



# Image Copyright

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## Can I make copies of artworks?

In general, there is **no licensing agreement** that allow us at OCAD (or other academic institutions) to **copy, scan, photograph or digitally reproduce images under the umbrella concept of "fair use."** Note that this applies to:

- original artworks
- reproductions of original artworks from books or magazines
- digital images
- digital reproductions of original artworks

At present, there is no fair use coverage of any materials in digital formats, whether it is a web page, a multi-media work, animation, an online document, etc.

## What is "Fair Use"?

For **printed works**, we are covered by the **Access Copyright license**, created by the Canadian Copyright Licensing Agency, which allows us and other academic institutions to copy materials for the purposes of "**educational**" or "**recreational**" purposes. Be aware that this concept, known widely as "**fair use**," is not legislation in Canada, but only a defense that can be used if one is charged with a copyright infringement.

**In short, permission must be received from the copyright holder, whether an individual or an institution, for all images that are reproduced regardless of the format.**

## Are all artworks copyrighted?

It is extremely important to be aware that all artistic works have a "built-in" copyright that begins at the moment of conception. Even if there is no clear © label, **all artistic works are automatically covered by copyright legislation.** In Canada, copyright for an artwork lasts for the life of an author/creator plus 50 years.

## Where can I find images that I can use legally?

The only way around this is if one copies an image from a licensed, pre-authorized license, or public-domain database, website, or publication.

**Given these circumstances, it might be safest to create your own original images and, thus, as the copyright holder, you can avoid potential legal difficulties.**

Note that photographs or digital images of an architectural structure or sculpture are not considered reproductions and thus are not covered by copyright legislation. The only caveat to this are certain vantage points to buildings that are copyright protected, although this practice is extremely rare. Examples are New York City's Metropolitan Library lion sculptures or one roof-top vista of the N.Y. Guggenheim Museum.

## 1. Licensed Resources

Here at OCAD, we have access AMIG Library which is an example of a **licensed database**.

- Only users from non-profit academic institutions may use it and therefore "copying for educational use limited to Designated Users is specifically permitted."
- Users may **not**: "1) publish or redistribute any AMIG Work by any means beyond the Designated User community, or 2) make any commercial use of any AMIG Work. Subscriber, or persons acting on behalf of the Subscriber, is prohibited from using any AMIG Work for fundraising, marketing promotion, or public relations without express authorization from AMIG."
- AMIG also claims that "adaptation of AMIG Works is not authorized under this agreement" which indicates that images should not be altered.
- When using an AMIG image in a presentation, it is your **legal obligation to cite the image** and "display all required copyright management information," including: 1) copyright notices, 2) name of the creator of the work, 3) name of the owner of the copyright, 4) terms and conditions for the use of specific works, 5) and an acknowledgement of the AMIG Member contributing the work or any copies of the works.
  - You can use the MLA, APA, or any other citation format to cite an image that you have copied.

## 2. Pre-Authorized Licenses

Some sites do have **pre-authorized license** agreements so that images can be used for research or recreational purposes and thus provide a sort of fair-use coverage. These are generally set up for altruistic purposes by non-profit or governmental organizations that are interested in creating a public domain of freely accessible information. Two examples are:

- Images Canada <http://www.imagescanada.ca/index-e.html>
- Canadian Olympians (National Archives of Canada) <http://www.nlc-bnc.ca/olympians/index-e.html>

You do, however, have **to cite any images you copy** using MLA, APA, or any other citation format.

## 3. Public Domain

There are also **public domain** images available on certain sites. For photographic images the copyright covers the remainder of the year of creation (either of a negative or photographic plate) plus 50 years. Examples of public domain image sites can be found at:

- Early Images of Canada: Illustrations from Rare Books (Nat. Library/Nat. Archives of Canada) <http://www.nlc-bnc.ca/earlyimages/index-e.html>
- Canadian Illustrated News: Images in the News, 1869 - 1883. (Nat. Library/Nat. Archives of Canada) <http://www.nlc-bnc.ca/cin/index-e.html>

Remember to cite any images you use using MLA, APA or any other citation format.

## For more information

- **Digital Copyright** <http://www.gprc.ab.ca/departments/library/atc/digital.html> (Grande Prairie Regional College, AB)
  - Not updated and still uses CanCopy terminology (which was the fore-runner to Access Copyright); however, this guide provides a concise description of this complicated issue
- **Copying Right: A guide for Canada's universities to copyright, fair dealing and collective licensing** [http://www.aucc.ca/pdf/english/publications/copying2002\\_e.pdf](http://www.aucc.ca/pdf/english/publications/copying2002_e.pdf) (Aug. 2002, AUCC)
  - A seven page PDF format guide to copyright legislation. Includes web-based documents and images.
- **Canadian Copyright Act** (Dept. of Justice, Canada) <http://laws.justice.gc.ca/en/C-42/index.html> (Updated April 30, 2003)
- **Access Copyright** <http://www.accesscopyright.ca/>
- **"Digital Images and Copyright" What Every Teacher Needs to Know about Copyright** <http://www.2learn.ca/copyright/images.html>