

# Are You Legally Using Content on Your Website?

**Who owns the content on your Website? Do you have permission to post all of it? If not, remove the questionable content or get permission now.**

BY LESLEY ELLEN HARRIS

Your library's Website or blog is a key entry point to the wealth of information and knowledge in your collection. Your Website (which also covers your blog for purposes of this article) may well go beyond a search center and provide news and analysis through original content, such as articles and images, as well as content created by others.

Using content on your Website raises a number of copyright issues. This article sets out five rules for keeping your Website legal.

**Rule #1: If it's not yours, don't use it blindly.** Before posting content on your Website, you should investigate its copyright status. Just because you find an image on Google doesn't mean it's yours to use—first you must do your homework and ascertain that the image is in the public domain. Not everything you find online (and certainly not everything you find through a search engine) is free of copyright restrictions.

Similarly, if you find an image on someone else's blog, it's not yours to use. Contact the blog owner and get permission from him or her to use the image.

Even if the document or image appears to be in the public domain, do the research and make sure it really is

available for you to use. Shakespeare's *Hamlet*, for example, is in the public domain, but an adaptation of *Hamlet* is protected by copyright.

Creative Commons licenses are often misunderstood. Just because an article has a CC license doesn't mean the article is in the public domain; you must read the terms and conditions of the license to see what's permitted and what's not. Perhaps noncommercial use is allowed without permission, but commercial use requires permission; perhaps the CC license allows you to use the document as is, but you may not use just a portion of it or amend it in any manner.

What content can your library use without going through the permissions procedure? First, you can use anything created by your organization's employees during the course of their employment, such as articles written by employees for your organization's newsletter. Also, you can use any work that is truly in the public domain (this assumes you've done your homework and determined that it is an original work and that copyright in the work has expired). And if you are based in the United States, you can post U.S. Government brochures, maps and other documents

without obtaining permission.

**Rule #2: If in doubt, get permission.**

Copyright is generally not black and white, and occasionally you will be asked to make a judgment call about using content without obtaining explicit permission. If, in your judgment, your use falls within the fair use provision of U.S. copyright law (in Canada and other countries, a comparable principle is known as fair dealing), you can use the content. Keep in mind that fair use is a judgment call and doesn't mean you have eliminated all risk of copyright infringement. If you're in any doubt, get permission.

If you can't locate the copyright owner or the owner does not respond to your permission requests, you can't use the content in the United States. If you're in Canada or another country that has a provision for orphan works or for copyright owners who can't be found, you may be able to obtain permission to use the content (such as from the Copyright Board of Canada).

If you can't get permission, there are several other ways to "include" the content on your Website. You can summarize the content, provide a link to it, or create your own similar image or article (there is no copyright protection in ideas, history, news or events).

**Rule #3: Read your licenses.** When you obtain access to content through a license, you agree to certain terms and conditions when using that content. For example, if you purchase images from a stock photo site, you are actually buying a license to use those images in certain ways and under certain circumstances. You are not outright purchasing those images. You may be able to use the images on your Website, but you will probably need further permission or an upgraded license to use the images in a book you are publishing.

**Rule #4: Clean illegal images and other content.** There is no time like the present to perform an audit of content

**LESLEY ELLEN HARRIS** has spent her entire career in copyright law, as a lawyer-consultant, author, and educator. She developed the SLA Certificate in Copyright Management Program in 2007 and teaches the nine courses in the program. She has written four books and regularly blogs at [www.copyrightlaws.com](http://www.copyrightlaws.com) in plain English. She tweets at @Copyrightlaws.



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## INFO RIGHTS

on your Website. Prepare a list of all the content on your Website, including software, images and text. Who owns that content? Do you have permission to post all of it on your Website? If not, or if you are unsure, remove the questionable content now. Don't wait until you hear from a copyright owner or attorney.

If you respect the rights of owners of intellectual property, they will probably be more inclined to respect the rights in the content of your Website. If you do receive an e-mail or letter from a copyright owner alleging that you are using their content without permission, investigate the situation and, if necessary, remove the content.

### Rule #5: Know the copyright rules.

The copyright rules for online and digi-

tal content are almost the same as those for print and analog content, but applying the rules to the Internet can lead to confusion and uncertainty. I advise you to read all you can about copyright law and be aware that laws change, as do interpretations of court cases.

Sometimes, what appears to be permission-free may not be. Investigate each image to determine whether it is in the public domain, follow the agreed-upon terms and conditions for stock images, and understand the boundaries of any Creative Commons-licensed content you wish to use. As a general rule, assume every image you find online is protected by copyright. When in doubt, get permission! **SLA**

## Inside Info

*Continued from page 1*

and local SLA chapters in addition to furthering their work with other SJSU student groups and SLA student groups from other schools. To reach a broader audience with their programming, the group actively advertised their events with the Silicon Valley, San Francisco Bay Area, Southern California, Oregon, and New England Chapters of SLA.

In addition to developing and promoting their own events, the group members adopted some of the goals espoused by the SAAAC. These goals included not only using Twitter to expand their programming, but also developing an online newsletter and conducting a logo contest.

The University of Western Ontario Student Group of SLA (SLA-UWO) worked hard during the 2014-2015 academic year to bring networking and professional development opportunities to MLIS students at the University of Western Ontario. The group's executive team planned multiple tours of special libraries, providing students with opportunities to network with industry professionals and see how their unique skills can be utilized in various work settings. The group also planned fundraisers to

raise money for events and build a community of students interested in special librarianship. The group's Halloween O-Grams and Valentine's Day Candygrams were just two examples of efforts that helped fund the tours and events planned for each term.

In addition to the tours and fundraisers, SLA-UWO organized speaker sessions so that students could connect with special library professionals and learn more about special librarianship in the workforce. For example, in coordination with SLA's Toronto Chapter, the group organized a speaker session in late 2014. During the event, students were able to learn more about the profession and the benefits of joining a professional organization such as SLA.

The group's winter speaker session with Nathalie Donohue, a Canadian Broadcasting Corporation media librarian, highlighted the importance of being adaptable not only in the workplace, but beyond the workplace as well. Donohue revealed that she was going to start her own business after the CBC made cutbacks that resulted in the loss of her job. **SLA**