Advancing Knowledge
Strategies for Advancing Knowledge through Copyright
June 30, 2020

Not Legal Advice
<1>

Why?
Can I Use This?

1.6 million research materials used
1.6 million research materials used

127 million digital images viewed

80X
UCLA Sued Over Streaming of Videos
December 10, 2010

Publishers Sue Georgia State on Digital Reading Matter
By KATIE HAFNER
Published: April 16, 2008

Lawsuit Seeks the Removal of a Digital Book Collection
By JULIE BOISMAN  SEPT. 12, 2011

Director,
Copyright,
Permissions and
Information Policy
1. Expand Access
Work with curators
Inspire New Works

2. Don’t Get Sued
2. Don’t Get Sued (and lose)
Did you...

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

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

Copyright is Everywhere
To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries. - Art. I, § 8, Cl. 8

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
Exclusive Monopoly Rights
Copyright Rights:
1. Make copies
2. Make derivative works
3. Distribute copies
4. Publicly perform
5. Publicly display
1790: 14 + 14
1831: 28 + 14
1909: 28 + 14
1976: Life + 50
1998: Life + 70

Syrac., Aug. 9th.

Dear Will,

Darnation! (If you will allow the expression) get up & take a turn. The block & let some fresh air blow off the sentiment. A sentimental youngster I am not. — I mean the mind.

The sentiment — of course.

Read sentiment or any other thing. — You have it, neither do I. What has it, neither do I. —

You must know somebody.

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You are getting up & putting it.
Fair Use

4 factors
1: Purpose/Character

2: Nature of work
3: Amount used

4: Market impact
(e.g.,)
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

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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 one copy or phonorecord, under the conditions set forth in subsections...
New York Public Library Invites a Deep Digital Dive

By JENNIFER SCHUESSLER  JAN. 6, 2016

Part of one of the "Tale of Genji" scrolls available for easy exploration now that the New York Public Library has released nearly 200,000 public-domain items from its special collections.

Sponsor Collection, The New York Public Library

Mansion Mania, a whimsical online toy created by the New York Public
"I got hot sauce in my bag, swag."

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

What Beyoncé's 'Formation' were set in the...
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/
Meet the Team:

Meet the Team:
Meet the Team:

Greg

Kiowa
Can I Use This?
\</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:

$1.8$ billion
Fair Use

Risk
Even if in ©

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

(usually, after a “reasonably diligent” search)
Take down?

takedown@nypl.org
Risk?
Pretty low

Step 4:
Decision

Senior management
Do it!

Step 5:
Do it
Welcome to Biblión: 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 1933-34 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 1933, 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 Biblión: World's Fair

By The New York Public Library

Open iTunes to buy and download apps.

Description

**"Apple "Education App of the Year" 2011**
**"Honorable Mention in the 2011 Knysht-Batten Awards"**

The New York Public Library Web Site - NYPL Biblión: World's Fair Support

What's New in Version 1.6

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

iPad Screenshots
Step 6:

Record
Summary

What we can do
Why
New York World's Fair 1939-1940 records
Collection ucid: 166b0578-5c30-0120-1185-58dc365678bc4 | Clone record

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

<table>
<thead>
<tr>
<th>Overview</th>
<th>Descriptive metadata</th>
<th>Rights and use</th>
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<table>
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<tr>
<th>Content Owner</th>
<th>Manuscripts and Archives Division</th>
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<table>
<thead>
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<th>Descriptive metadata</th>
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<tbody>
<tr>
<td>Description created by Kristopher Kelly, August 12, 2012-11-08</td>
<td></td>
</tr>
<tr>
<td>Description last updated by Seasia Scheller, December 31, 2014-12-12</td>
<td></td>
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<table>
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<th>Rights</th>
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<tbody>
<tr>
<td>Rights specified at this level.</td>
<td></td>
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<tr>
<td>Rights profile created by Kristopher Kelly, May 01, 2013-22-26</td>
<td></td>
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<tr>
<td>Rights profile last updated by Greg Cram, February 11, 2015-14-02</td>
<td></td>
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</tbody>
</table>

| 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.

<table>
<thead>
<tr>
<th>CHILDREN</th>
<th>RIGHTS PROFILE</th>
<th>AUTHOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>II. Office of the Secretary</td>
<td>5</td>
<td>See actions</td>
</tr>
<tr>
<td>III. Board of Design</td>
<td>11</td>
<td>See actions</td>
</tr>
<tr>
<td>IV. Legal Department</td>
<td>2</td>
<td>See actions</td>
</tr>
<tr>
<td>V. Government Participation</td>
<td>2</td>
<td>See actions</td>
</tr>
<tr>
<td>VI. Operating Division</td>
<td>5</td>
<td>See actions</td>
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</table>

</4>
Menus

Can I Use This?
Digitize?

Online?
Transcription

OCR is HARD
Weird font
Step One:

Gather Info
45,000

1843-Today
MENU

ORANGE AND GRAPEFRUIT

GUMBO CROCLE

CELERY SALTED NUTS

FLEET OF SOFT MOUTHWASH POTATO LIGETTE

RASPBERRY SHEEBER

ROAST BABY CHICKEN AND FRESH STRING BEANS A LA

SALAD VERTU A L'ESTRAS

COURONNE OF CHESTNUTS CAPPUCINO

PETIT FOUR

DEMI TASSÉ

FIFTH ANNUAL DINNER
OF THE UNITED STAFF
ASSOCIATION
OF THE PUBLIC LIBRARIES
OF THE CITY OF NEW YORK

SUNDAY EVENING
APRIL EIGHTH
1914

HOTEL COMMODEORE

MUSIC BY BENJAMIN LEVY

WELCOME AND GUESTS

HON. EDWIN L. GARDYN

SPEECH

HON. W. C. RUSSELL

CARL BEERMANN

EDWARD A. BURNS

HARRY WOODBURN CHEESE

E. D. DOWNES

AMANDA J. GROH

GEORGE U. HANOCY

HUBERT H. McCREDY

SOPHIE MOCRANT KNESS

HENRY S. PASCAL

GLADYS PERKINS

FRANK L. PETTIT

AFFI DE SULA PELL

WILL M. POWELL

NINA SCHARF

THOMAS S. SHARDA

ROBERT E. SIMON

RUDOLPH SPERANG

GRACE STOVER

B. F. THOMAS

A. T. SULLIVAN

P. J. THOMAS
Step 2:
© Status

Protectable?
modicum of creativity
Categories
Life + 70

Different Rules
Different Dates
Published?

No $\Rightarrow$ ©
Yes => ©?

freely distributed
Published?

Compliance With Formalities?
Req 1: Copyright Notice?

© Delmonicos 1950
High %

public domain
Step 3:
Risk

Even if in ©
Rightsholders?
intellectual property
Not many rightsholders

Care?
No $
Care?

Probably not
Take down?

takedown@nypl.org
Yes

Risk?
Pretty low

Step 4:
Decision

Senior management
Do it!

Step 5:
Do it
File of striped bass, oystercrabs

Price: $90

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

Enter dish or Cancel
<Parting Thoughts>
Can I Use This?

case- by -case
Fair Use
DIGITIZE
ALL THE THINGS

DIGITIZE
ALL THE THINGS
Resources

- Cornell Chart: https://copyright.cornell.edu/publicdomain
- Sunstein Copyright Status Flowchart: https://www.sunsteinlaw.com/copyright-flowchart

Resources

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