: CC0):
<table>
<thead>
<tr>
<th>Type of work</th>
<th>Published (Y/N)</th>
<th>Date of creation or publication</th>
<th>Qualifications</th>
<th>Duration of copyright</th>
<th>Duration of copyright-works made for hire</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Works that are</strong>&lt;br&gt;<strong>literary, musical,</strong>&lt;br&gt;<strong>dramatic,</strong>&lt;br&gt;<strong>choreographic,</strong>&lt;br&gt;<strong>pictorial,</strong>&lt;br&gt;<strong>graphic,</strong>&lt;br&gt;<strong>sculptural,</strong>&lt;br&gt;<strong>audiovisual in nature as well as motion pictures</strong>&lt;br&gt;Before 1923</td>
<td>Y</td>
<td>Before 1923</td>
<td>None</td>
<td>Public domain</td>
<td>Public domain</td>
</tr>
<tr>
<td>1923-1963</td>
<td></td>
<td>Published with notice and not renewed</td>
<td>Public domain (Gasaway, 2003).</td>
<td>Public domain</td>
<td>Public domain</td>
</tr>
<tr>
<td>1923-1963</td>
<td></td>
<td>Published with notice and renewed</td>
<td>95 years after date of publication (Gasaway, 2003); (17 U.S.C. Section 302 (b)).</td>
<td>95 years after date of publication.</td>
<td></td>
</tr>
<tr>
<td>1923-1977</td>
<td></td>
<td>Published without notice</td>
<td>Public domain (Hirtle, 2010, &quot;Works Registered or First Published in the U.S.&quot;).</td>
<td>Public domain</td>
<td></td>
</tr>
<tr>
<td>1964-1977</td>
<td></td>
<td>Published with notice</td>
<td>95 years after date of publication (Gasaway, 2003).</td>
<td>95 years after date of publication.</td>
<td></td>
</tr>
<tr>
<td>1978-present</td>
<td></td>
<td>Work must be &quot;fixed in any tangible medium of expression&quot; (U.S. Copyright Office, 2010, 5)</td>
<td>Author’s life plus 70 years (17 U.S.C. Section 302 (a), (b)).</td>
<td>Lesser of: publication date plus 95 years or creation date plus 120 years (17 U.S.C. Section 302 (c)).</td>
<td></td>
</tr>
<tr>
<td><strong>Before 1978</strong></td>
<td>N</td>
<td>Before 1978</td>
<td>You know the authors’ name(s) and you know whether or not they are still living.</td>
<td>Author’s life plus 70 years (17 U.S.C. Section 302 (a)).</td>
<td>The greater duration of: the author’s life plus 70 years, or December 31, 2002 (17 U.S.C. Section 303 (a)).</td>
</tr>
<tr>
<td>1978-present</td>
<td></td>
<td>You know the authors’ name(s) and you know whether or not they are still living.</td>
<td>Author’s life plus 70 years (17 U.S.C. Section 302 (a), (b)).</td>
<td>Author’s life plus 70 years.</td>
<td></td>
</tr>
<tr>
<td>Any</td>
<td></td>
<td>Anonymous, pseudonymous, death date of author is unknown</td>
<td>120 years to the date of work’s creation (17 U.S.C. Section 302 (c), (e)).</td>
<td>120 years to the date of work’s creation.</td>
<td></td>
</tr>
</tbody>
</table>
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Additional Information

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Problem areas with public domain

• Right of publicity and privacy
• Trademark law
• Patent law
• Licensed works
• “Multilayered works”
• Public domain works that have been modified
• Compilations of public domain art or images.
Problem areas with Creative Commons

• Does the CC license cover your desired use?
• For instance, “No Derivatives” or “Non-Commercial” or “Share Alike”
Court cases and legal disputes on public domain and art:

• National Portrait Gallery’s complaint against Wikipedia (UK 2009).
Sources for PD and CC image and art-related materials.
Learning more about PD and CC

Questions?