

## COPYRIGHT AT YOUR EVENT

### What Kinds of Items Can You Expect Contributors to Bring?

#### Items In The Public Domain Or That Are No Longer Under Copyright

- There are two kinds of materials that fall into this category:
  - **Published materials:** As of 2021, any materials published on or before December 31, 1925 are in the public domain, and on January 1 of each year (until 2073), materials that were produced 96 years earlier will enter the public domain.
  - **Unpublished materials:** Copyright for unpublished materials lasts for the lifetime of an author or creator, plus 70 years. If the death date of the author or creator is not known, the copyright lasts for 120 years after the date of the creation of the material.
- **What to do at your event:**
  - Ask the Contributor to complete the Event Registration and Permission Form. Because the Item is no longer under copyright, permission from the creator isn't necessary for non-exclusive and noncommercial use and re-use of the Item. However, the Contributor should still complete the Event Registration and Permission Form to participate in the event and have their stories included in the collection.

#### Items For Which The Contributor Holds Copyright

- If the Contributor of an Item holds the copyright, it's likely because they created the Item.
- **What to do at your event:**
  - Ask the Contributor to complete the Event Registration and Permission Form. If the Contributor holds the copyright to the Item, they are able to grant the collecting institution the necessary permissions for non-exclusive and noncommercial use and re-use simply by completing the Event Registration and Permission Form.

#### Items For Which A Family Member Or Close Acquaintance Of The Contributor Holds Copyright

- Often a Contributor at an event will want to include a photograph or other Item that was created by a close family member or acquaintance.
- **What to do at your event:**
  - If the family member or acquaintance (the creator) is present at the event, ask the Contributor to work with the Item's creator to get the necessary permissions. If this isn't possible, ask the Contributor to complete the Event Registration and Permission Form and encourage them to include the photographs and Items and their stories.
  - Ask the Contributor to inform their family member or acquaintance after the event.
  - To handle instances when a creator or copyright holder requests that an Item be removed from the online digital collection, the RoPA Developers recommend establishing processes and policies to guide your actions. Such policies, including takedown policies, are described in RoPA's Putting the Collection Online module.

## Items For Which The Copyright Holder Is Unknown

- If the creator or the copyright holder of an item isn't known or they can't be located, this is what archivists and librarians often refer to as "orphan works."
- **What to do at your event:**
  - Ask the Contributor to complete the Event Registration and Permission Form and encourage them to include the photographs and Items and their stories.
  - To handle instances when a creator or copyright holder does come forward and requests that an Item be removed from the online digital collection, the RoPA Developers recommend establishing processes and policies to guide your actions. Such policies, including takedown policies, are described in RoPA's Putting the Collection Online module.

## Items For Which Another Institution Or Organization Holds Copyright, Or Where Copyright Is Held By An Individual Who Isn't Connected To The Contributor

- Sometimes a Contributor at an event will want to include a photograph or Item that was produced by another organization or publication, such as a newspaper clipping or a photograph by someone they don't know.
- **What to do at your event:**
  - Ask the Contributor to complete the Event Registration and Permission Form and encourage them to include the photographs and Items and their stories.
  - Consider whether you can make a fair use case for providing online access to the Item(s) and the Contributors' stories about the Item(s).
  - To handle instances when a creator or copyright holder requests that an Item be removed from the online digital collection, the RoPA Developers recommend establishing processes and policies to guide your actions. Such policies, including takedown policies, are described in RoPA's Putting the Collection Online module.

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## WHAT IS FAIR USE?

**Fair use** is an element in copyright law that allows for limited use of copyrighted materials without permission of the rights holder for noncommercial teaching, research, scholarship, or news reporting. (Adapted from *Dictionary of Archives Terminology*, Society of American Archivists)

From a guide by Columbia University Libraries (see Resources section of the Obtaining Permissions module of RoPA): "To determine whether you are within fair use, the law calls for a balanced application of four factors. These four factors come directly from the fair use provision, Section 107 of the U.S. Copyright Act and they have been examined and developed in judicial decisions."

- Factor 1: The Purpose and Character of the Use
- Factor 2: The Nature of the Copyrighted Work
- Factor 3: The Amount or Substantiality of the Portion Used
- Factor 4: The Effect of the Use on the Potential Market for or Value of the Work

See [copyright.columbia.edu/basics/fair-use.html](https://copyright.columbia.edu/basics/fair-use.html) to learn more.