

# How can I find it?

# Can I use it?

considerations for the use and reuse  
of digital content

*<librarian.net/talks/keene>*

Wednesday, June 27, 2012

Hi and thanks for having me here. I'm a librarian and technology educator from central Vermont and I frequently talk to people about digital divide issues. But I'm also a real techie type and I'm here to talk to you today about one of my favorite topics--getting and using free content online and the culture war environment that can surround these personal and professional decisions. All the images in this talk are either free, used with permission or screenshot-ish type stuff that I believe falls under fair use. This talk is part "the state of how things are" and a bit of "how I'd like them to be and how you can help"



Centre Island 1908? 1910?  
in the war

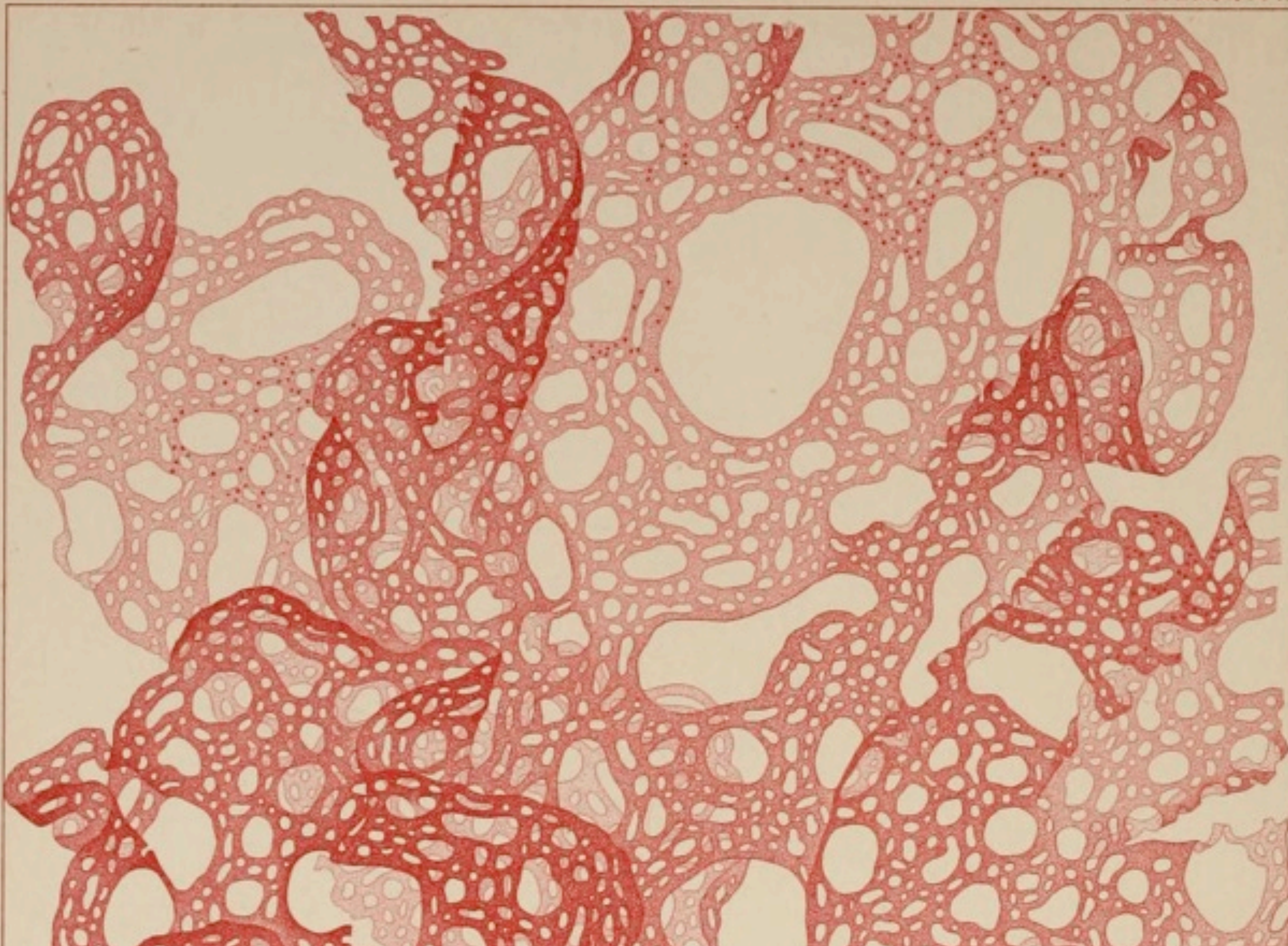
#196

CC BY 2.0 [Some rights reserved](#) by [Toronto History](#)

Wednesday, June 27, 2012

I come at this from one specific side of the issue, the Free Culture Movement. Our goal is to make sure that culture belongs to the people. I don't expect you or other people to be Free Culture people, I'm just telling you where I am coming from. Copyright is real. Problems with copyright are real. Everyone needs to find their own comfy place within this system. Your place depends on the values of you and of your institution, your comfort with risk and uncertainty, and your own personal moral compass. As I tell people, I'm aware that I'm way out on one end of this issue and I'm okay with that. I just feel that my job is to nudge people in the right direction.





Wednesday, June 27, 2012

Every time I start to talk about free content online I get sidetracked because, as we all know, there is more interesting stuff available to appreciate than ever before, much more than we have time to appreciate. This is from a book about Japanese algae from 1907 from Open Library.



# Free content

---

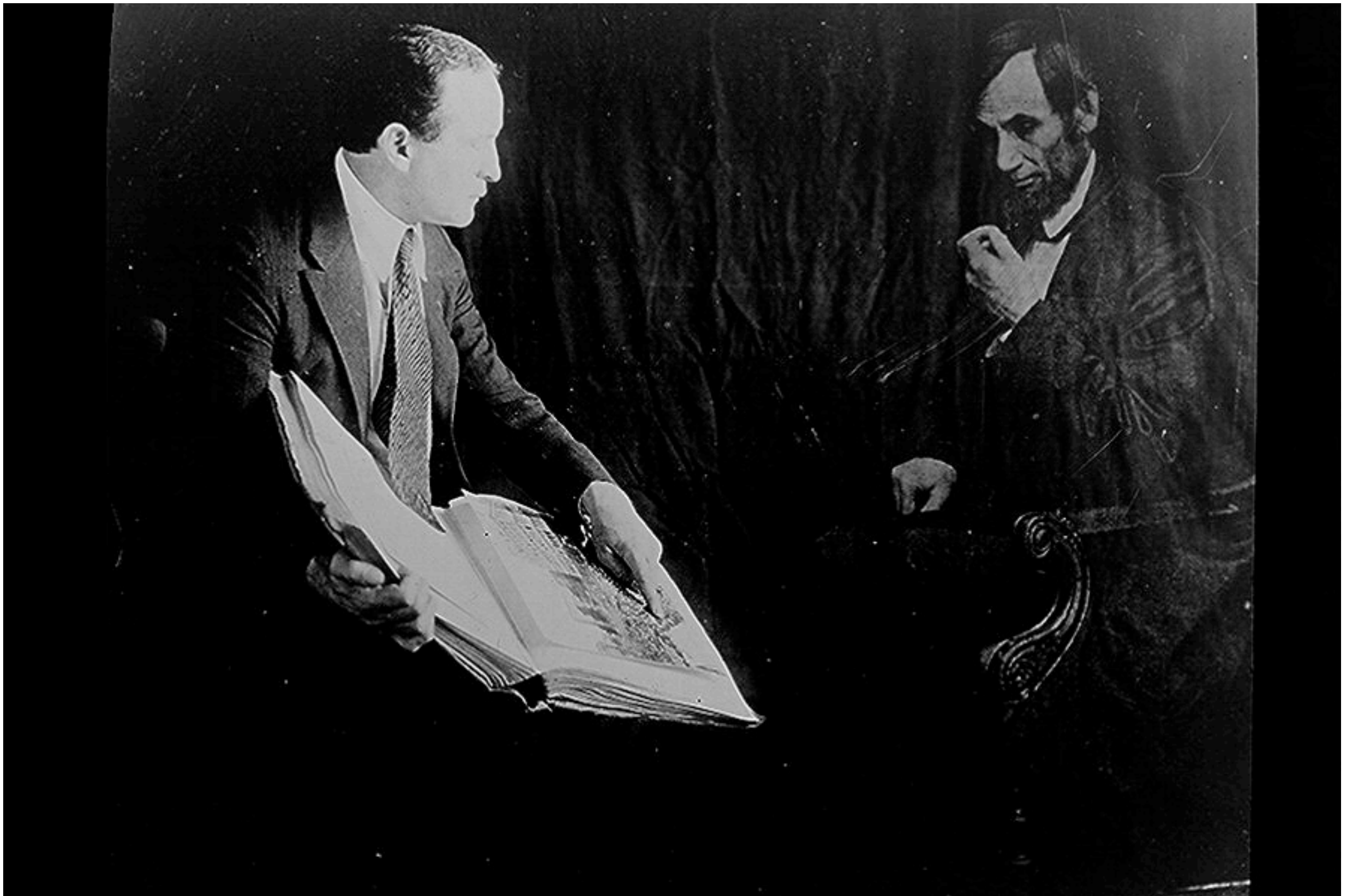
- Rights holder says ok
- Out of copyright\*
- Government created\*
- "No known restrictions"\*
- Creative Commons\*
- Fair Use\*



Wednesday, June 27, 2012

Generally speaking there are big chunks of types of digital content that are available for people to use and re-use. They've all got some caveats. I'll mention them here. This image is from NYPL's Flickr photo set. I'll give a quick tour of my favorite places to get ... stuff.





# I found this? Can I use this?

Wednesday, June 27, 2012

So here's a photo I found on the library of congress American Memory site, a site I go to when I am looking for images. This is not a great idea on my part since many of their images are, in fact, under some form of copyright and even figuring out what form that takes is onerous.



## The American Variety Stage: Vaudeville and Popular Entertainment, 1870-1920

Item 14 of 601

*Click on picture for larger image, full item, or more versions.*

[Rights and Reproductions](#)



[Houdini and the ghost of Abraham Lincoln].

### CREATED/PUBLISHED

[between 1920 and 1930]

### NOTES

Was that a spirit or a double exposure? Harry Price was a member of the Society for Psychical Research, Librarian of the Magic Library in London and a member of the Society of American Magicians when, in 1922, his article "Cold Light on Spiritualistic Phenomena" was published in the "Journal of the Society for Psychical Research." Houdini valued this expose of how a photographer could produce fraudulent "spirit photographs" that purportedly documented the apparition and social interaction of figures from beyond. Determined to expose the company he could keep if the right technique were employed, Houdini had himself photographed with the ghost of Abraham Lincoln.

### SUBJECTS

[Houdini, Harry,--1874-1926.](#)

[Lincoln, Abraham,--1809-1865.](#)

[Ghosts--1920-1930.](#)

[Spirit photographs--1920-1930.](#)

Wednesday, June 27, 2012

I was curious about whether this image which says it's from "between 1920-1930" so I clicked on the rights and reproduction link.



## Rights and Reproductions

[Copyright and Restrictions](#) | [Availability of Reproductions](#) | [For Further Information](#)

### Copyright and Restrictions

#### Variety Stage Copyright Test

- **Take down the following information to place an order:**
  - If the "REPRODUCTION NUMBER" field is filled in, note down the letters and numbers that appear there and the negative (glass or film) mentioned in parentheses.
  - If the "REPRODUCTION NUMBER" field only contains dashes, take down the letters and numbers that appear in the "REPRODUCTION NUMBER" field. (The original will have to be photographed by the Photoduplication Service.)
  - Note down a brief caption for the item.
- Contact the [Photoduplication Service](#) to place an order (telephone: 202-707-5640). Orders are accepted by mail and by fax.

The Photoduplication Service estimates that it takes 3-6 weeks to complete an order.

### Availability of Reproductions

See the collection home page for information about the availability of reproductions of materials in this online collection.

### For Further Information

If you have comments or additional questions, please [contact us](#).



Wednesday, June 27, 2012

Which took me to an inscrutable page



# Copyright and Other Restrictions

## The American Variety Stage Collection

General Notice and Restriction Statement - The Library of Congress is providing access to these materials for educational and research purposes and makes no warranty with regard to their use for other purposes. Responsibility for making an independent legal assessment of an item and securing any necessary permissions ultimately rests with persons desiring to use the item. The written permission of the copyright owners and/or other rights holders (such as publicity and/or privacy rights) is required for distribution, reproduction, or other use of protected items beyond that allowed by fair use or other statutory exemptions.

While the Library is not aware of any U.S. copyright protection (see Title 17, U.S.C.) or any other restrictions in the materials in the Variety Stage Collection, there may be content protected as "works for hire" (copyright may be held by the party that commissioned the original work) and/or under the copyright or neighboring-rights laws of other nations.

The Library is anxious to hear from individuals or institutions that have information about these materials or know of their history.

The Variety Stage Collection consists of materials culled from several divisions of the Library of Congress. Researchers may properly credit the appropriate source by referring to the division noted in the bibliographic record for each item. In all cases, responsibility for making an independent legal assessment of an item and securing any necessary permissions ultimately rests with persons desiring to use the item.

Credit Line: Library of Congress, [appropriate source division as described in the bibliographic record] for example: Library of Congress, Rare Books and Special Collections Division

---

Return to the [American Variety Stage Home Page](#)

---

*am 10-31-96*

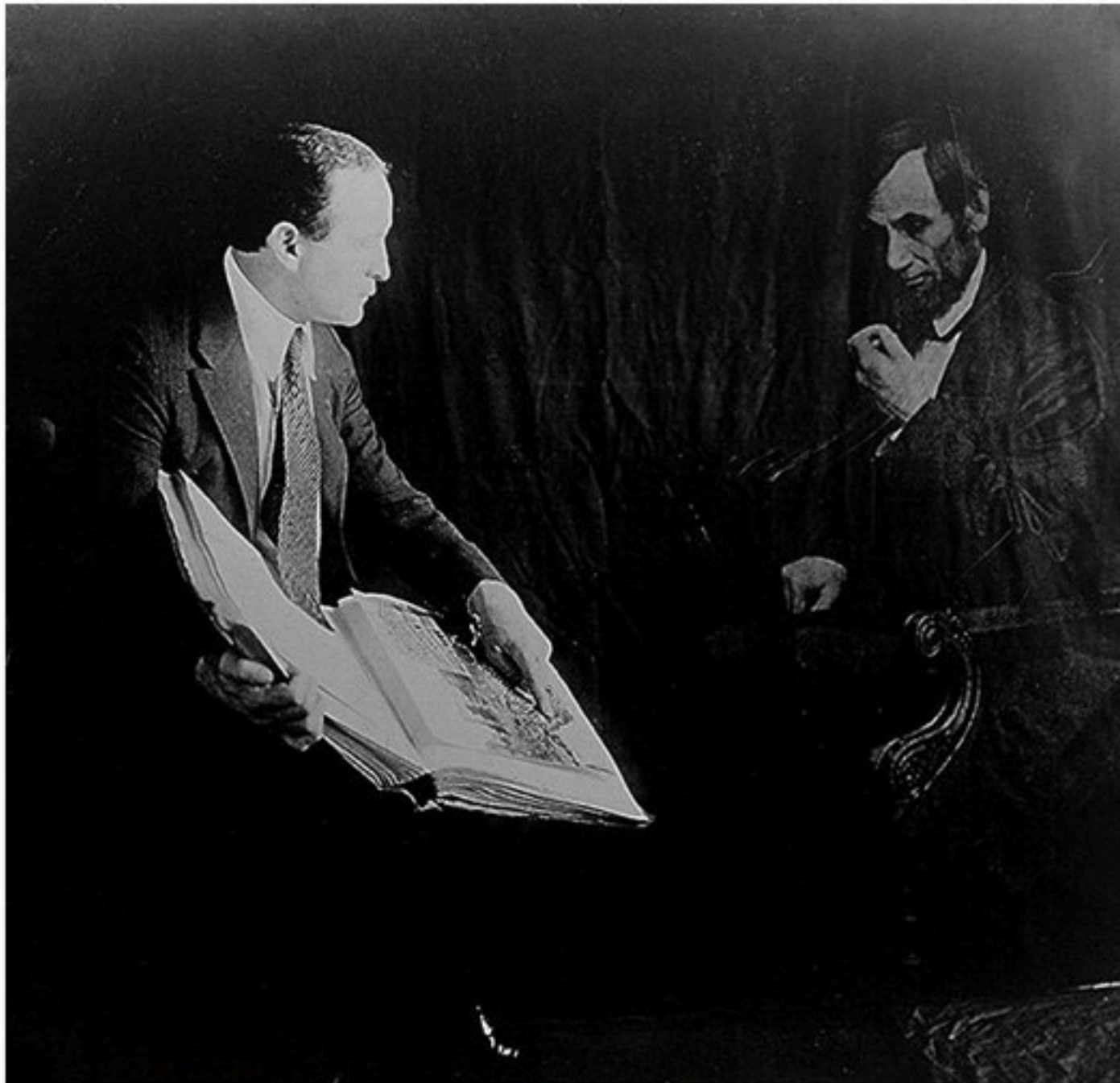
Wednesday, June 27, 2012

before the "The Sonny Bono Copyright Term Extension Act" which was Oct '98



## File:Houdini and Lincoln.jpg

File File history File usage on Commons File usage on other wikis



**Download**  
all sizes



**Use this file**  
on the web



**Use this file**  
on a wiki



**Email a link**  
to this file



**Information**  
about reusing



Size of this preview: 624 × 599 pixels. Other resolutions: 250 × 240 pixels | 500 × 480 pixels.

Full resolution (752 × 722 pixels, file size: 82 KB, MIME type: image/jpeg)

**Description** **English:** *Houdini and the ghost of Abraham Lincoln*, c. 1920-1930.  
Library of Congress

**Date**

**Source** <http://memory.loc.gov/rbc/varshoud/3a27314u.tif> 

Wednesday, June 27, 2012

But the same file is available on Wikimedia Commons marked as public domain. What to do?  
Where to draw the line?



# Evaluating a resource

---

- Who owns it?
- Who “fixed” it?
- Does what they say match what you think is true?
- What are their lawyers like?



Wednesday, June 27, 2012

Some of what you have to do is use your own best judgment and realize that is decent for most things, especially in the educational arena. Fair Use is really one of those things where what matters is the likelihood that people will sue you and the likelihood that they will win. So here's an example. This pineapple is from a book called The consolidated library, one of those great books that came out around the turn of the century (1907) and it's beautiful.





This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

Wednesday, June 27, 2012

It's in the public domain and you can download the whole thing. SO COOL. And yet when you do, you get this odd page from Google where they say that it's in the public domain but also give you [optional] usage guidelines that are actually not legally binding and has some oogy boogy language about copyright infringement. This makes me uncomfortable. And so I have to balance this feeling with what I feel that my rights are.



# Fair Use or “Do you feel lucky?”

---

- Purpose and character of the use.
- Nature of the work.
- Proportion of the work used.
- Market effect of the use.
- Is the institution Fair Use Friendly?



Wednesday, June 27, 2012

This image is from the Smithsonian. The Smithsonian, for example, encourages me to exercise my fair use rights while at the same time being pretty clear that if I steal things and make money off of them, they will not be amused. Different institutions take different tacks on this sort of thing. Notable ones: Cornell, Stanford, UMich and Harvard. In the library world there is Boston Public and Cornell Libraries. Not so much with NYPL and UNC.

Here are the guidelines for fair use which, like the ADA is pretty much determined through lawsuits. There is a very good list of past lawsuits on the Stanford copyright site



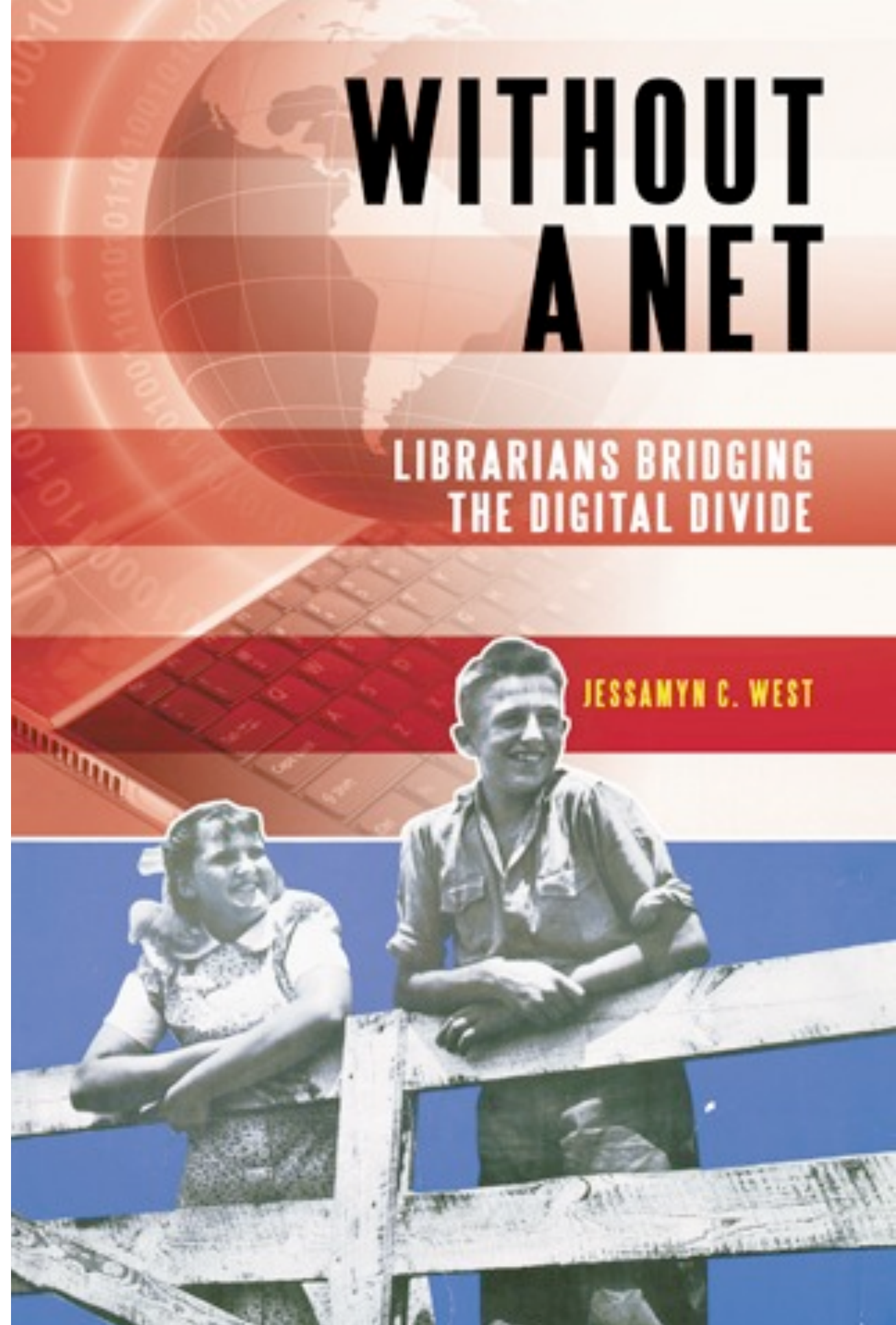
# Cautionary tale

---

**Just because you use all public domain and free images doesn't mean that someone won't make you prove you have the rights to them.**

Wednesday, June 27, 2012

And as my example: cover image, screenshots, Wikipedia content. Even though I signed a contract saying I was legally responsible, my publisher still held the cards. Telling someone there are “no restrictions” on using content just doesn't seem right.





## THE WORLD BANK ANNOUNCES NEW OPEN ACCESS POLICY AND OPEN KNOWLEDGE REPOSITORY

The World Bank has announced a new Open Access Policy! Effective July 1, 2012, the Open Access Policy requires that all research outputs and knowledge products published by the Bank be licensed Creative Commons Attribution license (CC BY) as a default. As the first phase of this policy, the Bank launched its Open Knowledge Repository with more than 2,000 books, articles, reports and research papers.

[Learn more](#)



OPEN  
KNOWLEDGE  
REPOSITORY

The World Bank's new Open Access Policy and Open Knowledge Repository under Creative Commons

### Mission

#### WHAT IS CREATIVE COMMONS?

Creative Commons helps you share your knowledge and creativity with the world.

### License

#### HOW CAN I LICENSE MY WORK?

There is no registration to use the Creative Commons licenses. Licensing a work is as simple as selecting which of the six licenses best meets your goals, and

### Explore

#### LOOKING FOR CREATIVE WORKS?

Looking for music, video, writing, code, or other creative works?

# Enter Creative Commons...

Wednesday, June 27, 2012

Creative commons started up in 2001 with the goal of helping people be able to more easily share content without giving it away wholesale. They created a number of content licenses that were intended to be less restrictive than traditional copyright. Historically in the tech community software licenses were flexible and enabled reuse without constant requests. Sharing content wasn't the same.



# Four parts to a CC license \*

---

- Attribution? Y/N
- Commercial Use? Y/N
- Share Alike? Y/N
- Derivatives? Y/N

*\* Once you have used a CC license, it's complicated to go back to a more restrictive license*



Wednesday, June 27, 2012

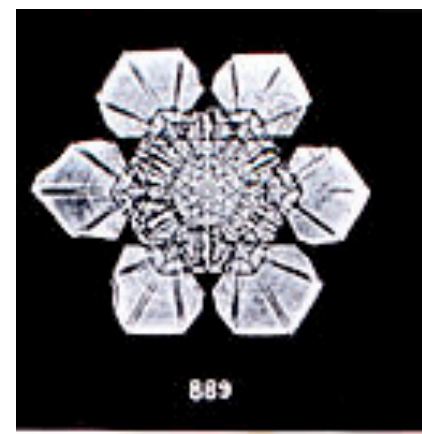
The main points of a Creative Commons license involve answering these four questions. Caveat, once you have a CC license, it's tough to get a non-CC one to be binding.



# Attribution is?

---

- Title
- Author
- Source
- License
- Changes, if any



Wednesday, June 27, 2012

Sometimes people are confused about what is required for attribution. While you can always contact the person who created/fixed the image, a good faith attempt to properly credit [or rectify if there is a problem] includes these details.



# Attribution is?

---

- Title
- Author
- Source
- License
- Changes, if any

Plate XIX of "Studies among the Snow Crystals ... " by Wilson Bentley, "The Snowflake Man." From Annual Summary of the "Monthly Weather Review" for 1902. From Wikimedia Commons. Public domain image.  
<http://commons.wikimedia.org/wiki/File:SnowflakesWilsonBentley.jpg>



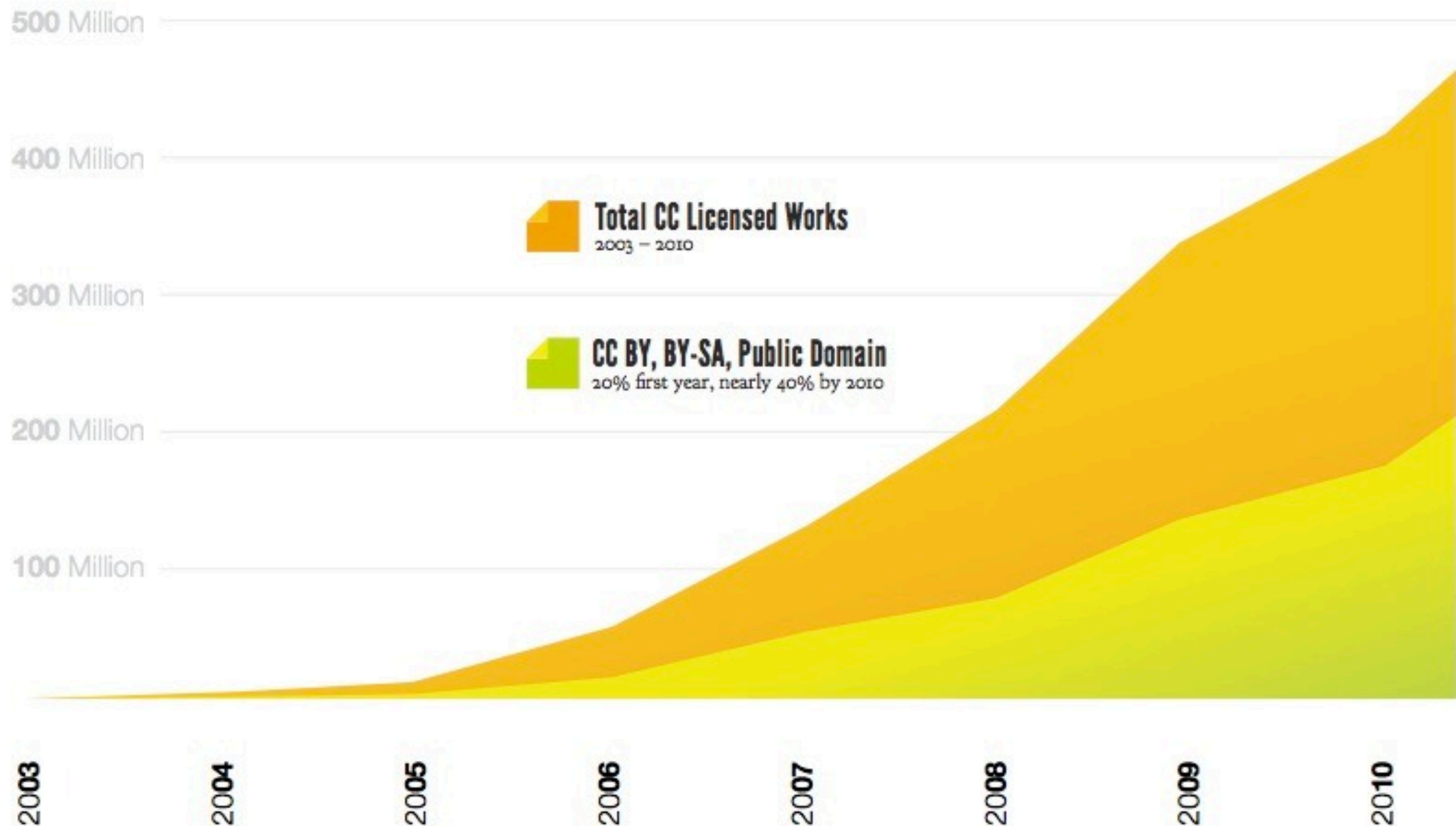
Wednesday, June 27, 2012

Sometimes people are confused about what is required for attribution. While you can always contact the person who created/fixed the image, a good faith attempt to properly credit [or rectify if there is a problem] includes these details.



**400MM+**  
TOTAL CC LICENSED WORKS  
AS OF 2010

**40%**  
USING A FULLY OPEN  
CC LICENSE  
AS OF 2010



Creative Commons licenses are getting more popular

Wednesday, June 27, 2012

Some people see CC as a flash in the pan thing used only by the technorati but not only is usage increasing, it's being picked up by bigger and bigger players: The White House, the World Bank, Publishers, Google....



usage rights:

not filtered by license

not filtered by license

free to use or share

free to use or share, even commercially

free to use share or modify

free to use, share or modify, even commercially

advanced search often hides more rights options

Wednesday, June 27, 2012

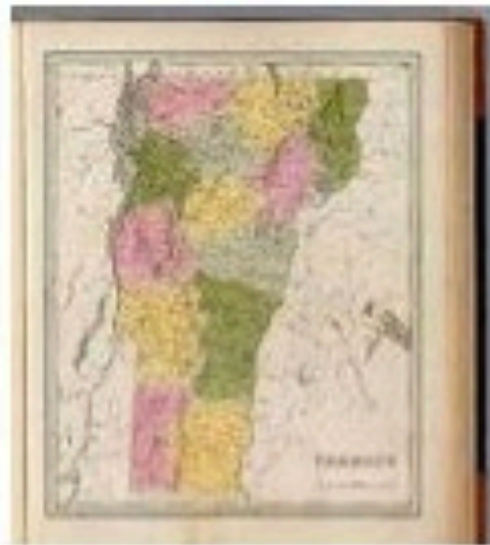
In fact many sites have CC searches built into their core functionality, you just need to know where to look....



About 509 results (0.34 seconds)

labeled for reuse with modification

Related searches: [vermont map](#) [vermont state](#) [vermont mountains](#) [burlington vermont](#) [we](#)



advanced search often hides more rights options

Wednesday, June 27, 2012

In fact many sites have CC searches built into their core functionality, you just need to know where to look....



## Explore / Creative Commons

Many Flickr users have chosen to offer their work under a Creative Commons license, and you can browse or search through content under each type of license.

Here are some recently added bits and pieces:



### Attribution License



From [istolethetv](#)



From [comicpie](#)



From [Charkrem](#)



From [mattcameasarat](#)



From [mikeshelby](#)

» 34,005,546 photos ([See more](#))



### Attribution-NoDerivs License



From [Jack Zalium](#)



From [Qasim Massey](#)



From [陳艾力](#)



From [katechin](#)



From [Jack Zalium](#)

» 12,198,968 photos ([See more](#))



"Creative Commons is a non-profit that offers an alternative to full copyright."

[creativecommons.org](http://creativecommons.org)

### Briefly...

#### Attribution means:

You let others copy, distribute, display, and perform your copyrighted work - and derivative works based upon it - but only if they give you credit.



#### Noncommercial means:

You let others copy, distribute, display, and perform your work - and derivative works based upon it - but for noncommercial purposes only.



#### No Derivative Works means:

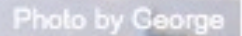
You let others copy, distribute, display, and



Wednesday, June 27, 2012

Flickr has a creative commons search [and many more people have built discovery layers since Flickr has an open API (advanced programming interface)] which is not to be confused with the Flickr Commons which is their cultural heritage site. Institutions such as the Smithsonian and the Library of Congress, the National Libraries of Ireland, Scotland, Australia and many others have placed content in the Flickr commons with a unique rights statement "no known copyright restrictions"





Flickr has a creative commons search [and many more people have built discovery layers since Flickr has an open API (advanced programming interface)] which is not to be confused with the Flickr Commons which is their cultural heritage site. Institutions such as the Smithsonian and the Library of Congress, the National Libraries of Ireland, Scotland, Australia and many others have placed content in the Flickr commons with a unique rights statement "no known copyright restrictions"



[Home](#)

## Cornell University Library Removes All Restrictions on Use of Public Domain Reproductions

In a dramatic change of practice, Cornell University Library has announced it will no longer require its users to seek permission to publish public domain items duplicated from its collections. Instead, users may now use reproductions of public domain works made for them by the Library or available via Web sites, without seeking any further permission.

The Library, as the producer of digital reproductions made from its collections, has in the past licensed the use of those reproductions. Individuals and corporations that failed to secure permission to repurpose these reproductions violated their agreement with the Library. "The threat of legal action, however," noted Anne R. Kenney, Carl A. Kroch University Librarian, "does little to stop bad actors while at the same time limits the good uses that can be made of digital surrogates. We decided it was more important to encourage the use of the public domain materials in our holdings than to impose roadblocks."

The immediate impetus for the new policy is Cornell's donation of more than 70,000 digitized public domain books to the Internet Archive (details at [www.archive.org/details/cornell](http://www.archive.org/details/cornell)).

"Imposing legally binding restrictions on these digital files would have been very difficult and in a way contrary to

Wednesday, June 27, 2012

Some organizations like Cornell not only made a conscious effort to "free up" their public domain materials but also put massive amounts of content online via the Internet Archive [and if you have stuff you'd like to make freely available, you should give them a call...]



[Ebook and Texts Archive](#) > Cornell University Library

### Spotlight Item



[A biographical sketch of Robert R. Livingston. Read before the N. Y. Historical Society, October 3, 1876](#)

The metadata below describe the original scanning. Follow the "All Files: HTTP" link in the "View the book" box to the left to find XML files that contain more metadata about the original images and the derived formats (OCR results, PDF etc.). See also the What is the directory structure for the...

### About the Internet Archive

[Background](#)

[Frequently Asked Questions](#)

### Welcome to Cornell University Library

71,993 Items

These books, the originals of which are in the [Cornell University Library](#), were digitized in 2008 with funding by Microsoft Corporation. Scanning was performed by Kirtas Technologies; OCR was performed by, and derivative formats created by, the Internet Archive.

There are no known copyright restrictions in the United States on the use of the texts. More information on rights issues associated with public domain texts can be found at <http://cdl.library.cornell.edu/guidelines.html>.  
[Browse by Subject / Keywords](#)

[All Items \(most recently added first\)](#) - [RSS](#)

### Browse by Title

[A](#)[B](#)[C](#)[D](#)[E](#)[F](#)[G](#)[H](#)[I](#)[J](#)[K](#)[L](#)[M](#)[N](#)[O](#)[P](#)[Q](#)[R](#)[S](#)[T](#)[U](#)[V](#)[W](#)[X](#)[Y](#)[Z](#)

### Browse by Author

[A](#)[B](#)[C](#)[D](#)[E](#)[F](#)[G](#)[H](#)[I](#)[J](#)[K](#)[L](#)[M](#)[N](#)[O](#)[P](#)[Q](#)[R](#)[S](#)[T](#)[U](#)[V](#)[W](#)[X](#)[Y](#)[Z](#)

### Recently Reviewed Items ([more](#))

[Elementary applied chemistry](#)

Average rating: ★★☆☆

[The law of negotiable instruments : statutes, cases and authorities](#)

Average rating:

[American inventions and improvements in breech-loading small arms, heavy ordnance, machine guns, magazine arms, fixed ammunition, pistols, projectiles, explosives, and other munitions of war, including a chapter on sporting arms](#)

### Most Downloaded Items Last Week [more](#)

1. [International code of signals](#)  
114 downloads
2. [International code of signals. \[U.S.\] Hydrographic Office](#)  
104 downloads
3. [Somali-English and English-Somali dictionary](#)  
88 downloads
4. [The history of Dutchess County, New York](#)  
85 downloads
5. [Albemarle County in Virginia; giving some account of what it was by nature, of what it was made by man, and of some of the men who made it](#)  
81 downloads

Wednesday, June 27, 2012

Some organizations like Cornell not only made a conscious effort to “free up” their public domain materials but also put massive amounts of content online via the Internet Archive [and if you have stuff you’d like to make freely available, you should give them a call...]



# Explore Europe's cultural collections


[Search](#)
[Help](#)

Matches for: [railroads](#) > RIGHTS:<http://www.europeana.eu/rights/rr-f/>



Results 1 - 12 of 2,324 Page: [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) →

## Filter your search:

### By media type

- + IMAGE (2,000)
- + TEXT (248)
- + VIDEO (74)
- + SOUND (2)

### By language

### By date

### By country

### By copyright

Not all objects show rights information

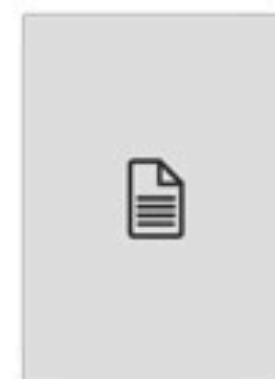
Free Access - Rig... (2,324)



Geological report of the country along t...



Geological report of the country along t...



Obiekty tunelowe na trasach galicyjskich...



History of the Grange movement; or, The ...



Denby Tramway-wagonway (Outram's



Denby Tramway-wagonway (Outram's



Denby Tramway-wagonway (Outram's



Denby Tramway-wagonway (Outram's

Wednesday, June 27, 2012

I don't talk much about outside the US sources, but one deserves mention: Europeana “**23 million objects** from more than 2200 institutions from 33 countries.” and you can search by license.



# Explore Europe's cultural collections


[Search](#)
[Help](#)

Matches for: [railroads](#) > RIGHTS:<http://www.europeana.eu/rights/rr-f/>



Results 1 - 12 of 2,324 Page: [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) →

## Filter your search:

### By media type

- + IMAGE (2,000)
- + TEXT (248)
- + VIDEO (74)
- + SOUND (2)

### By language

### By date

### By country

### By copyright

Not all objects show rights information

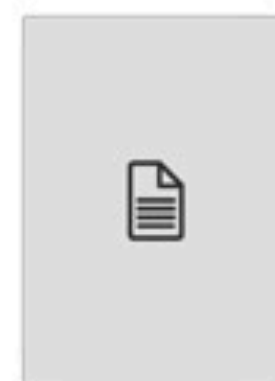
Free Access - Rig... (2,324)



Geological report of the country along t...



Geological report of the country along t...



Obiekty tunelowe na trasach galicyjskich...



History of the Grange movement; or, The ...



Denby Tramway-wagonway (Outram's



Denby Tramway-wagonway (Outram's



Denby Tramway-wagonway (Outram's



Denby Tramway-wagonway (Outram's

Wednesday, June 27, 2012

I don't talk much about outside the US sources, but one deserves mention: Europeana “**23 million objects** from more than 2200 institutions from 33 countries.” and you can search by license.



# Hacks

---

- “list of illustrations”
- “Fig 1”
- Google Image search and then TinEye
- Draw it yourself...?

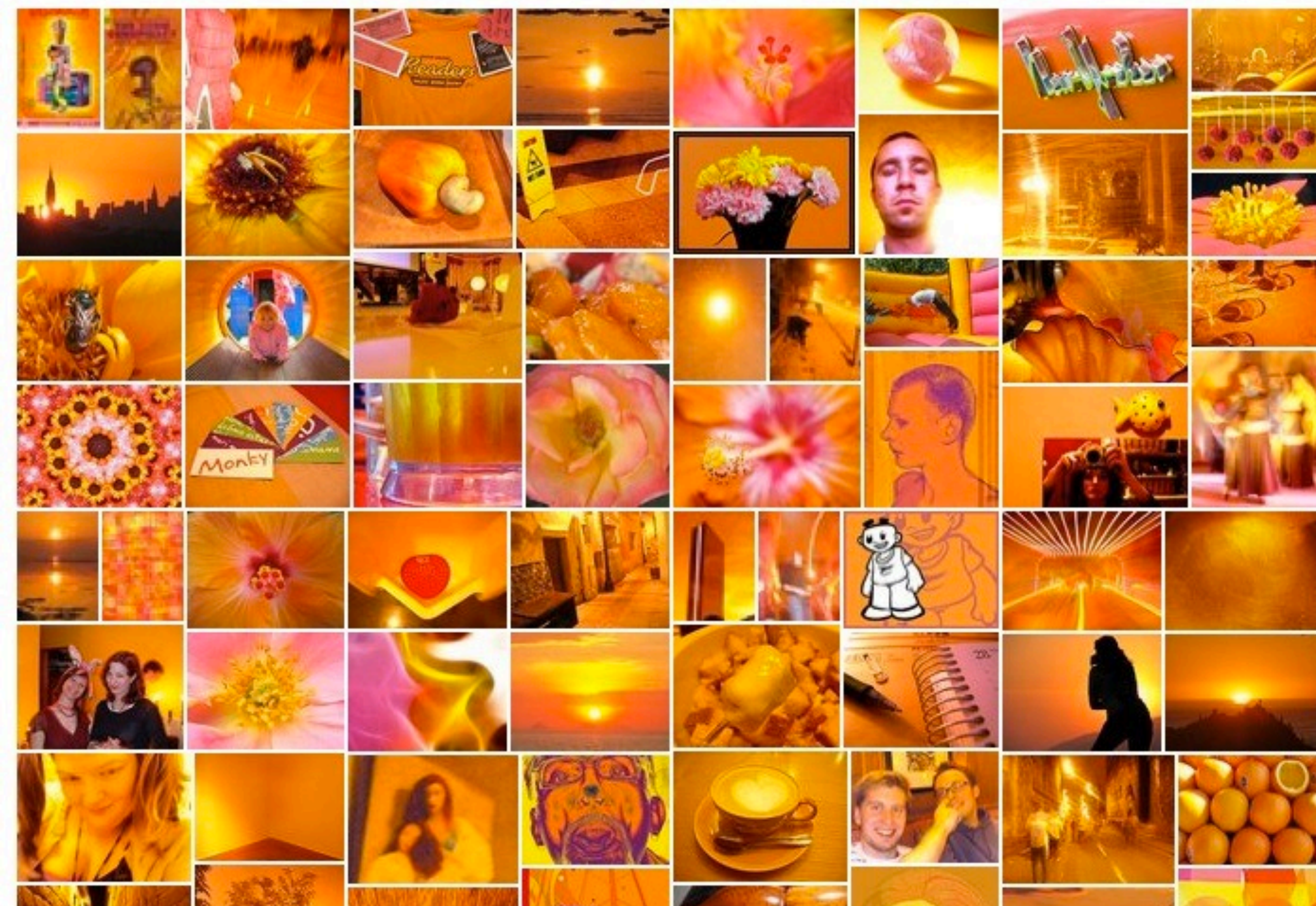






## Multicolor Search Lab powered by MulticolorEngine

We extracted the colors from 10 million Creative Commons images on Flickr. Search this collection by color. Addictive and very likely the best color search engine in the world\*!



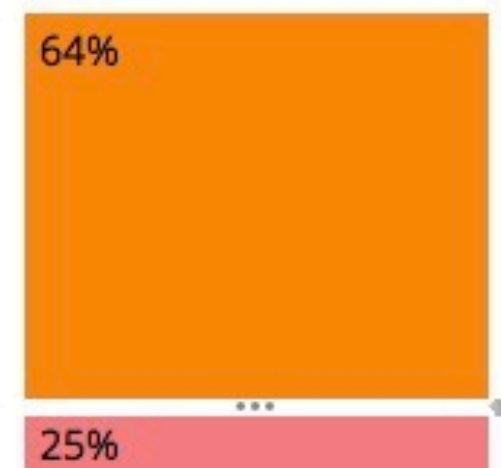
### Step 1:

Select up to 5 colours



### Step 2:

Slide dividers to adjust colour composition

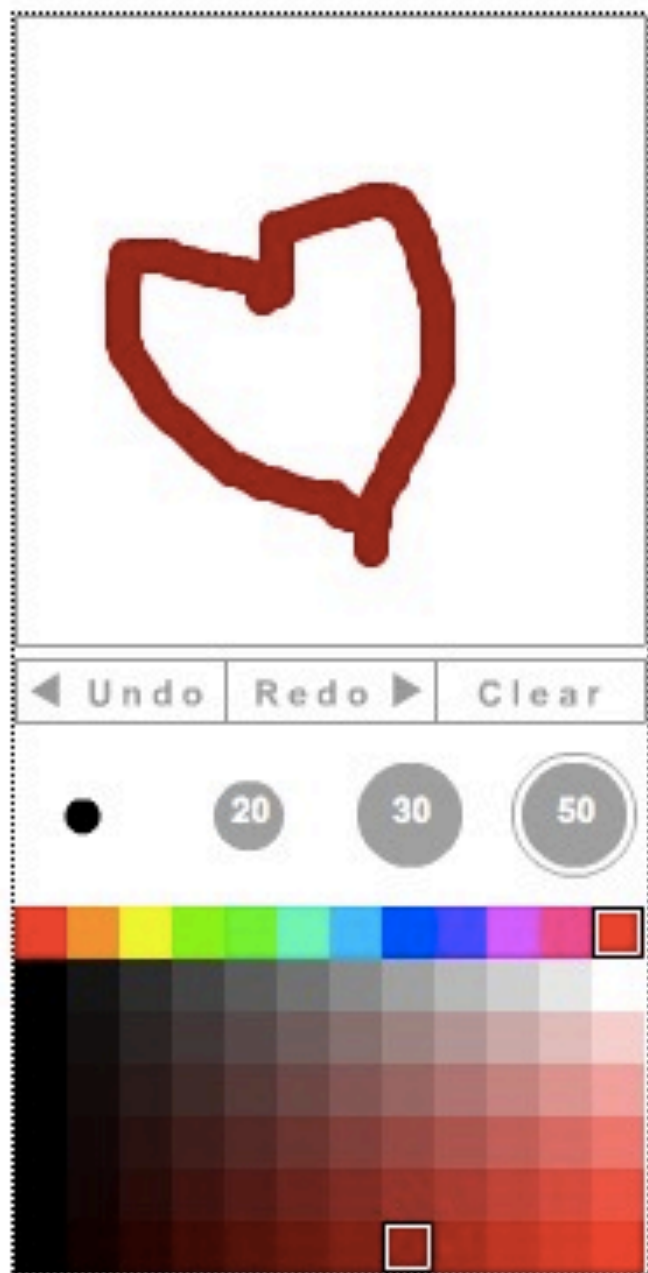


Wednesday, June 27, 2012



# All images

Search by:  
Sketch • [Image](#)



From [.Agnes](#)



From [robinneilly](#)



From [Rat Rod Studios](#)



From [deep blue2](#)



From [dcarlbom](#)



From [ReRe](#)



From [Njla Abdullah](#)



From [AM Photography ®](#)



From [shutterblog](#)



From [Jaravee](#)



From [Bob b...](#)



From [James Anzalone](#)





# Challenges

---

- Bad metadata
- Bad public information
- Chilling effects
- Difficult process
- Uncharted territory

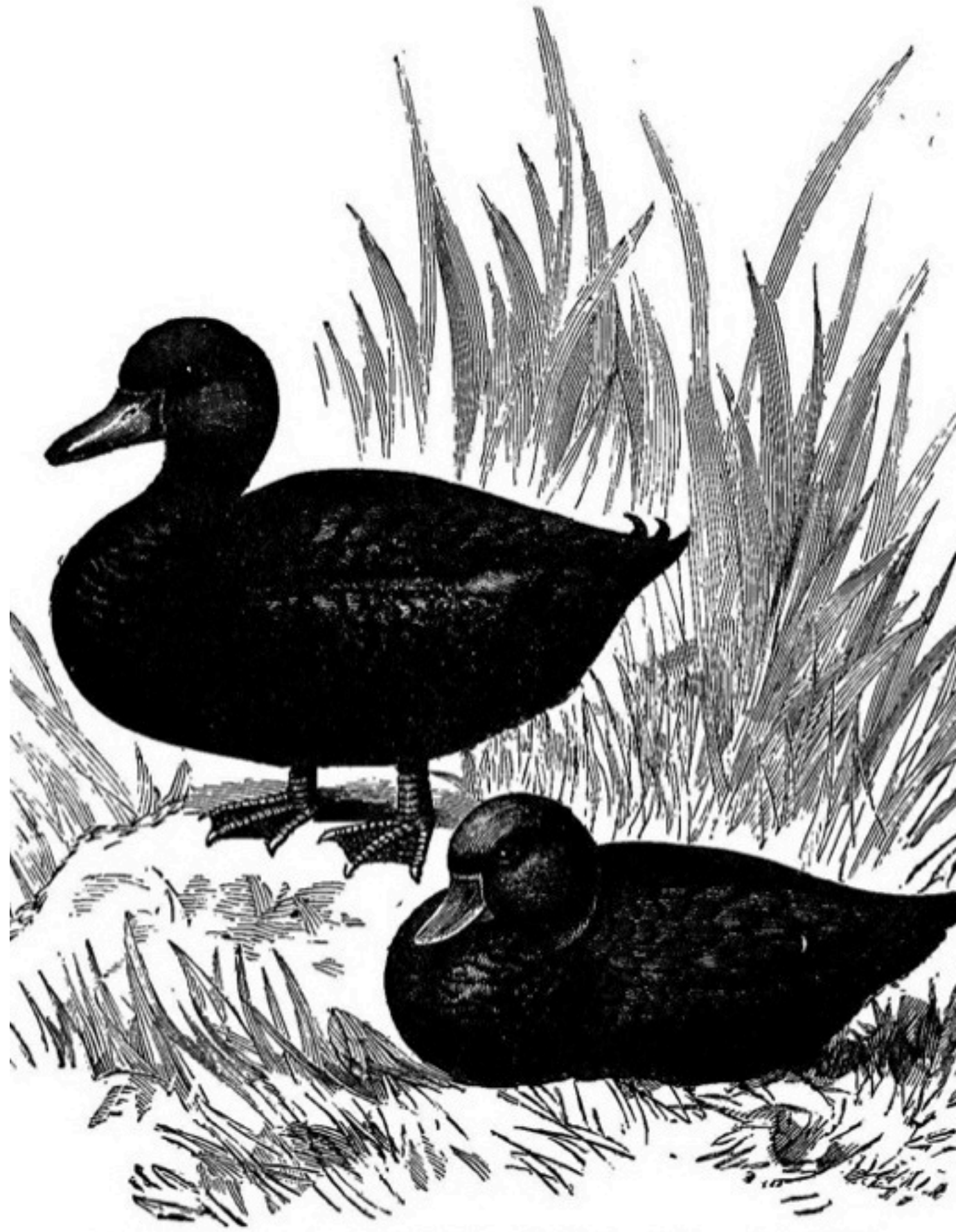




# Help yourself & students

---

- Understand and add metadata
- Understand copyright ins and outs & how to ask for permission
- Use and teach effective search strategies and good starting points



BLACK EAST INDIAN DUCK AND DRAKE.



# Help others

---

- Free up your own content & add good metadata
- Encourage your institution to free its content & join with other free culture projects to share infrastructure
- Stay on top of laws & legislation and agitate appropriately for openness







Wednesday, June 27, 2012

The joke is that what people want is free like beer but what we're really going for is free like speech. I'm always pushing for my version of this which is "free to all" like libraries.



***<librarian.net/talks/keene>***



Wednesday, June 27, 2012