

KNOW YOUR RIGHTS:

Copyright and fair use

The student press law center answers your most frequently asked questions about the re-use of others' content

Q Can we copy and publish material that we find through an online search engine like Google Images?

A: The fact that material is available and easily copied on a website does not lessen its copyright protection. The best practice is always to get consent (and if you can't, consider creating your own alternative). You may be able to make a "fair use" of a limited amount of someone else's material, but it's always best to avoid copying material from a professional news service like the Associated Press that offers such material for sale (unless you so greatly alter the material that you transform it into a new work).

Q Does it protect you against a copyright claim if you properly credit the artwork you are copying?

A: Not at all. Copyright is concerned with consent, not credit. Properly attributing a photo or a cartoon is ethically correct, but it is not a legal defense if the creator believes that your reuse of the work infringes his copyright.

Q Can we use the logo of a business – like Pepsi or Facebook or Google – without getting permission?

A: Yes, in connection with a news or feature story about the company or the industry, like a story about the popularity of Facebook. But you cannot use it without permission for purely marketing purposes, such as putting the Facebook logo on your yearbook cover in hopes of selling more books.

Q Isn't it safe to reuse only 30 seconds of a song, or only 10 percent of an article?

A: You'll hear various rules of thumb, but the Copyright Act itself contains no numerical or percentage "safe harbors." Material can safely be reused – a "fair use" – if the amount taken is limited to only what is necessary, and is used in a new-and-different way (such as a clip from a film to illustrate a movie review) that does not detract from the economic value of the original.

Q Where can you find photos, videos and documents online that are fair game to be used without permission?

A: Start with federal government (.gov) sites like the White House, FEMA, NASA and others. Content created by federal employees in the course of their work is unprotected by copyright and can be freely reused. Also look for materials carrying the Creative Commons (CC) license, a voluntary alternative to copyright. Typically, such materials can be used in a nonprofit publication as long as proper attribution is given.

Q Who owns the copyright in work done by student journalists?

A: Unless the work is done for a salary ("work for hire") or under a contract or an employee handbook that specifies ownership, the normal rule is that the creator owns the work. And that is true even if school equipment is used.

