

Copyright Workflow: Determining Permissions

1. Are you the Creator?

Yes

Proceed to **Do I Own What I Create?** to determine the rights holder for the item.

No

2. Are you making a copy?

Yes

3. Is the item in the **public domain**:

*Was it published in the United States before 1923?
*Was it created by the United States Federal Government or a federal employee in the course of their work?
*This is very nuanced so to truly know if your item is considered public domain you can read through the U.S. Copyright Office's **Renewal of Copyright** circular.

No

You are either: 1) Linking to the item 2) quoting and properly **citing it**. If I'm using an image, video or audio clip I'm following **video citation guidelines** or **podcast citation guidelines**.

No

4. Is it under copyright:

- 1) Is it a literary work, work of the visual arts, work of the performing arts, sound recording, a motion picture/audiovisual work or creative work in another digital format.
- 2) and, is it an original creative expression (Ex. a list of books written by women authors is not original or creative but an analysis of these books could be),
- 3) and, is it a fix and tangible medium of expression (Ex. an improvised song or speech is not fixed)?

Yes

Ok, but it is wise to quote and properly **cite it**. If using an image, video, or audio clip follow **video citation guidelines** or **podcast citation guidelines**.

No

Yes

Copyright likely doesn't apply and this item is likely ok to use. Note, though, that only a court of law can definitively say if something is under copyright, and since we aren't lawyers we cannot advise you legally.

5. Do you have permission or a license agreement granting you the right to use or reuse the item?

1. Electronic collections such as subscription databases in a library have license agreements accompanying them which may grant a user some rights for reuse that wouldn't typically be allowed due to copyright. The organization paying the subscription, such as the CSB/SJU libraries, will have the license agreement and will be able to tell you what rights are included in the agreement. For example, Alexander Street Press allows reuse video content in student work of as long as the student doesn't make a profit off of the work. They still need to cite the video, similar to how they would cite text content, but the content through the library's subscription is available for use beyond "fair use."

2. If you're using something that has a Creative Commons license the rights owner has explicitly granted rights for reuse as long as their specific Creative Commons license terms are followed.

3. If there isn't a license agreement granting you rights you can contact the rights holder directly; tell them exactly what you want to do and the approval you're seeking. They can give you permission in writing which overrides copyright.

No

Yes

6. Will you be using the item in the classroom in the context of noncommercial instruction or curriculum-based teaching by an educator to students at a nonprofit educational institution such as at CSB/SJU (a.k.a. the classroom use exemption (**17 U.S.C. section 110(1)**))?

OK as long as your use falls within the license or permissions.

Yes

OK

No

Fair use is complicated. The University of Minnesota created **Thinking Through Fair Use**, a tool to help evaluate if you qualify for fair use. Can you make a fair use claim?

No

Sorry, you cannot use this item

Yes

OK