

Copyright: Understanding Rights & Responsibilities

Greg Cram, Director, Copyright, Permissions and IP

The New York Public Library, New York, New York

GregCram@nypl.org | [Twitter @GregCram](https://twitter.com/GregCram)

Tuesday, 11/16/2021

Not Legal Advice

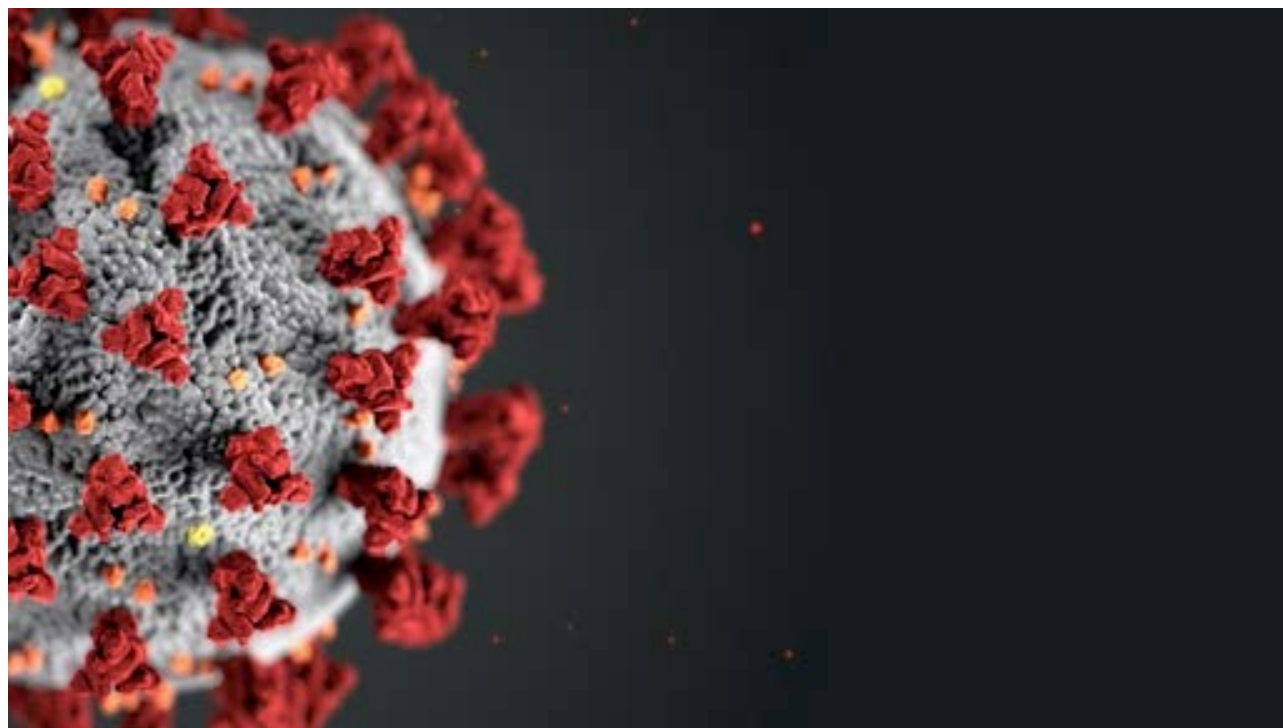
<1>

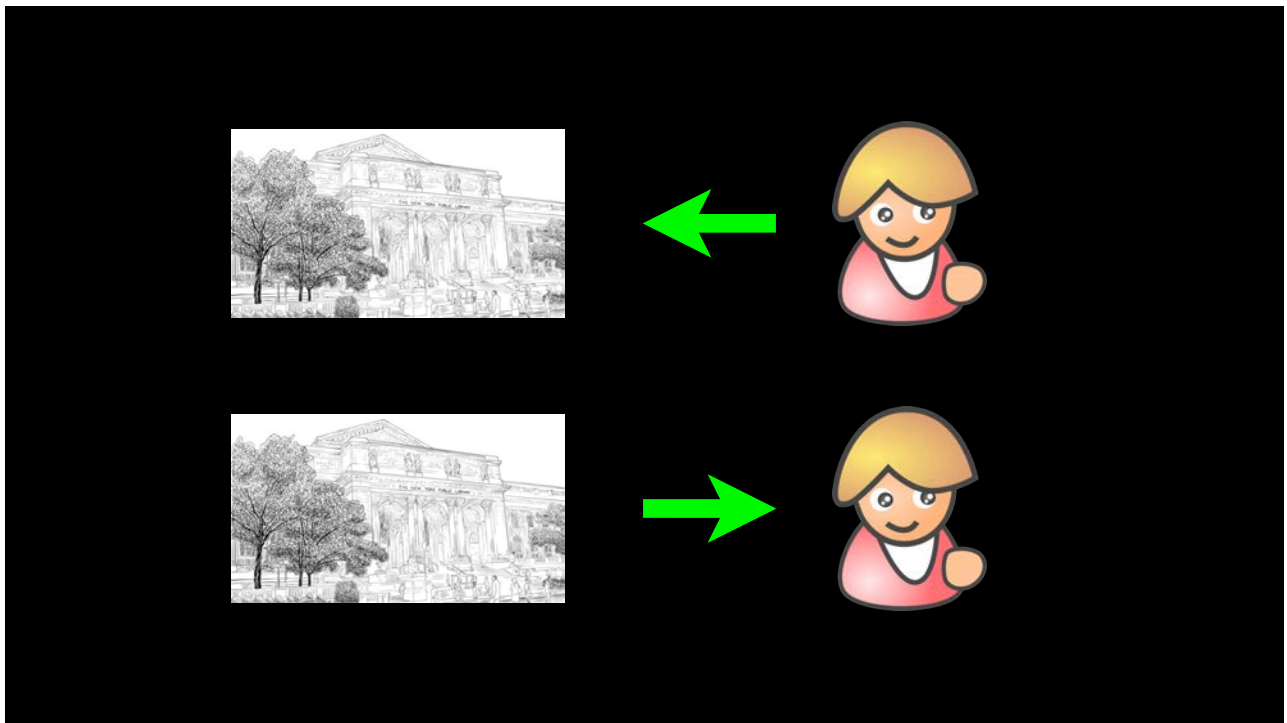
Why?

Can I Use This?

1.6 million research
materials used

127 million digital images
viewed

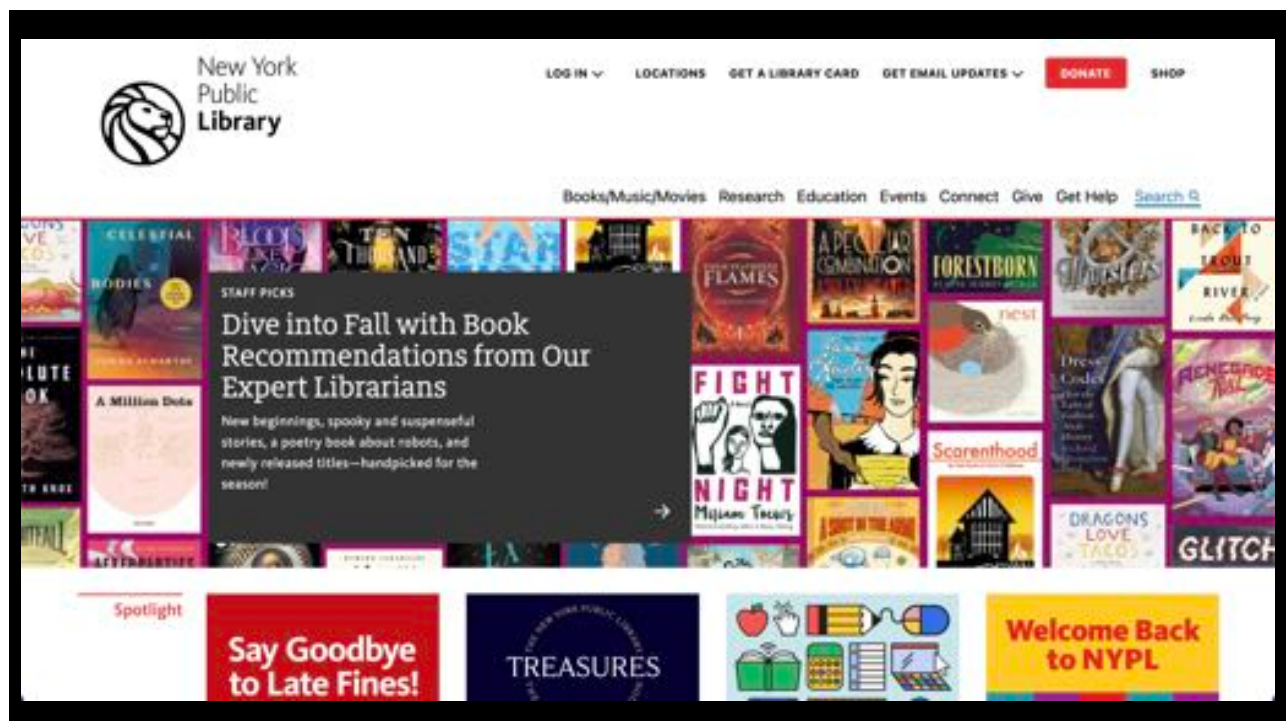


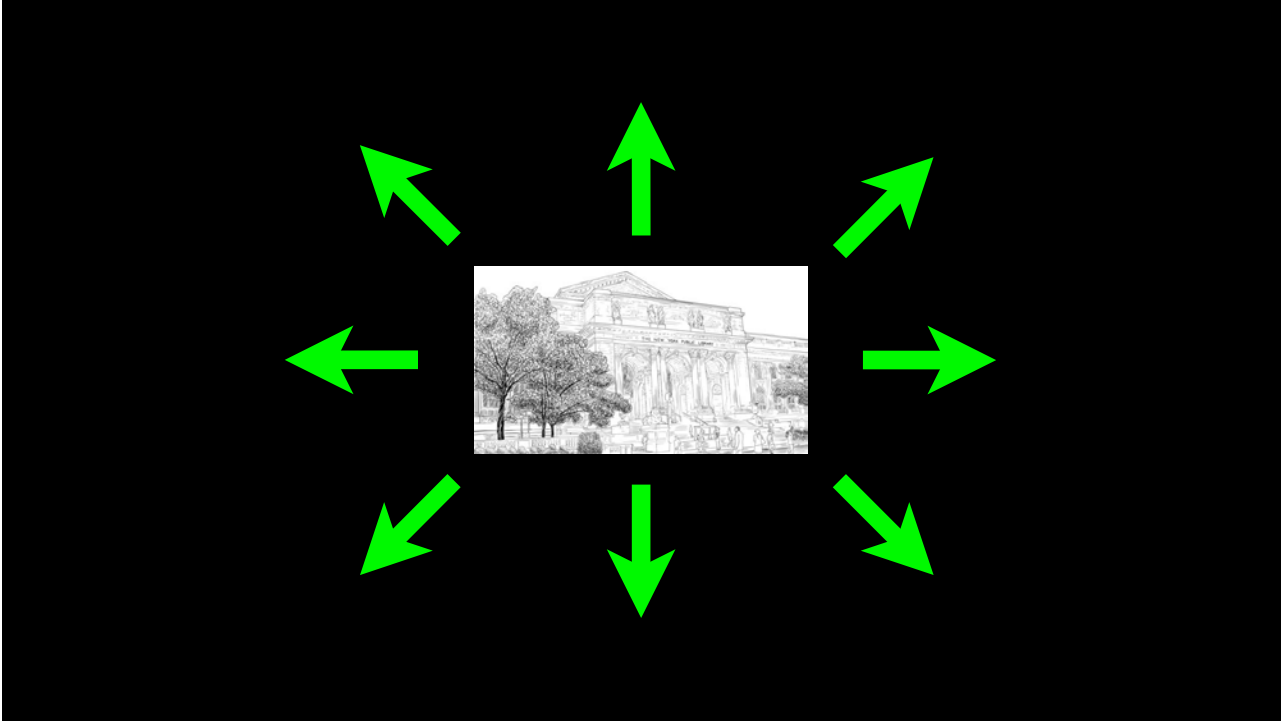




AM Adam Matthew
A SAGE company

Readex
A Division of NewsBank







UCLA Sued Over Streaming of Videos

December 10, 2010

Publishers Sue Georgia State on Digital Reading Matter

By [KATIE HAFNER](#)
Published: April 16, 2008

 TWITTER

Lawsuit Seeks the Removal of a Digital Book Collection

By [JULIE BOSMAN](#) SEPT. 12, 2011

Publishers Sue Internet Archive Over Free E-Books

Director,
Copyright,
Permissions and
Information Policy

?????

© person

~125

1. Expand Access



CC BY 2.0 - flickr: Paul Lowry

A screenshot of the New York Public Library website homepage. The header includes the NYPL logo and navigation links: LOG IN, LOCATIONS, GET A LIBRARY CARD, GET EMAIL UPDATES, DONATE, and SHOP. Below the header is a horizontal menu with links: Books/Music/Movies, Research, Education, Events, Connect, Give, Get Help, and a search bar. The main content area features a large grid of book covers. A central banner reads "Dive into Fall with Book Recommendations from Our Expert Librarians" and lists "New beginnings, spooky and suspenseful stories, a poetry book about robots, and newly released titles—handpicked for the season!". Below the book grid are four promotional banners: "Spotlight", "Say Goodbye to Late Fines!", "TREASURES", and "Welcome Back to NYPL".

Work with curators



access

Inspire New Works

2. Don't Get Sued
(and lose)





</1>

<2>

**Have you created a work
protected by copyright today?**

Yes

151739

No

151712

Total Results: 0

Start the presentation to see live content. For screen share software, share the entire screen. Get help at poller.com/app

Have you created a work protected by copyright today?

Yes 151739

No 151712

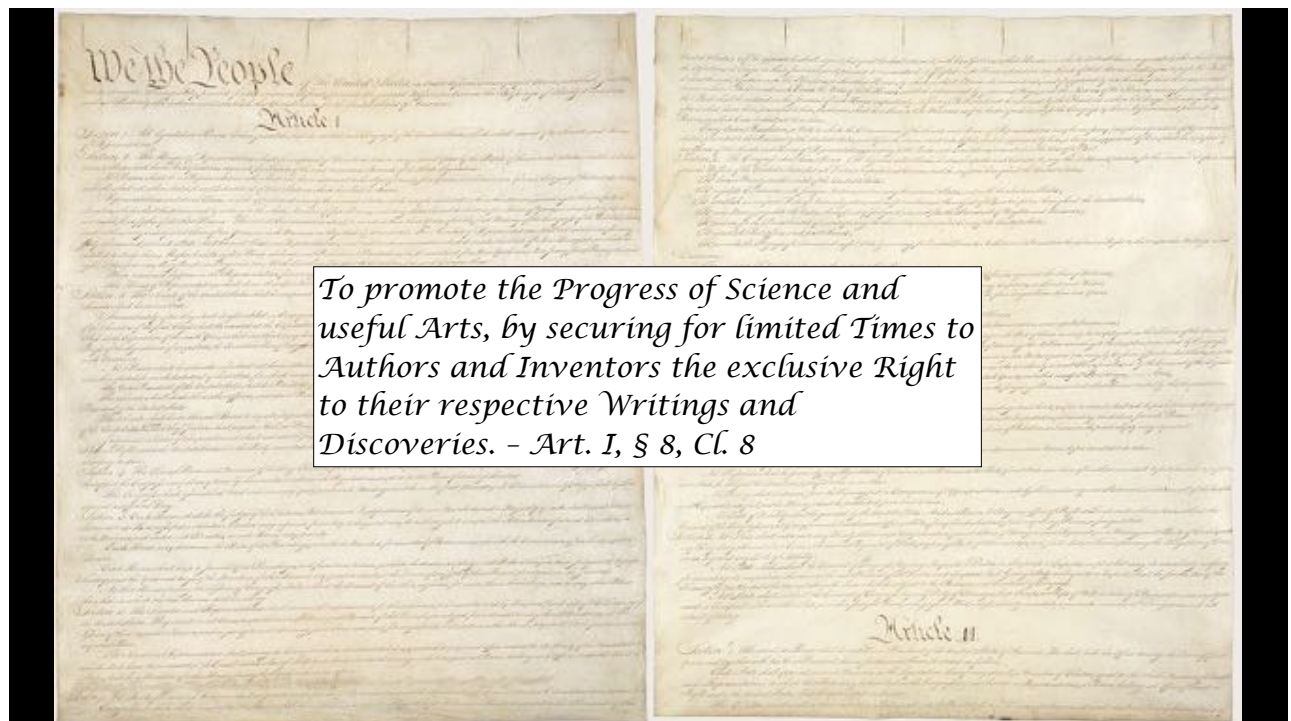
Start the presentation to see live content. For screen share software, share the entire screen. Get help at polllev.com/app

Did you...

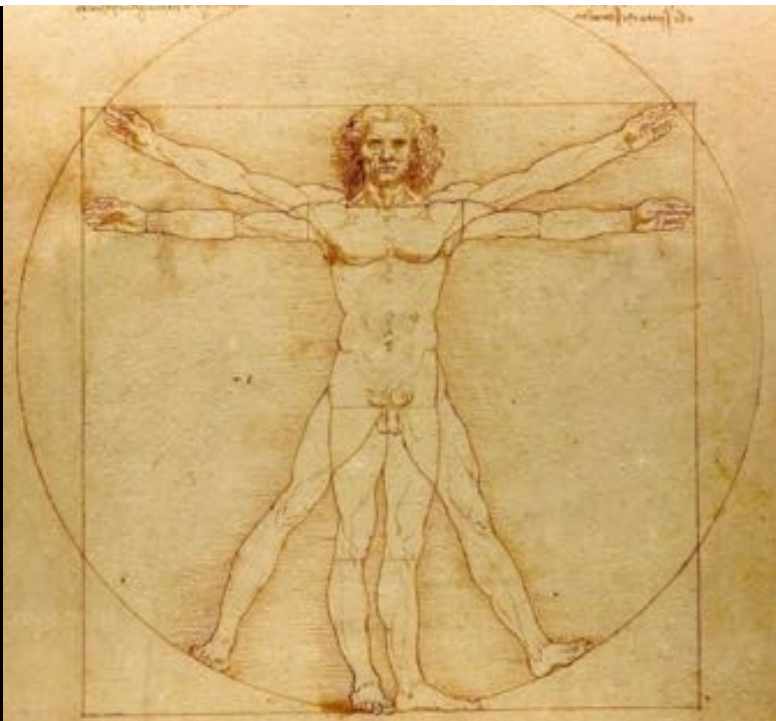
- Write a Facebook post.
- Shoot a video?
- Write a long email?
- Draw a doodle?
- Take a photograph?



Copyright is Everywhere



*An Act for the
Encouragement of
Learning*



What does ©
protect?

What does ©
not protect?

Not Protected:

Idea, procedure, process, system,
method of operation, concept,
principle, or discovery

Original works

Original?

Modicum of
creativity

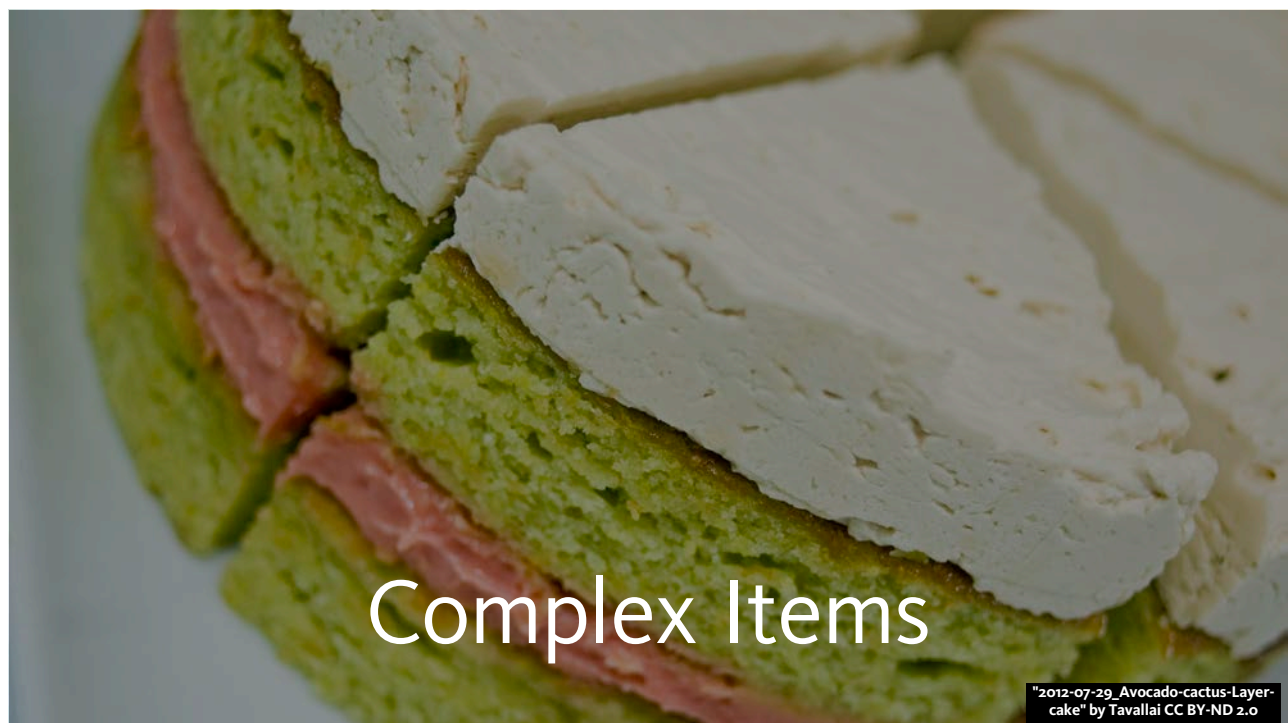
Fixed



"Bit by bit"
CC BY-SA 2.0 Flickr: Steven Lilley

"Handwriting at Starbucks"
CC BY 2.0 Flickr: Marcin Wichary



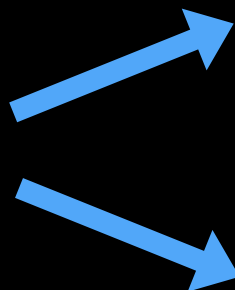




CC BY-SA 2.0 Flickr: Mack Male



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CC BY-SA 2.0 Flickr: Mack Male

Authorship: Mack Male
Copyright Status: In Copyright



Authorship: Anish Kapoor
Copyright Status: In Copyright

SOME NIGHTS

Words and Music by
JACK ANTONOFF, JEFFREY DHASKER
ANDREW DOST AND NATHANIEL RUSS

Moderately ♩ = 108

mf

Some nights I stay _ up _ _ _ _ _
couching in my bad luck _ _ _ _ _
some nights I call it a _ _ _ _ _ draw

C F C G C

some nights I wish _ _ _ _ _
the ship could build a cap _ _ _ _ _
some nights I wish _ _ _ _ _
just fall _ _ _ _ _ off but I

F C F C F C

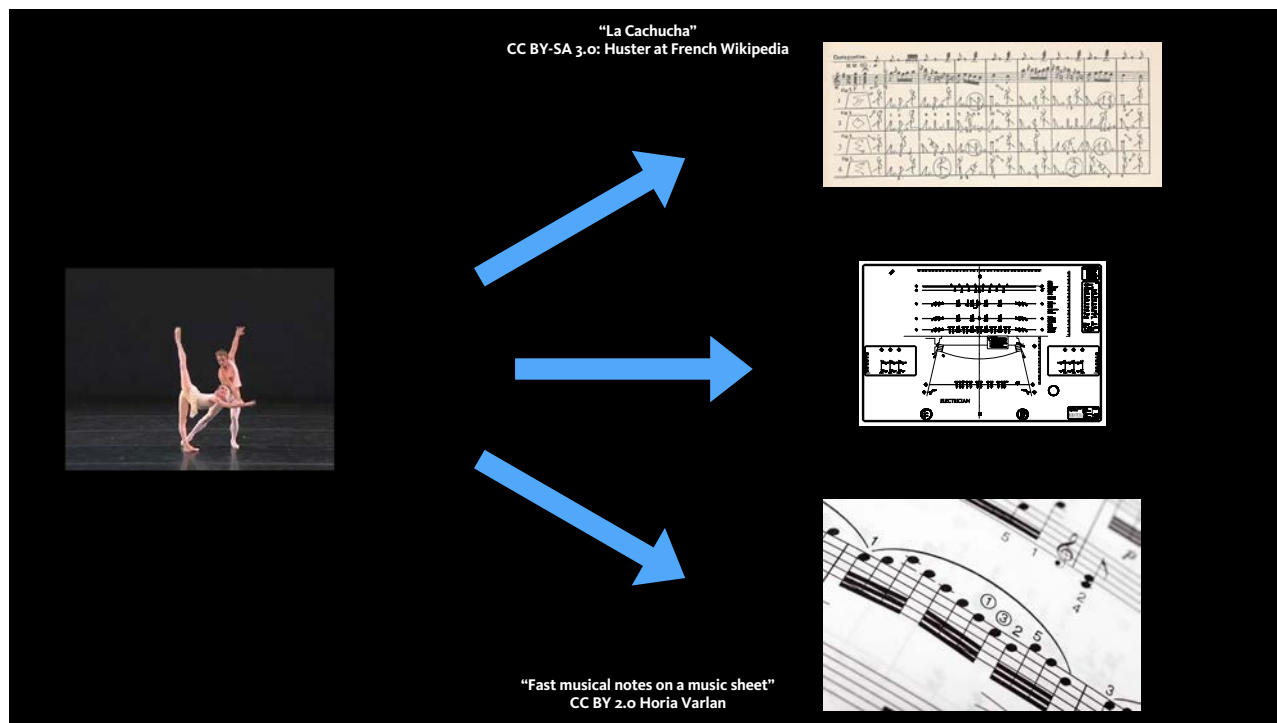
still wake _ _ _ _ _
I _ _ _ _ _
here your _ _ _ _ _ ghost _ _ _ _ _
oh Lord, I'm still not _ _ _ _ _
what I

G F C

stand for oh _ _ _ _ _
What do I stand for? _ _ _ _ _
What do I stand for?

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Exclusive
Monopoly
Rights







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1. Make copies
2. Make derivative works
3. Distribute copies
4. Publicly perform
5. Publicly display



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+



Film Life

By
Mary Pickford

Civilization, I apprehend, is nearly synonymous with order. However much we may differ touching such matters as the distribution of property, the domestic relations, the law of inheritance and the like, most of I should suppose, would agree that without order civilization, as we understand it, cannot exist. Now, although the optimist contends that, since man cannot foresee the future, worry about the future is futile, and that everything, in the best possible of worlds, is inevitably for the best, I think it clear that within recent years an uneasy suspicion has come into being that the principle of authority has been

The Cutting Edge: Collected Works of Today's Leaders

Arranged
By
Thomas Billings

Marching Along

By
John Philip Sousa

You must try to understand that when I finished school I was as raw as raw could be. I had never travelled anywhere on my own, never purchased a train ticket, since like most kids my age I had only travelled with my parents or relatives and they made all the decisions. I had no experience of how to handle money (my knowledge being limited to spending the 50 paise or one rupee I would receive as pocket money now and then).

So while I had set my sights on traveling far and wide



Traveling

By
Rahul Alvares

's shop is not very large. It is a two-roomed shop on the ground floor of the Gomes Caltao complex. It has a play section in front and a store room at the back. The store room has about twenty fish tanks on display showing a variety of fish that Ashok purchases mainly from local fisherman. Each tank stores a particular species of fish. Ashok's shop is located away from the main market area and does not have the advantage of casual customers passing by. However Ashok has his regular customers and there are always at least twenty to thirty customers

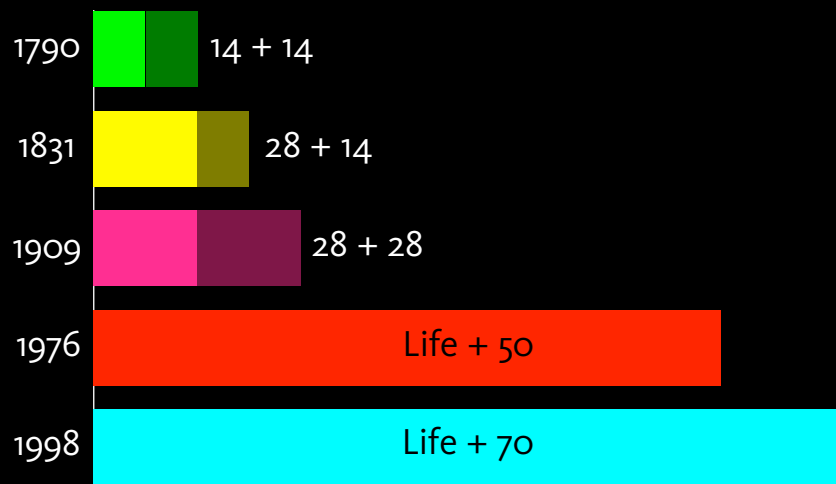


Who else?



Duration

Life + 70



Elmira, Aug. 31.

Dear Will:

Damnation, (if you will allow the expression) get up & take a turn around the block & let the sentiment blow off you. Sentiment is for girls — I mean the maudlin article, of course. Real sentiment is a very rare & god-like thing. You do not know any body that has it; neither do I!

You are petting & pitying & admiring your self over your years of patient endeavor, & your individual unassisted achievements & your good fight against mis-

feel robust & fine & healthy — & then if you are as grateful as you ought to be, you will thank me. You will say, "Thanks be to God I have passed my sentimental wars, & have no longer the moral belly-ache."

You say it — on the faith of your friend (who is a better friend to you than you are to yourself.)

Sam'l L. Clemens.

P.S. Do give my love to your mother, whom I still, as always, hold in the highest esteem & most loving remembrance. We go home, tomorrow with a genuine general idea of ~~these~~ visiting various friends for a few weeks, & then home to Hartford.



CC BY-NC 2.0 - flickr: rbbaird

1%



CC BY 2.0 - flickr: StockMonkeys.com



Fair Use

4 factors

1: Purpose/Character

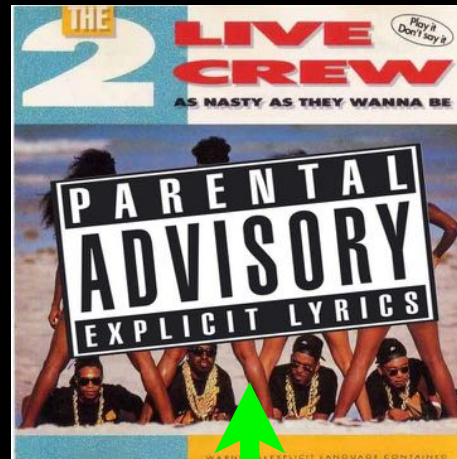
2: Nature of work

3: Amount used

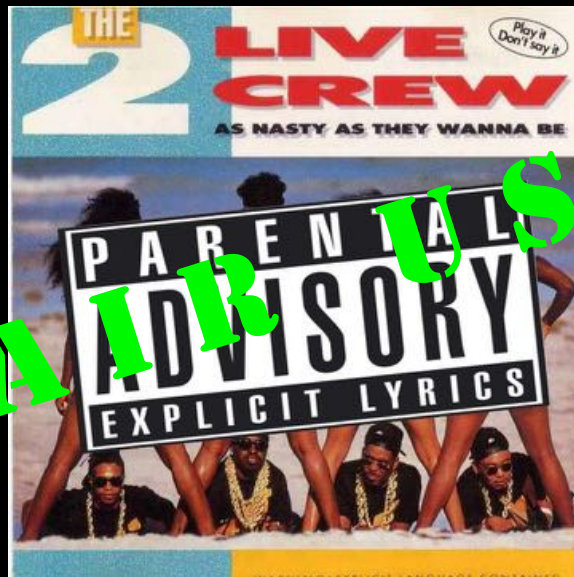
4: Market impact

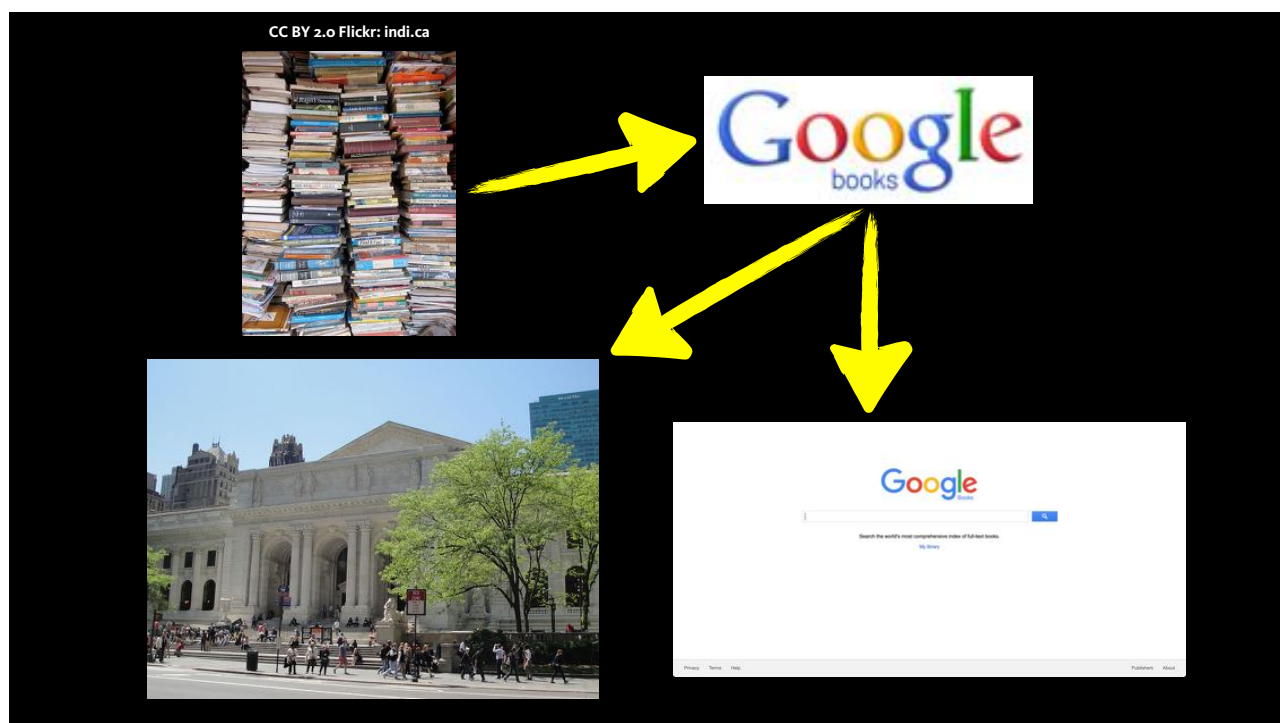
(e.g.,)

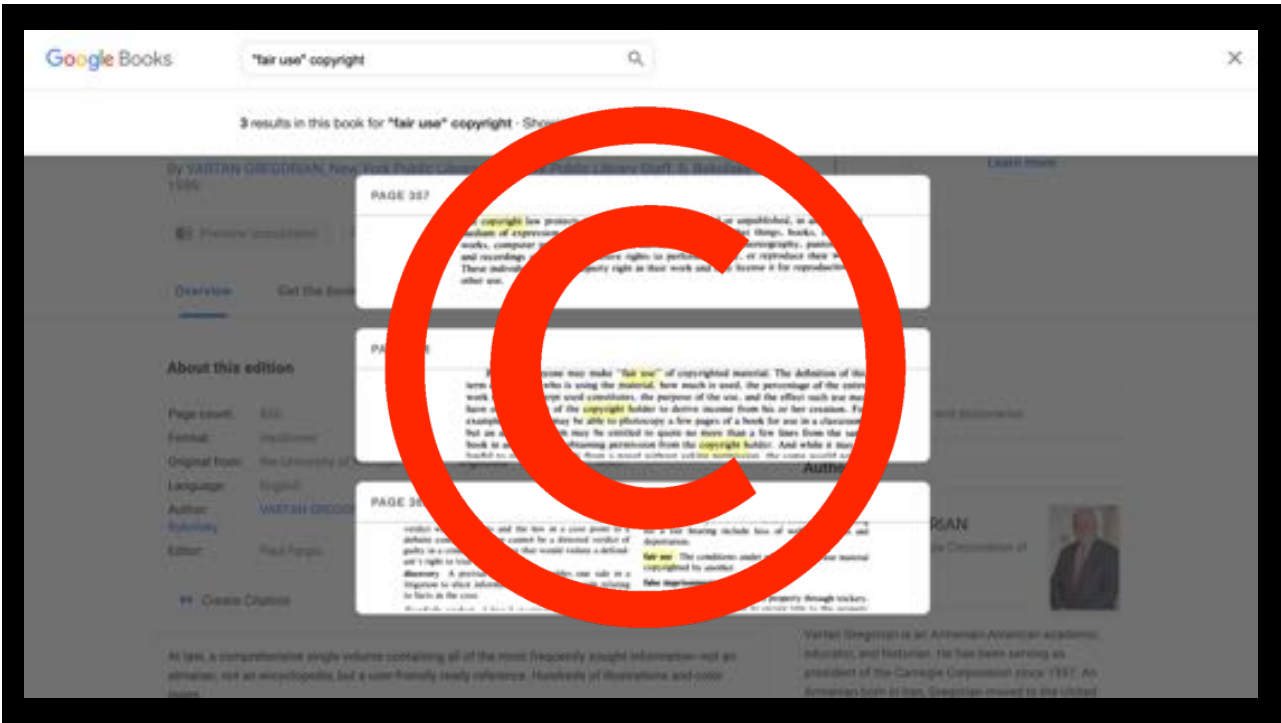
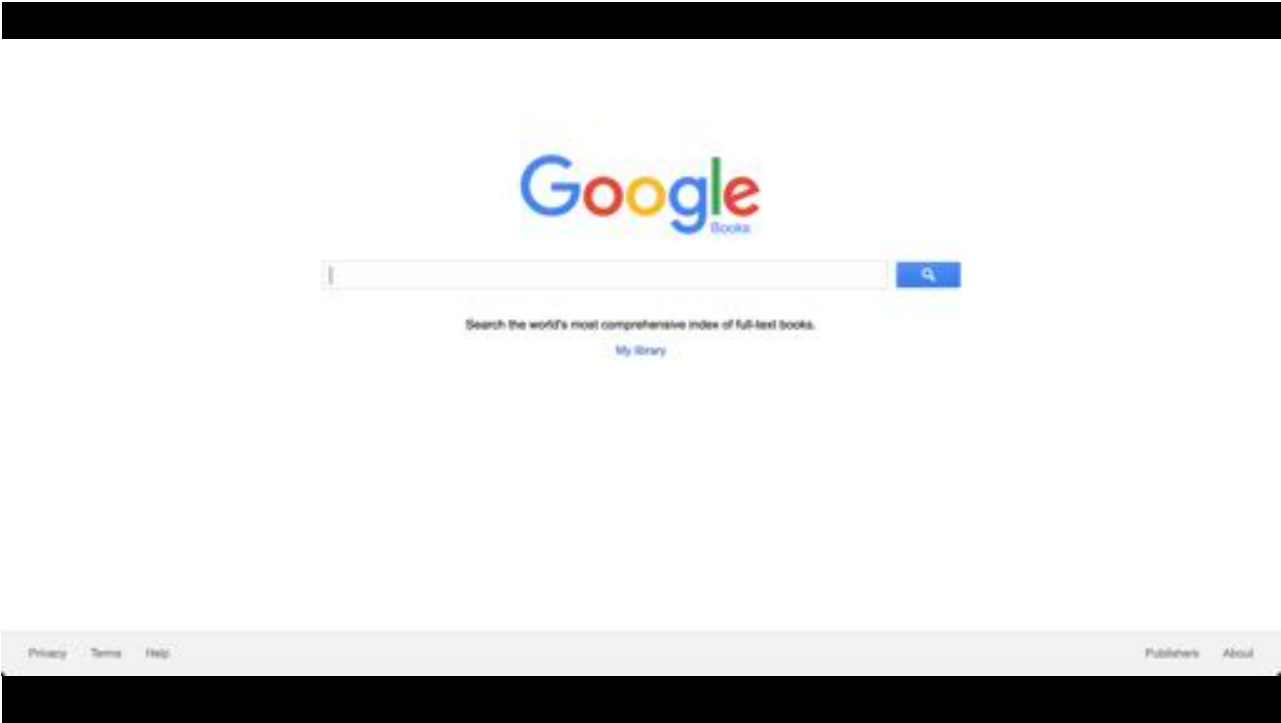




FAIR USE







13-4829-cv
Authors Guild v. Google, Inc.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

August Term, 2014

(Argued: December 3, 2014 Decided: October 16, 2015)

Docket No. 13-4829-cv

-----X

THE AUTHORS GUILD, BETTY MILES,

JIM BOUTON, JOSEPH GOULDEN,

individually and on behalf of all others

similarly situated,

Plaintiff-Appellants,

HERBERT MITGANG, DANIEL

HOFFMAN, individually and on behalf of

all others similarly situated, PAUL

DICKSON, THE MCGRAW-HILL

COMPANIES, INC., PEARSON

EDUCATION, INC., SIMON &

SCHUSTER, INC., ASSOCIATION OF

AMERICAN PUBLISHERS, INC.,

CANADIAN STANDARD

ASSOCIATION, JOHN WILEY & SONS,

INC., individually and on behalf of all

others similarly situated,

Plaintiffs,

v.

GOOGLE, INC.,

Defendant-Appellee.

-----X

Before: LEVAL, CABRANES, PARKER, Circuit Judges.



v.



HATHI
TRUST

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Add to Collection

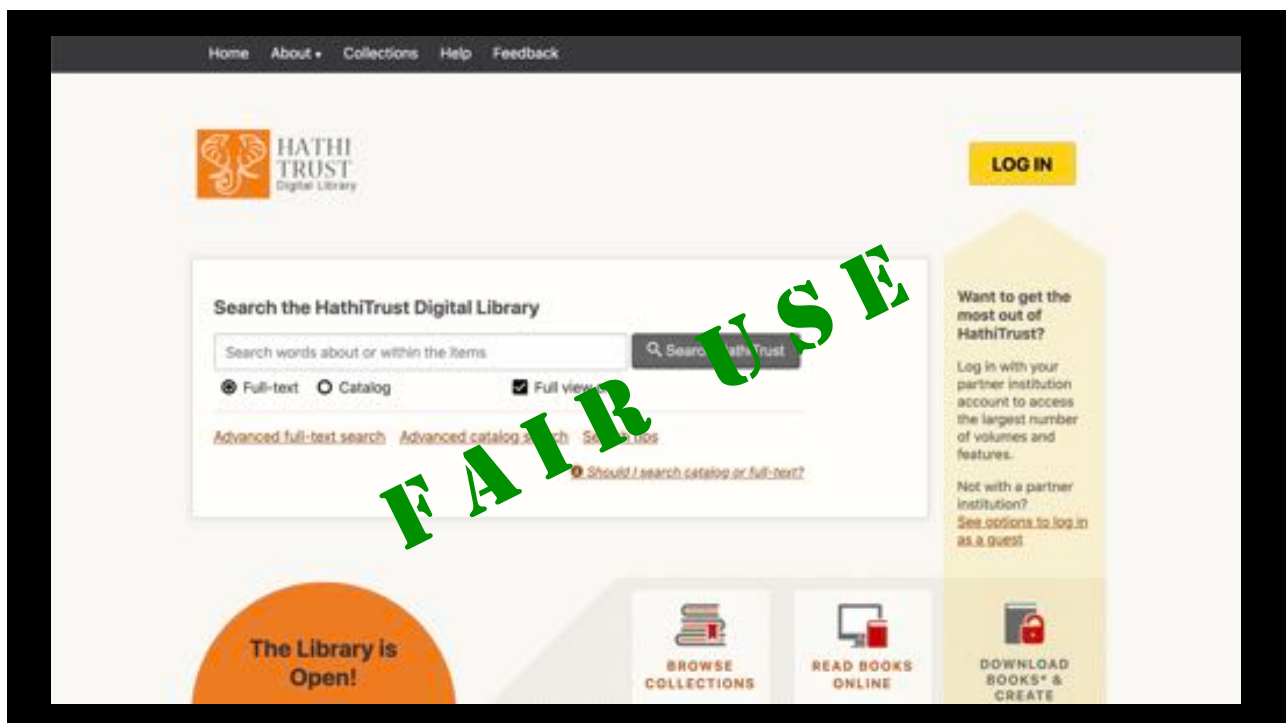
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Search in this text

Find

You can try to [find this item in a library](#) or [search in this text](#) to find the frequency and page number of specific words and phrases. This can be especially useful to help you decide if the book is worth buying, checking out from a library, etc.





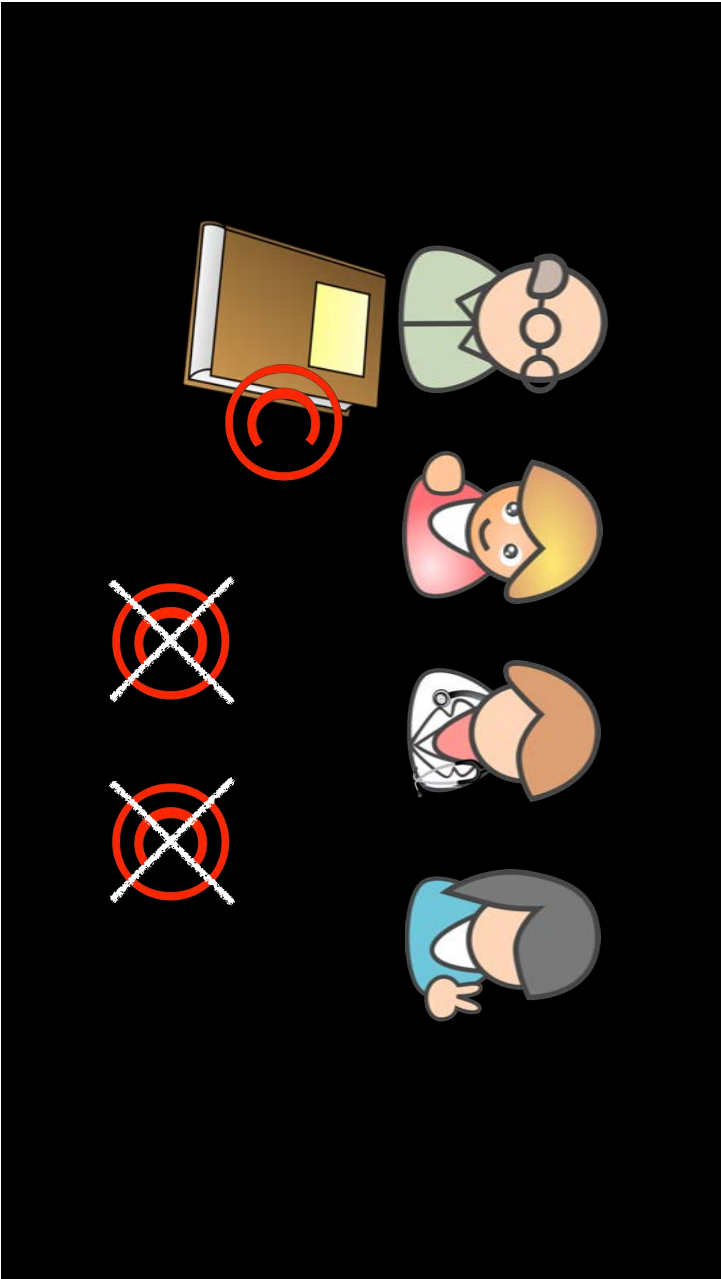
Remember...

- Case-by-case analysis
- Factors, not rules or guidelines
- More Likely/Less Likely, not Yes/No
- Part of larger **RISK** determinations
- Only opinion that matters is the judge's final opinion



108 - Limitations on Exclusive Rights: Reproduction by Libraries and Archives

(a) Except as otherwise provided in this title and notwithstanding the provisions of section 106, it is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment, to reproduce no more than one copy or phonorecord of a work, except as provided in subsections (b) and (c), or to distribute such copy or phonorecord, under the following conditions:



"Reading Class"
CC BY 2.0 Flickr: Christian Liechti



Copyright

- Default rules
- Use defined by exceptions and limitations
- Uniform by necessity

Contract

- Modification to defaults
- Can create additional permissions or restrictions
- Not uniform without intentionality



RLI 279

June 2012

Research Library Issues: A Quarterly Report from ARL, CNI, and SPARC

Special Issue on Special Collections and Archives in the Digital Age

The ARL Working Group on Transforming Special Collections in the Digital Age is focusing on a range of issues including the realignment and mainstreaming of special collections functions in ARL libraries, indicators for the strengths of special collections, and development of skills in the areas of digital and data curation. Other issues for the working group are legal concerns and evolving professional practices around digitizing special collections and archival materials.

This issue of *RLI* addresses the latter two issues. ARL member libraries have embraced digitization—performed in-house or through commercial vendors—as a critical strategy to increase access to their unique collections. In their introduction to this special issue, Peter B. Hirtle, Anne R. Kenney, and Judy Ruttenberg highlight the ongoing commitment to increasing exposure, access, and discovery of archival and manuscript material in the research mainstream, reaching undergraduates to senior scholars. Access to digitized archival material has dramatically changed the way research can be done. This change has challenged libraries and special collections librarians and curators to consider evolving professional practices and legal obligations. Also in this issue is a model digitization contract for use with outside vendors, as well as model “deeds of gift” that can secure permission from rights holders to make donated material accessible on the web. Finally, Kevin L. Smith, Director of Scholarly

In This Issue

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New York
Public
Library

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- D. Whenever feasible, the undersigned requests that the Library include (and cause others to include) the following copyright notice or one reasonably similar to it, in connection with such reproductions: © [Name of the Artist].

$\langle 1/2 \rangle$

$\langle 3 \rangle$

Home / Search Records

Search Records

Copyright Search Records



Pre-1978 Records

Copyright registrations and related documents covering the period 1878 through 1977 are accessible through the physical card catalog housed in the Copyright Office and also through a virtual set of volumes titled "Catalog of Copyright Entries" (CCEs), which cover 1891 to 1977.



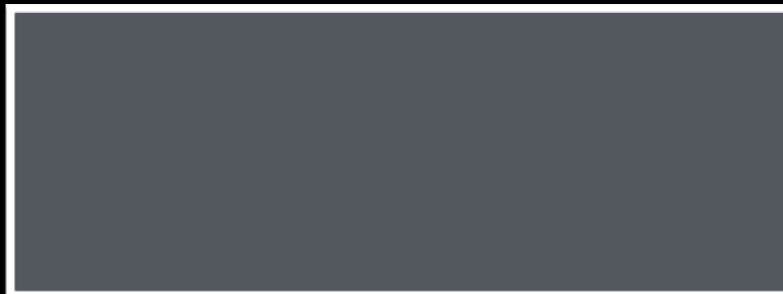
Post-1978 Records

The Copyright Office is an office of public record for copyright registrations and related documentation. Copyright registrations for all works dating from January 1, 1978, to the present, as well as renewals and recorded documents, are accessible through the Copyright Office online records catalog.



Digitization and Public Access Project

The Copyright Office is an office of public record for copyright registrations and related documentation. Prior to 1978, copyright records were created in analog form, and the Digitization and Public Access Project is complete, it will provide web-access to all pre-





"I got hot sauce in my bag, swag."



[SHARE](#) | Clarkdale, Mississippi, 1939. Photo by Marion Post Wolcott/U.S. Farm Security Administration.

"Y'all haters corny with that Illuminati mess."



[SHARE](#) | Natchez, Mississippi, 1940. Photo by Marion Post Wolcott/U.S. Farm Security Administration.

What Beyoncé's 'Formation' were set in the

FEBRUARY 23, 2016



The 1947, 1948, 1955, 1956, and 1960 covers of the Green Book, NYPL Digital Collections

NAVIGATING THE GREEN BOOK

The Green Book was a travel guide published between 1936 and 1966 that listed hotels, restaurants, bars, gas stations, etc. where black travelers would be welcome. NYPL Labs is in the process of extracting the data from the Green Books themselves and welcomes you to explore its contents in new ways.



<http://publicdomain.nypl.org/greenbook-map/>

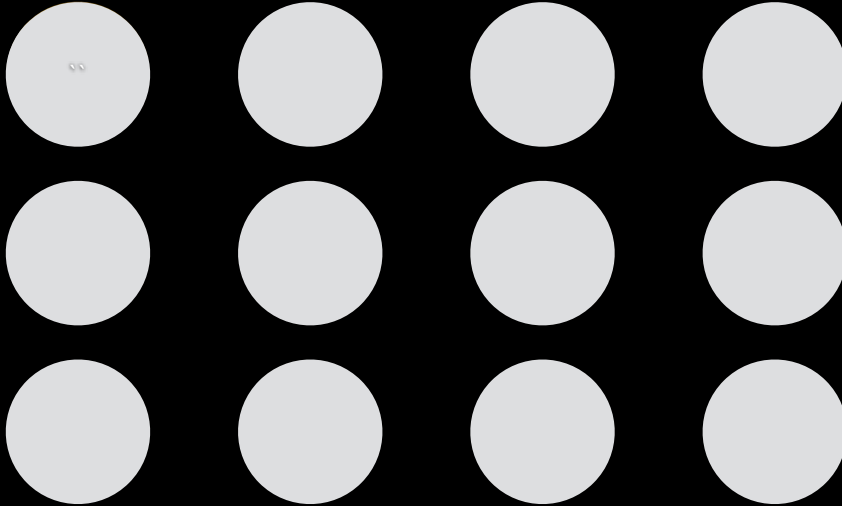


Past Backlog

Going Forward



Meet the Team:



Meet the Team:



Greg



Kiowa

RIGHTS STATEMENTS

Three Categories of Rights Statements

IN COPYRIGHT



*Statements for works that are
in copyright*

NO COPYRIGHT



*Statements for works that are
not in copyright*

OTHER

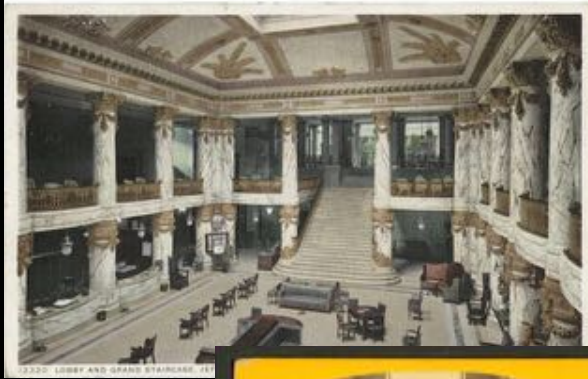


*Statements for works where
the copyright status is unclear*

Can I Use This?



© Alan Ammann, Used
With Permission



2222 LOBBY AND GRAND STAIRCASE, 1911



© Alan Ammann, Used
With Permission



</3>

<4>





Can I Use This?

Digitize?

Online?

Educational Uses?

Step One:

Gather Info

12,000 photos



2,500 boxes

Step 2:

© Status

Published?

Step 3:



Risk

Even if in ©

Rightsholders?



Work for which the rights holder(s)
cannot be located

(usually, after a “reasonably diligent”
search)

>55%

Fair Use

Take down?

takedown@nypl.org

Risk?



Pretty low

Step 4:

Decision

Senior
management

Do it!

Step 5:

Do it

[Collections](#) > [New York World's Fair 1939-1940 records](#)

NEW YORK WORLD'S FAIR 1939-1940 RECORDS

[Navigation](#)
[About](#)
[Filters](#)

New York World's Fair 1939-1940 records

- I. Central Files 17
- II. Office of the Secretary 2
- III. Board of Design 23
- IV. Legal Department 2
- VL Government Participation 0
- VII. Operating Division 12
- Promotion & Development Division 1,313
- IX. Treasury 1

33,603 results found

Sort by:

- Title
- Date created
- Date digitized
- Sequence

Committee on Theme

New York Public Library (1939)

New York World's Fair 1939. G...

Conferences, 1936 Oct 28 - 19...

Democracy (1939)

Music

WORLD'S FAIR

Enter the World of Tomorrow

Welcome to Biblion: World's Fair

Enter the World of Tomorrow through one of the Library's richest and most heavily used archival collections: the official corporate records of the 1939-40 New York World's Fair. The Fair, like the Library, has something for everyone, from technological innovation and classical music, to pop culture and a portrait of the world dealing with the crises of war and economic hardship.

SECTIONS


A Moment in Time: On the Brink of War

Designed to be everything from an economic catalyst for a Depression-laden New York to a harbinger of a worldwide peace movement, the Fair came to stand for a turning point in history. By opening day in 1939, the world was already in the midst of what was, for most, the second major war of their lifetimes. With some sixty nations represented on the grounds, international participation inevitably reflected the movements of the world at large: Germany flexed its strength; the Czechoslovakia Pavilion became "a monument to a murdered republic"; and Great Britain's presence transitioned from celebratory to somber. Simultaneously, America's collective

NYPL Biblion: World's Fair

By The New York Public Library

Open iTunes to buy and download apps.



[View in iTunes](#)

Free

Category: Education
Updated: Jul 11, 2012
Version: 1.6
Size: 234 MB
Languages: English, German
Seller: The New York Library
Astor, Lenox, and Tilden
Foundations
© 2011, The New York
Public Library, Astor, Lenox,
and Tilden Foundations
Rated 9+ for the following:
Infrequent/Mild
Mature/Suggestive Themes

Requirements: iOS 5.0 or later

Description

***Apple "Education App of the Year" 2011
***Honorable Mention in the 2011 Knight-Ridder Awards


[The New York Public Library Web Site](#) • [NYPL Biblion: World's Fair Support](#) • [...More](#)

What's New in Version 1.6

- Updated for Retina Display
- Performance and minor stability improvements
- Add links to other NYPL Apps

[...More](#)

iPad Screenshots



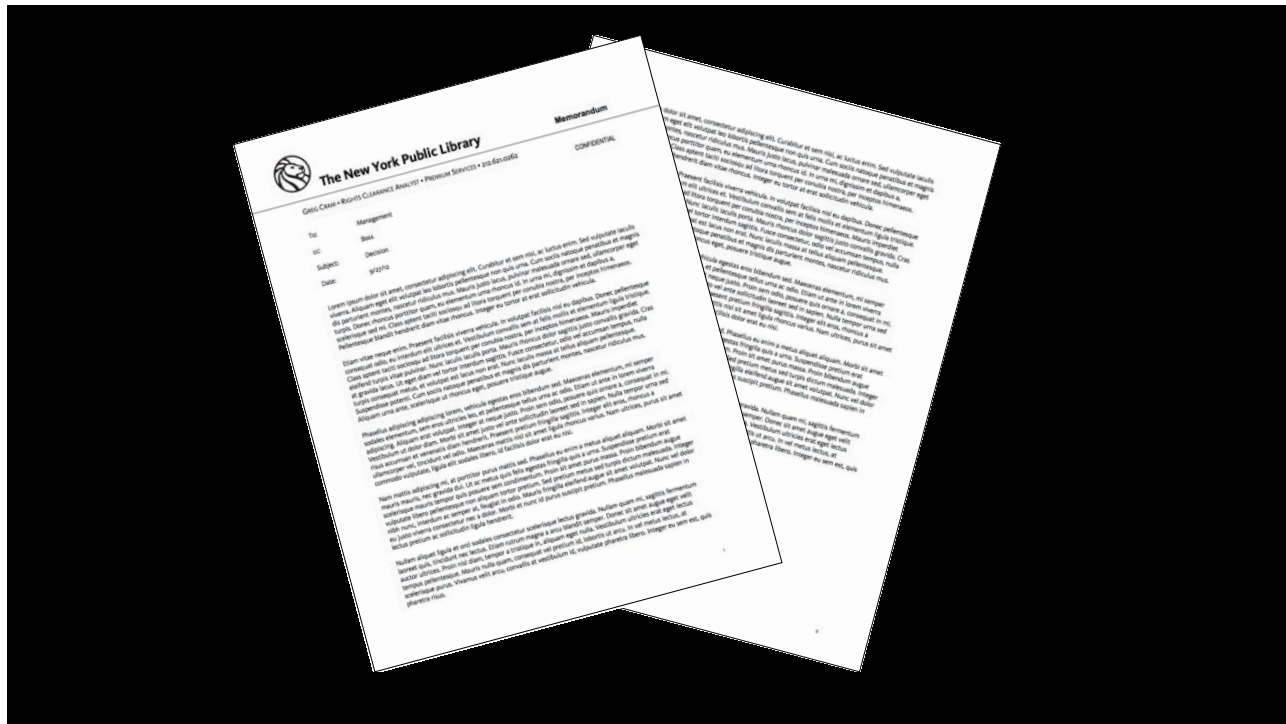
Step 6:


Record

Summary

What we can do

Why





New York Public Library

METADATA MANAGEMENT SYSTEM

Logged in as gregoram@nypl.org
SIGN OUT

DashboardSearchCollectionsItemsWork ordersToolsReports

New York World's Fair 1939-1940 records

Collection, uuid:1e6dd2f0-c530-012f-c1f8-58d385a7bc34 | [Clone record](#) |

ITEM TOO LARGE TO ADD TO A WORK ORDER DIRECTLY. PLEASE CHOOSE A SUBSET OF AVAILABLE ITEMS OR CONTACT ADMIN.

Overview

Descriptive metadata

Rights and use

Content Owner

Manuscripts and Archives Division

Descriptive metadata

Descriptive metadata has been entered at this level.
Information created by Kristopher Kelly, August 10, 2012-11:08
Description last updated by Saskia Scheffer, December 31, 2014-14:12
Status: **Approved**, set by System, August 15, 2012-18:08 | [Edit](#)

Rights

Rights specified at this level.
Rights profile created by Kristopher Kelly, May 01, 2013-22:05
Rights profile last updated by Greg Cram, February 11, 2015-14:02

Total items in this collection

13850

NOTE: This collection cannot be deleted because it has descendant items with associated captures that have either already been ingested into the repository or for which digital assets have already been created.

CONTAINER	CHILDREN	RIGHTS PROFILE	ACTIONS
I. Central Files	5	1	See actions
II. Office of the Secretary	5	1	See actions
III. Board of Design	11	1	See actions
IV. Legal Department	2	1	See actions
VI. Government Participation	2	1	See actions
VII. Operating Division	5	1	See actions

</4>

<5>



Menus

Can I Use This?

Digitize?

Online?

Transcription

OCR is HARD

Weird font

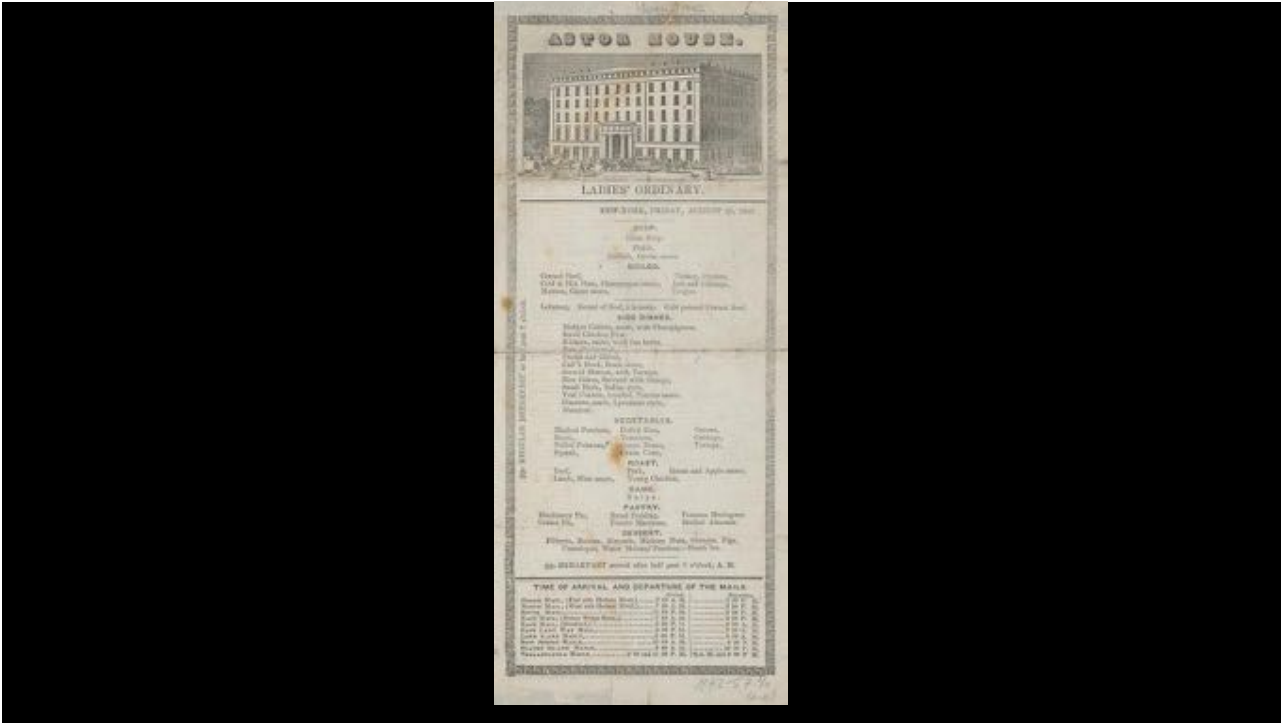


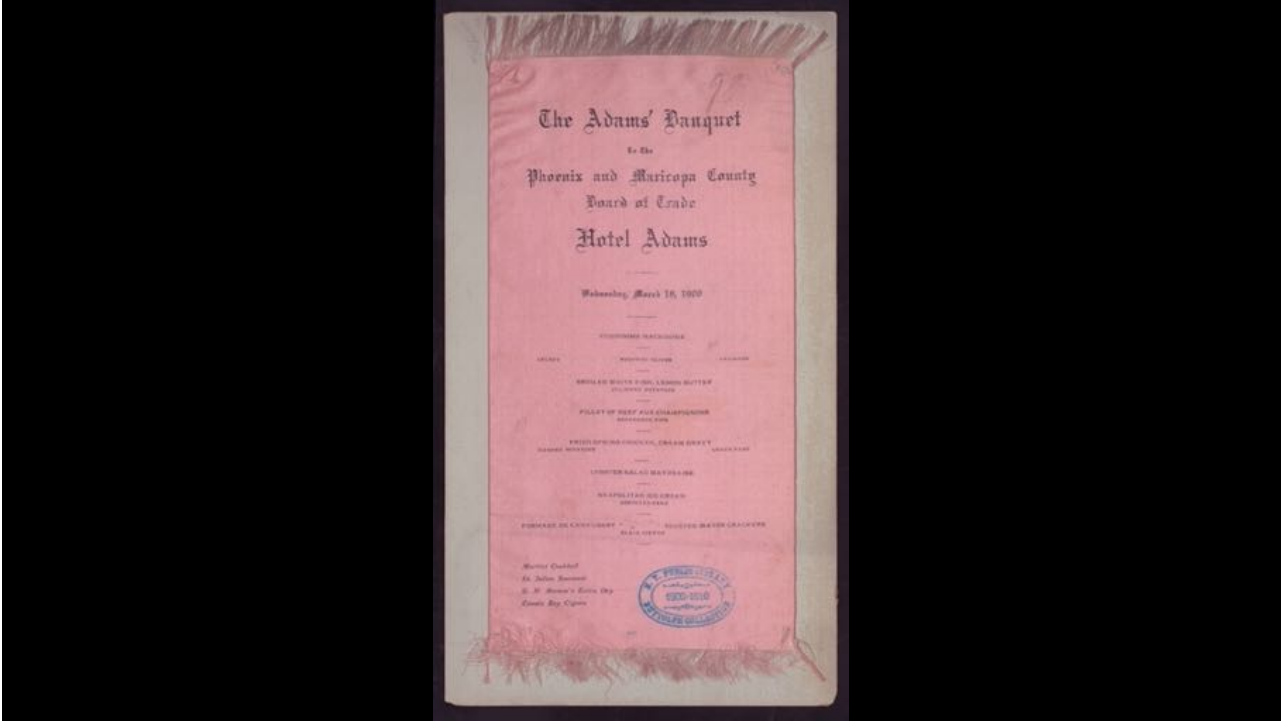
Step One:

Gather Info

45,000

1843-Today



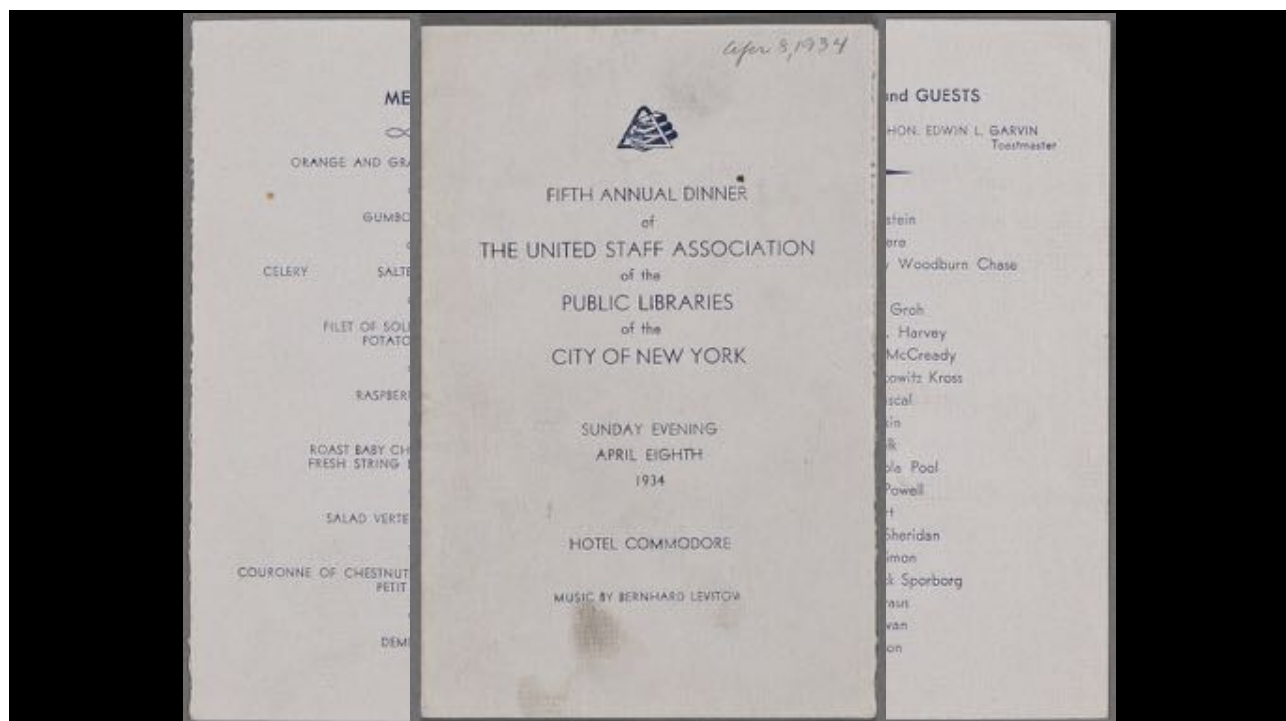


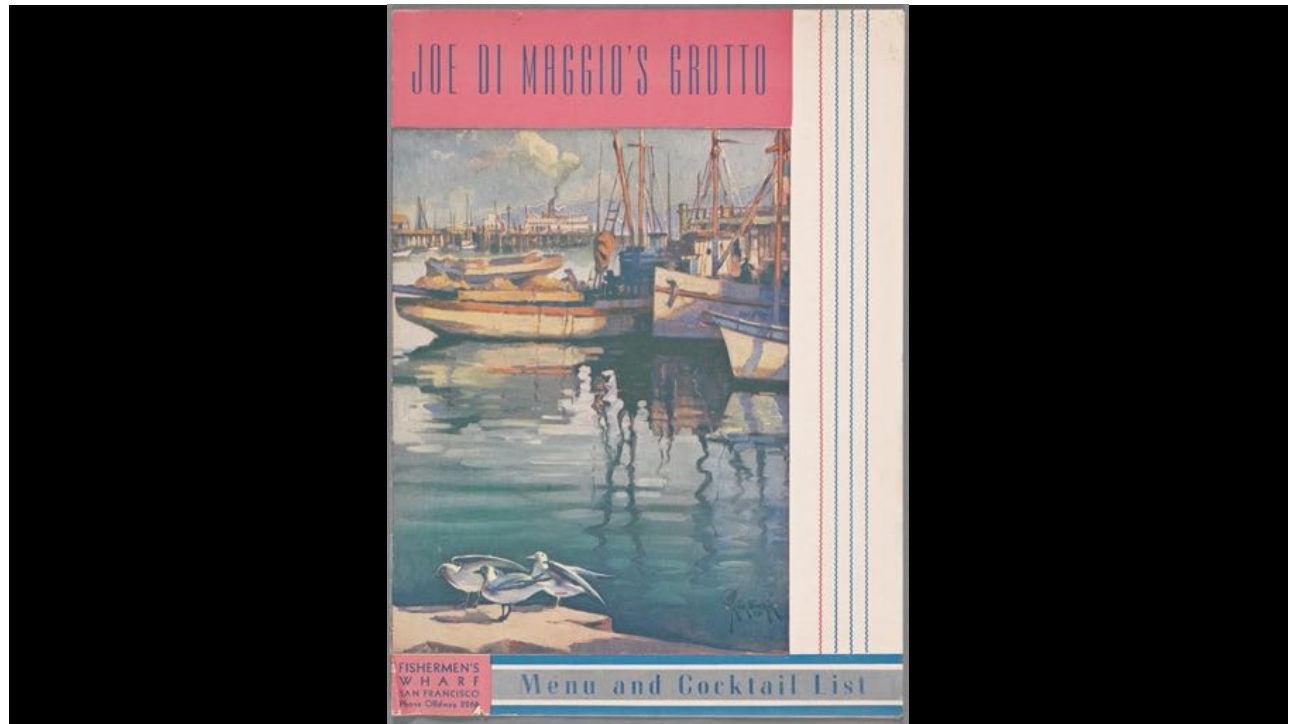
Step 2:

© Status

Protectable?

modicum of creativity



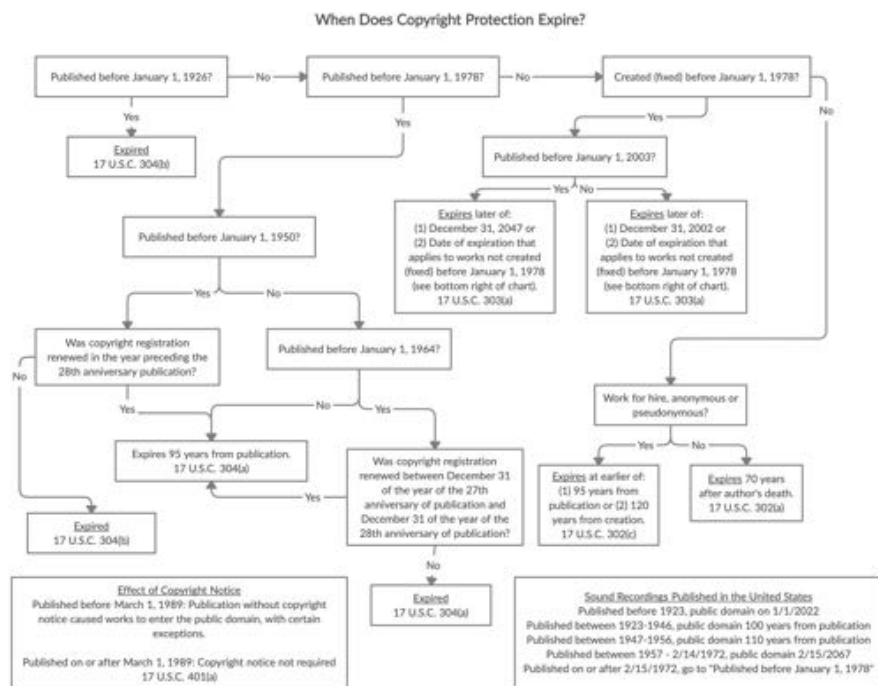


Categories

Life + 70

Different Rules

Different Dates



Published?

No => ©

Yes => ©?

freely distributed

Published?



Compliance With
Formalities?



Req 1:
Copyright Notice?

Hiking Westward

Being the Story of Two Boys Whose
Ambition Led Them to Face Privations
and Hardships in Their Quest of
a Home in the Great West

By
ROGER W. CONANT

ILLUSTRATED BY
FRANK T. MERRILL



W. A. WILDE COMPANY
BOSTON CHICAGO

Digitized by Google

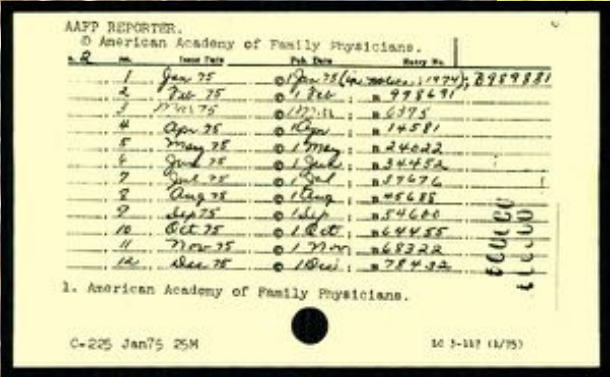
KD 5625

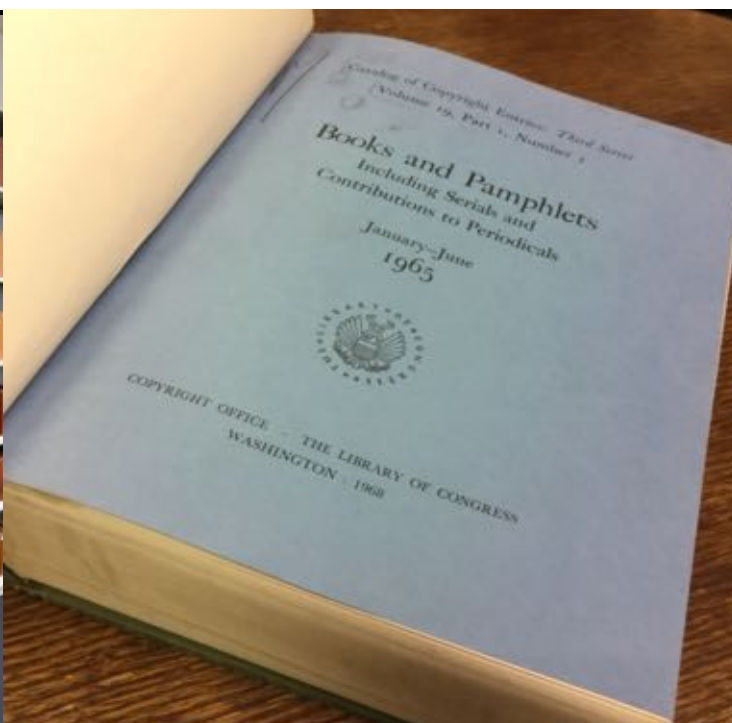
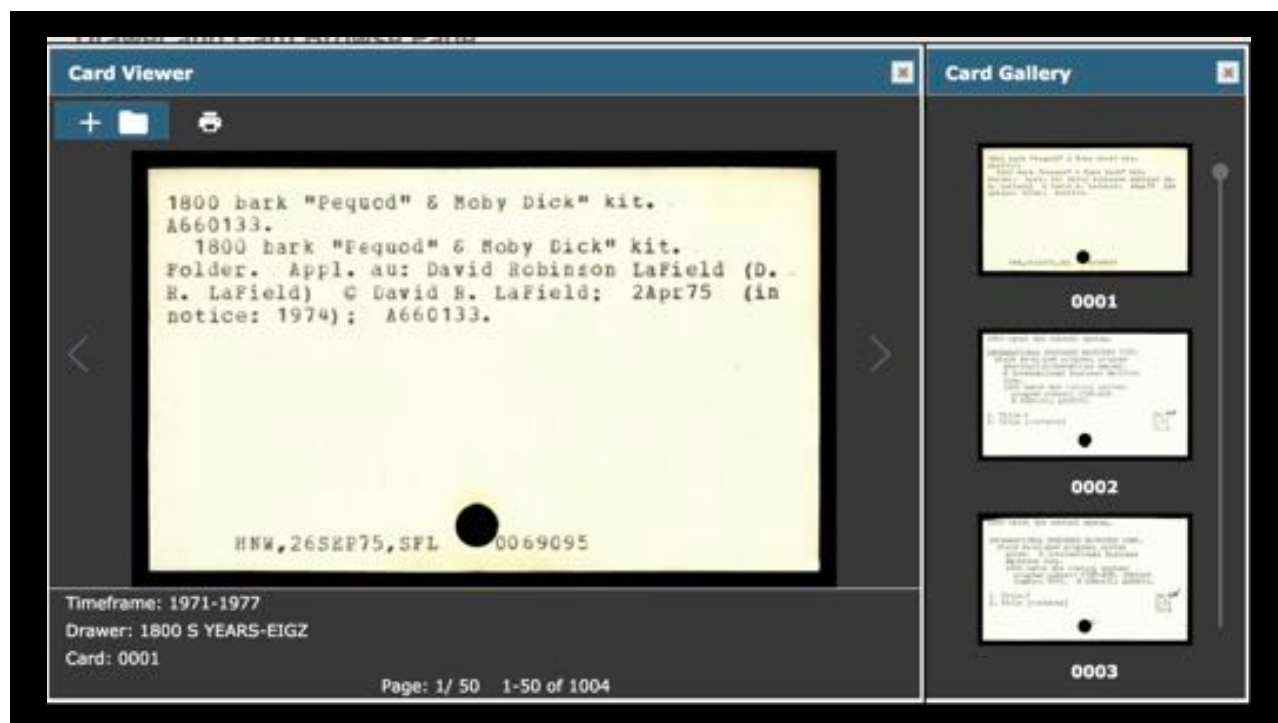
Copyrighted, 1920,
BY W. A. WILDE COMPANY
All rights reserved
HIKING WESTWARD

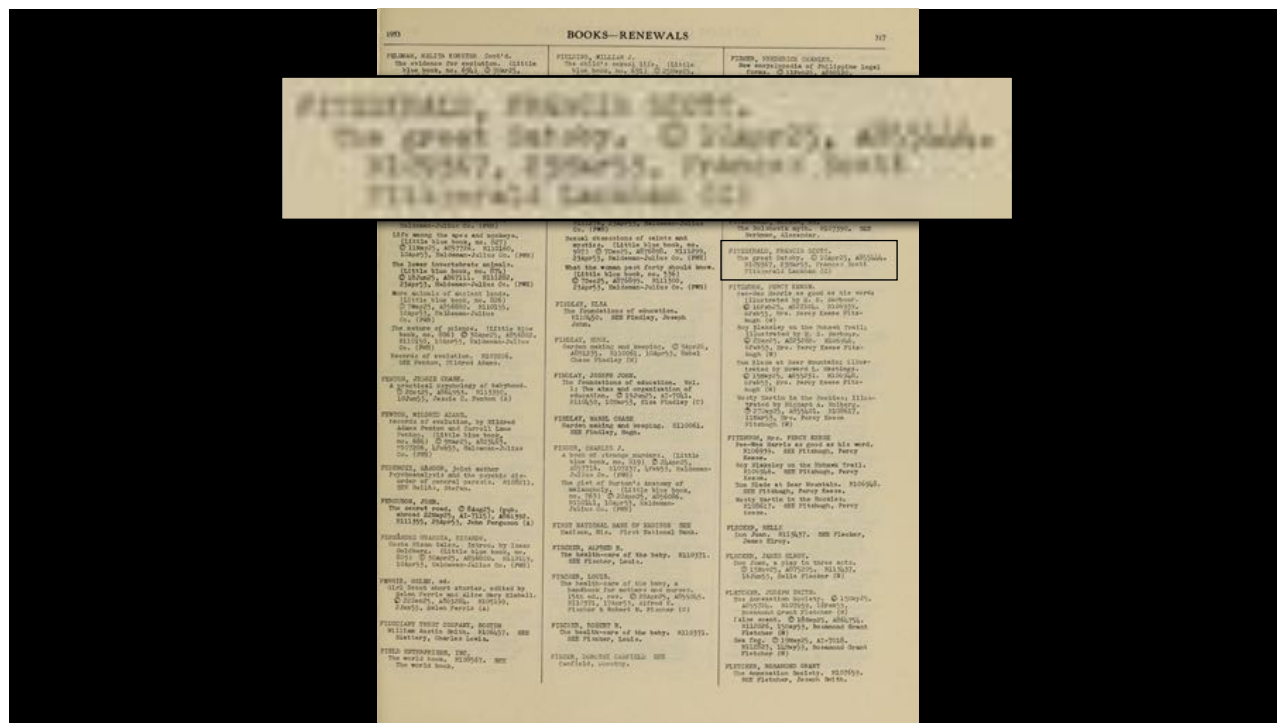
Digitized by Google

© Delm...cos 1950

Req 2: Renewal







You searched for:

flying express dixon

Title: [Mystery of the flying express](#)
 Author: [Dixon \(Franklin W.\)](#)
 Publication Date: [Jan 15, 1941](#)
 Registration Number: [A149259](#)
 Publisher: [Grosset & Dunlap, inc.](#)
 Place of Publication: [New York](#)
 Record Number: [344](#)
 Renewal Status: [Renewed \(R451543\)](#)
 Renewal Claimant: [Harriet S. Adams & Edna C. Squier \(A\)](#)
 Last Action: [Assignment to Stratemeyer Syndicate](#)

[+ Original Records](#)

High %

public domain

45,000

45,000



Step 3:



Even if in ©

Rightsholders?





CC BY-NC 2.0 - flickr: rocor



CC BY-NC 2.0 - flickr: rocor

close

intellectual
property

Not many
rightsholders

Care?



CC BY-NC 2.0 - flickr: rbbaird



CC BY 2.0 - flickr:
Steven Depolo

Care?

Probably not

Take down?

takedown@nypl.org

Yes

Risk?

Pretty low

Fair Use

Step 4:

Decision

Senior
management

Do it!

Step 5:

Do it



Bisque of shrimps, Normande	45	Cream of lettuce
F I S H		
Filet of striped bass, oystercrabs	90	Fried per
Stuffed boneless smelts, mushrooms	80	Lobster s
Red oystercrabs, see Tartare	90	Scallops, Boston style 90

Filet of striped bass, oystercrabs

.90 in Dollars (only if you see a price). [More than one price?](#)

☐ This is my best guess (text is not 100% readable)

Enter dish or Cancel

Whats-On-The-Menu

- What Is This?
- Caveats About the Data
- Tokens
- Formats
- Rate Limiting
- Authentication
- Pagination
- Menus
 - GET /menus
 - GET /menus/{id}
 - GET /menus/{id}/pages
 - GET /menus/{id}/dishes
 - GET /menus/search
- Dishes
 - GET /dishes
 - GET /dishes/{id}
 - GET /dishes/{id}/menus
 - GET /dishes/search

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Menus Beta API v1

What Is This?

There's a lot of data behind The New York Public Library's What's On The Menu?, and here's your chance to explore it. This is built for programmers and power-users, so if you're looking for an easier way to explore the dataset you may want to take a look at our Biweekly data exports, which are in CSV format. However if you're looking to do powerful analysis of historical menu data, this is the tool for you.

If you haven't worked with an API before, this REST API tutorial is a great place to start.

To pretty print your responses, take a look at the [jutil repository](#) or pipe (!) in *python* - *mjson.tool*:

```
echo '{"jeon":{"obj"}}' | python -mjson.tool
```

This is our first public API, so if you have any questions, please [get in touch](#) with us; it'll help us as much as you.

Caveats About the Data

There's a few things you should know about the data before you dive in:

You may notice empty/null fields for certain items. Much of the information for **dishes** and **menus**, to some extent, are still being normalized, cleaned, and updated.

Currently, *highest* and *lowest* prices for **dishes** don't take into account currencies other than the dollar.

This data structure is still being worked on and changes will be taking shape with both the

CURATING MENUS

We are scholars researching questions about food and culture using the historical menu collections from the New York Public Library.

Featured

AGAINST CLEANING

Practitioners, critics, and popularizers of new methods of data-driven research treat the concept of “data cleaning” as integral to such work without remarking on the oddly domestic image it makes—as though a corn straw broom were to be incorporated, Rube-Goldberg-like, into the design of the Large Hadron Collider. In reality, “data cleaning” is often the most opaque part of data-intensive research.

[Read more](#)

Step 6:

Record

</5>

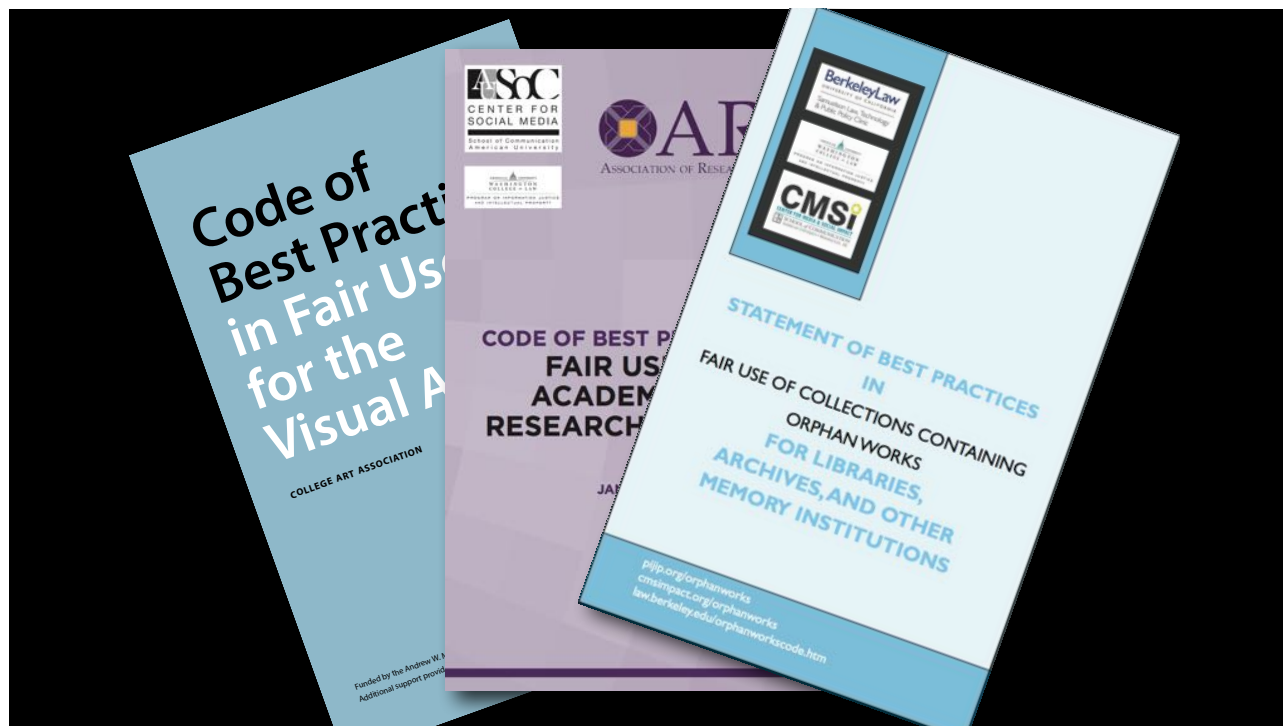
How Have You Used
Copyright to Your
Advantage?

◁Parting Thoughts▷

Can I Use This?

case- by -case

Fair Use





Resources

- Cornell Chart: <http://copyright.cornell.edu/resources/publicdomain.cfm>
- 2021 Copyright Status Flowchart: <http://bit.ly/2021chart>
- Peter Hirtle, *Copyright and Cultural Institutions*: <https://ecommons.cornell.edu/handle/1813/14142>

Resources

- ARL Code of Best Practices in Fair Use for Academic and Research Libraries: <http://www.arl.org/focus-areas/copyright-ip/fair-use/code-of-best-practices>
- Video At Risk: Strategies for Preserving Commercial Video Collections: http://guides.nyu.edu/ld.php?content_id=24818036

Resources

- Copyright and Publication Status of Pre-1978 Dissertations: [https://
deepblue.lib.umich.edu/bitstream/handle/
2027.42/100239/
Clement%20Levine%20portal.pdf?sequence=1](https://deepblue.lib.umich.edu/bitstream/handle/2027.42/100239/Clement%20Levine%20portal.pdf?sequence=1)
- Public Domain Handbook: [https://
www.law.berkeley.edu/files/
FINAL_PublicDomain_Handbook_FINAL\(1\).pdf](https://www.law.berkeley.edu/files/FINAL_PublicDomain_Handbook_FINAL(1).pdf)