



# Copyright Clarity: When and How to Secure Permission

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# Today's topics

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- Is it covered by copyright?
- Do you need permission?
- Open licensed content
- Getting permission

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**When have you used copyrighted material in your work?**

# When does copyright apply?

17 U.S.C. § 102. Subject matter of copyright: In general

(a) Copyright protection subsists, in accordance with this title, in **original works of authorship** fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:

- (1) literary works;
- (2) musical works, including any accompanying words;
- (3) dramatic works, including any accompanying music;
- (4) pantomimes and choreographic works;
- (5) pictorial, graphic, and sculptural works;
- (6) motion pictures and other audiovisual works;
- (7) sound recordings; and
- (8) architectural works.

# What is copyright?



- Reproduction
- Modification
- Distribution
- Public Performance
- Public Display

# When does copyright apply?

17 U.S.C. § 102. Subject matter of copyright: In general (cont.)

(b) **In no case** does copyright protection for an original work of authorship extend to any **idea, procedure, process, system, method of operation, concept, principle, or discovery**, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

# Uncopyrightable



- Facts
- Ideas
- Insufficiently creative combinations of facts and ideas
- Federal government works
- Works that have aged into the public domain

# Is it still under copyright?

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- [Public Domain chart](#)
  - [Handbook](#)
  - [2022 workshop](#)

Rules of thumb: Pre- ~1930s\* US publications (\*1928 as of 2024) 



# What is fair use?

- 17 U.S.C. § 107

The fair use of a copyrighted work [...] for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.

- Based on a four factor test
- Holistic analysis, rather than strict formula

# Four fair use factors



Purpose and character of *your* use

Nature of *their* work

Amount taken

Market effect of your use

# Open licenses

- Content licensed for automatic reuse
- Some conditions apply

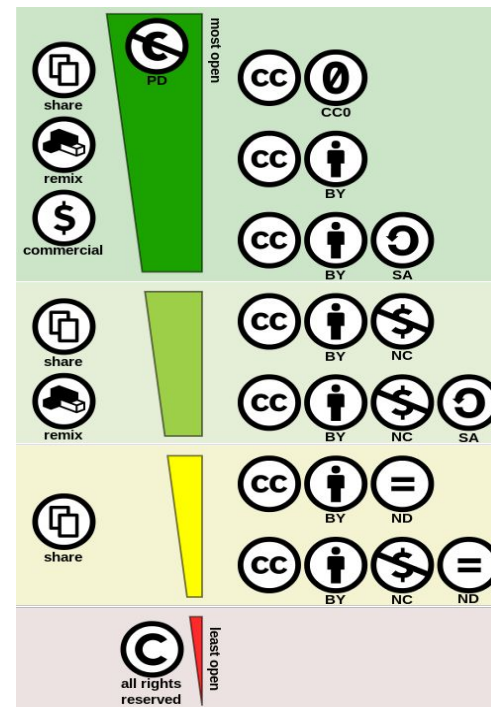
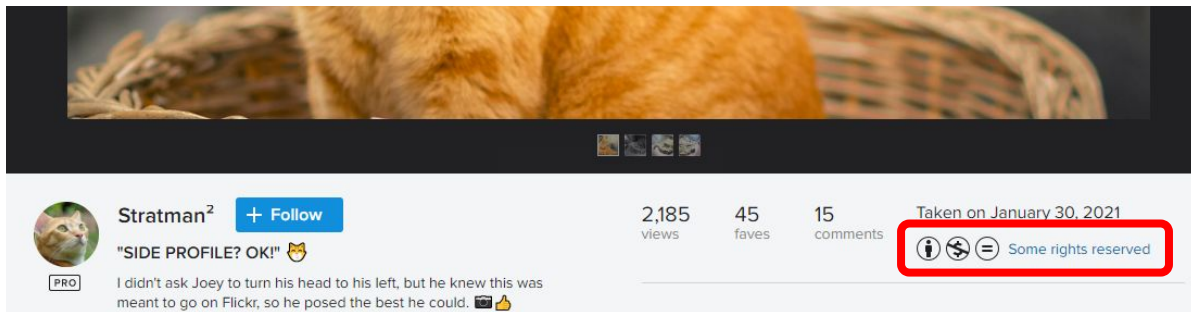


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# Using MIT-Owned Material

- ❖ As a general rule, permission is not required for MIT-owned material to be used in any MIT-developed content (but a courtesy note to the related DLC/creator is good practice)
- ❖ Use of MIT-owned material for external journals may require MIT's permission:
  - Photos taken on MIT-equipment or on behalf of the related DLC
  - MIT logos
  - Graphs, tables, etc. from other MIT theses or MIT-owned publications

# Sources of MIT-Owned Material

- ❖ MIT Archives
- ❖ MIT Museum
- ❖ LIST
- ❖ News Office
- ❖ All other request can go to the Institute Office of Communications

# Things to think about when getting permission from others

- ❖ Find the source
  - Copyright notice
  - Check for CC or other license terms
  - Author details (LinkedIn, etc.)
  - Image location (use google image search if image does not have copyright material)
  
- ❖ Find the right contact
  
- ❖ Request only what you plan to use
  - Be as specific as possible
  - Explain context

# Questions and contact

What copyright questions do you have?

Contact us:

- Copyright questions: [scholarlypub@mit.edu](mailto:scholarlypub@mit.edu)
- Use of MIT materials: [copyright@mit.edu](mailto:copyright@mit.edu)