

# Using Library of Congress Primary Sources

## Considering Copyright, Fair Use & Citation



[www.loc.gov/teachers/usingprimarysources/copyright.html](http://www.loc.gov/teachers/usingprimarysources/copyright.html)



“Copyright refers to a creator’s exclusive right to reproduce, prepare derivative works, distribute copies, and publicly perform and display their works.”

“The Library of Congress assesses materials for legal considerations prior to placing items online. The Restriction Statement that accompanies each collection provides known information regarding ownership of materials in the collection. If known, contacts for permission are included. In some cases the *Restriction Statement* will indicate that material in a particular collection may be used freely; in other cases the Restriction Statement may only be a starting point for your inquiry.”

“In all cases it is the **researcher’s obligation** to determine and satisfy copyright or other restrictions when publishing or otherwise distributing materials found in the Library’s collections.”

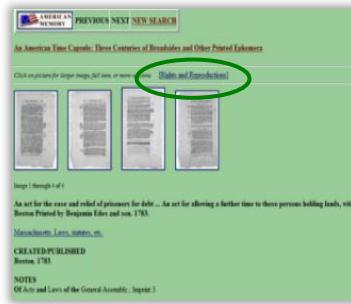
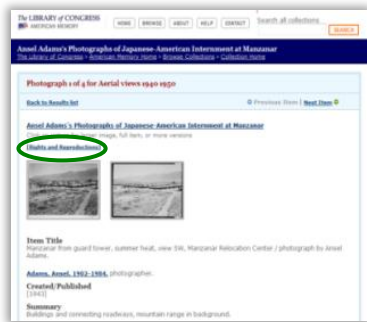
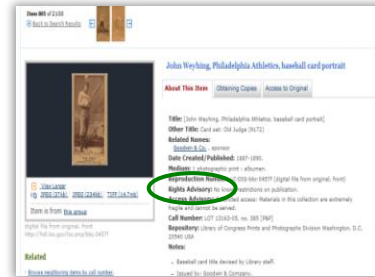
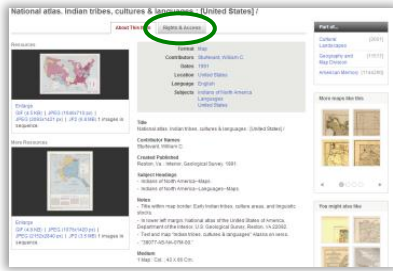
Resource: <http://www.loc.gov/teachers/usingprimarysources/copyright.html>

## Locating copyright information for an item on LOC.gov

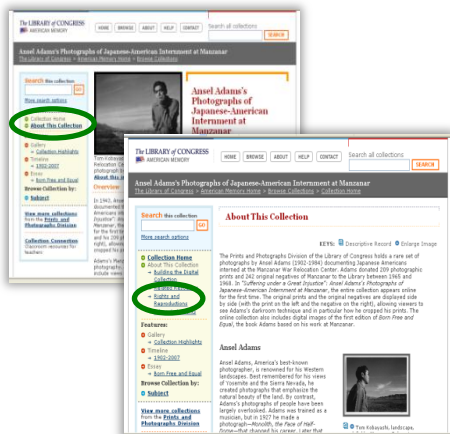
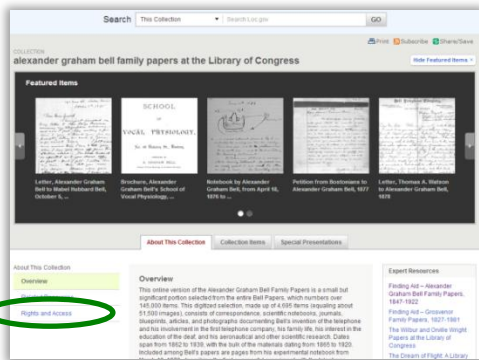
The Library of Congress’ catalog records have been created over a long period of time, so wording of rights information may vary. Copyright information on the Library’s Web site may be referred to as “Rights and Reproductions,” “Copyright and Other Restrictions,” “Restrictions Statement,” “Rights and Restrictions,” “Rights Advisory,” or “Rights and Access.”

These restriction statements and credit lines may be found on the bibliographic page of a primary source or on the collection’s home page where the primary source is housed. See example locations for restriction statements on the following page.

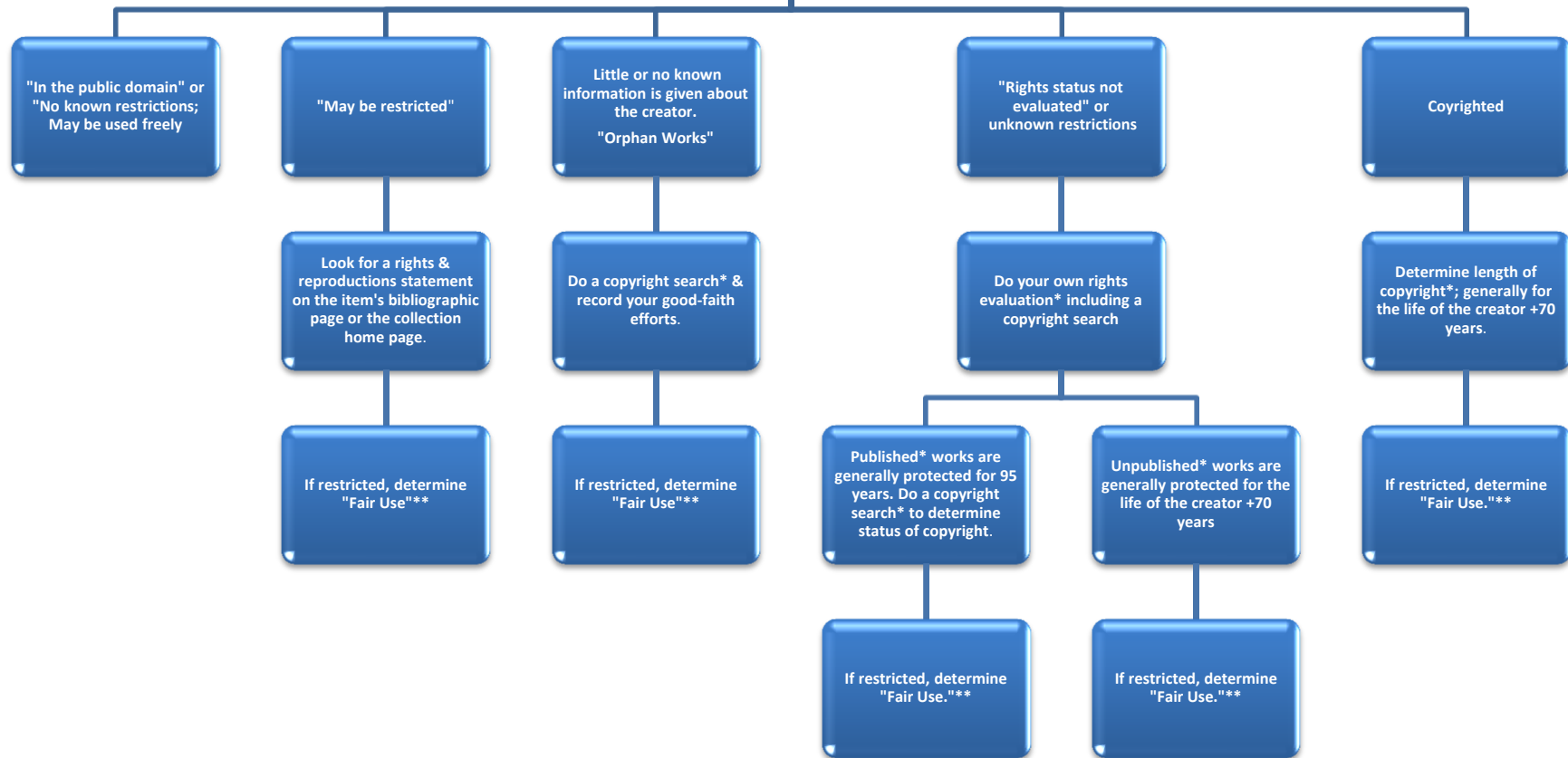
# Locating Restriction Statements on an Item's Bibliographic Page



# Locating Restriction Statements on Collection Home Pages



## Determining Rights & Restrictions of Library of Congress Sources



\* See page 20

\*\* See page 21

Resources: Adapted and Compiled from Copyright and Other Restrictions That Apply to Publication/Distribution of Images: Assessing the risk of using a P&P image (Prints and Photographs Reading Room, Library of Congress) and from Copyright and Primary Sources - For Teachers (Library of Congress): <http://www.loc.gov/teachers/usingprimarysources/copyright.html>

# Doing Your Own Rights Evaluation

## Length of Copyrights

In general, copyrights last for the life of the author, plus 70 years. In some works, however, the rules for calculating duration are complex. You should read the U.S. Copyright Office's circular "Duration of Copyright" at <http://www.copyright.gov/circls/circ15a.pdf> to learn more about calculating duration of copyright in general. A chart laying out when items pass into the public domain published by the Cornell Copyright Information Center at <http://copyright.cornell.edu/resources/publicdomain.cfm> is another helpful resource for determining the length of copyright protection.

Resource: Adapted from Copyright and Primary Sources - For Teachers (Library of Congress): <http://www.loc.gov/teachers/usingprimarysources/copyright.html>

## Published or Not Published?

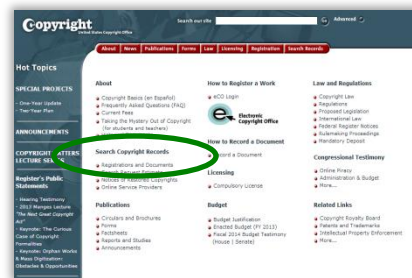
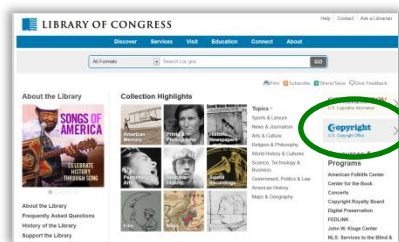
When restrictions on a creation are unknown, the length of protection depends on whether the item was published or unpublished. The 1976 Copyright Act defined publication as follows:

"'Publication' is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display constitutes publication."

Resource: Copyright and Other Restrictions That Apply to Publication/Distribution of Images: Assessing the risk of using a P&P image (Prints and Photographs Reading Room, Library of Congress) [http://www.loc.gov/rr/print/195\\_copr.html](http://www.loc.gov/rr/print/195_copr.html)

## Doing a Copyright Search

When the Library of Congress has not provided catalog notes or rights statements, you will need to find the rights information related to the item or collection yourself. Use whatever information you can find about the source and do a copyright search at [copyright.gov](http://copyright.gov). Whatever the results of your search, record your good-faith efforts. There is a link to the copyright office on the Library's home page.



## Getting Permission



If items are restricted and the Library has information on how to contact the rights holder for permission, that information is provided. Otherwise it is the researcher's responsibility to find contact information and obtain permission from the copyright owner.

## Fair Use



### Is your use considered “FAIR”?

“Fair use” allows **certain limited copying** of materials without the permission of the creator or owner. In **some cases**, copying may be considered “fair” for reasons such as teaching (including multiple copies for classroom use), scholarship, research, criticism, comment or news reporting.

#### Fair Use Test



There are **four considerations** essential to deciding if a use is “fair”:

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole (is it long or short in length, that is, are you copying the entire work, as you might with an image, or just part as you might with a long novel); and
4. the effect of the use upon the potential market for or value of the copyrighted work.



**Remember**, that even for educators, it is not fair use to copy for a “commercial motive” or to copy “systematically,” that is “where the aim is to substitute for subscription or purchase.”

If your intended use would not be considered fair, you should know and follow the rights and restrictions of the material.

Source: Copyright and Primary Sources - For Teachers (Library of Congress) [tp://www.loc.gov/teachers/usingprimarysources/copyright.html](http://www.loc.gov/teachers/usingprimarysources/copyright.html)



### Fair Use in the Classroom FAQs:

TIP: Frequently asked questions about fair use in the classroom can be found on the Teachers Page by following this path:

loc.gov → Especially for Teachers → Using Primary Sources →

Copyright & Primary Sources → scroll down to “Classroom Examples”

or through this direct link: <http://www.loc.gov/teachers/usingprimarysources/copyright.html>

“Citing primary sources correctly is one of the most important parts of studying primary sources, for a number of reasons. It is important--and ethically necessary--to provide full credit to the creators and publishers of documents, and to allow future scholars to find the source quickly and correctly.” Source: Copyright and Primary Sources - For Teachers (Library of Congress), <http://www.loc.gov/teachers/usingprimarysources/citing.html>

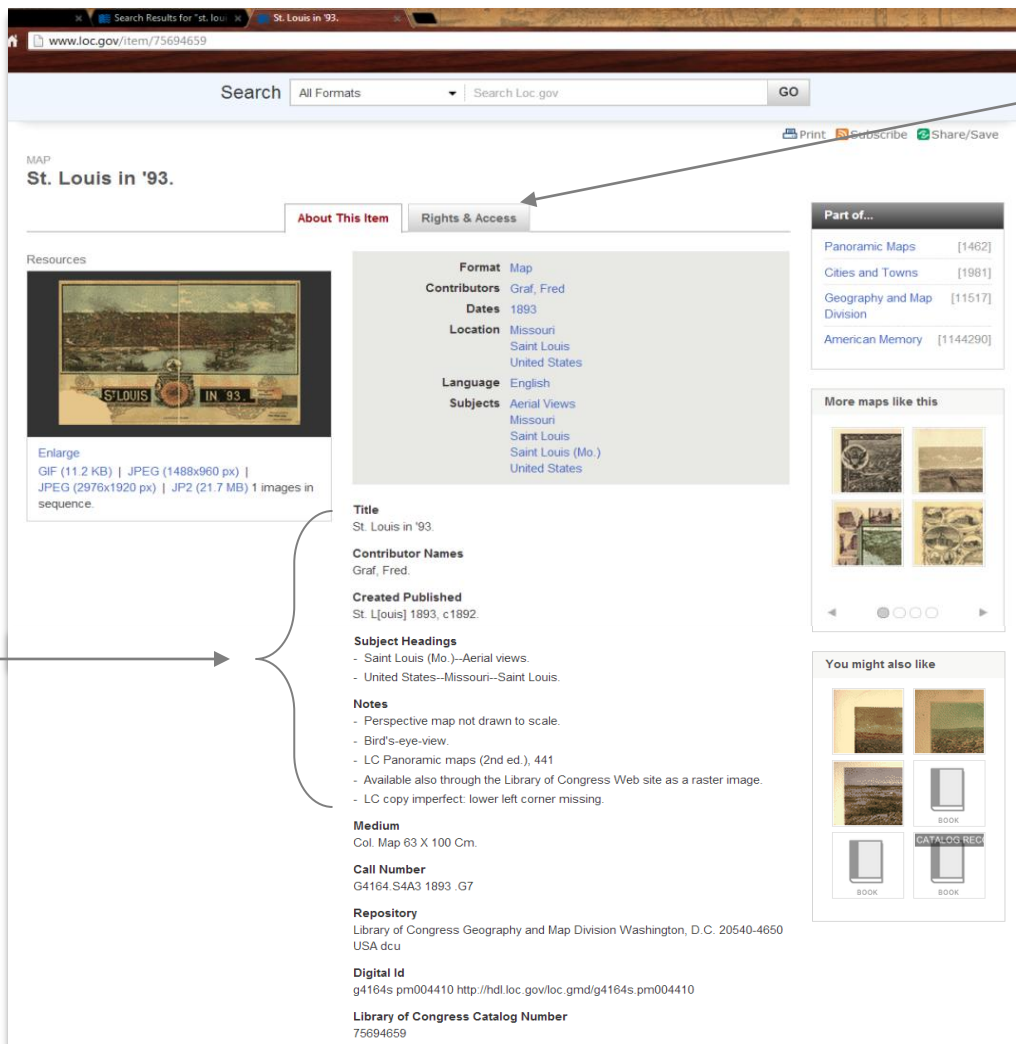
“Citing a primary source is also crucial to critical thinking and analysis because it requires that the student think carefully about where the source came from, who made it, and in what context the student first discovered it.”

Source: Copyright and Primary Sources - For Teachers (Library of Congress), <http://www.loc.gov/teachers/usingprimarysources/citing.html>

Tip: Citation examples for every type of source can be found by clicking “Using Primary Sources” from the Teachers Page.  
See <http://www.loc.gov/teachers/usingprimarysources/citing.html>

## Locate Primary Source Information for Citation and Analysis

Sample bibliographic/item record:



The screenshot shows a web browser displaying the item record for 'St. Louis in '93.' on the Library of Congress website. The URL is [www.loc.gov/item/75694659](http://www.loc.gov/item/75694659). The page title is 'St. Louis in '93.'. The record includes a map image, a metadata table, and a detailed description.

**Annotations:**

- URL (Web address):** Points to the browser address bar.
- Title of item:** Points to the main title 'St. Louis in '93.'.
- Rights & restrictions of use:** Points to the 'Rights & Access' tab.
- Collections that contain this source:** Points to the 'Part of...' section, which lists: Panoramic Maps [1462], Cities and Towns [1981], Geography and Map Division [11517], and American Memory [1144290].
- Similar items:** Points to the 'More maps like this' section, which shows a grid of map thumbnails.
- Related items:** Points to the 'You might also like' section, which shows book thumbnails.
- Title of item:** Points to the 'Title' field in the metadata table.
- Contributors (Creator):** Points to the 'Contributor Names' field.
- Date created:** Points to the 'Created/Published' field.
- Location of creation and/or publication:** Points to the 'Location' field.
- Notes:** Points to the 'Notes' section.

**Metadata Table:**

|                     |   |
|---------------------|---|
| <b>Format</b>       | Map   |
| <b>Contributors</b> | Graf, Fred  |
| <b>Dates</b>        | 1893  |
| <b>Location</b>     | Missouri<br>Saint Louis<br>United States                                      |
| <b>Language</b>     | English   |
| <b>Subjects</b>     | Aerial Views<br>Missouri<br>Saint Louis<br>Saint Louis (Mo.)<br>United States |

**Description:**

**Title**  
St. Louis in '93.

**Contributor Names**  
Graf, Fred.

**Created/Published**  
St. L[ouis] 1893, c1892.

**Subject Headings**  
- Saint Louis (Mo.)--Aerial views.  
- United States--Missouri--Saint Louis.

**Notes**  
- Perspective map not drawn to scale.  
- Bird's-eye-view.  
- LC Panoramic maps (2nd ed.), 441  
- Available also through the Library of Congress Web site as a raster image.  
- LC copy imperfect: lower left corner missing.

**Medium**  
Col. Map 63 X 100 Cm.

**Call Number**  
G4164 S4A3 1893 .G7

**Repository**  
Library of Congress Geography and Map Division Washington, D.C. 20540-4650  
USA dcu

**Digital Id**  
g4164s pm004410 <http://hdl.loc.gov/loc/gmd/g4164s pm004410>

**Library of Congress Catalog Number**  
75694659

## More resources about copyright and fair use



### Using Primary Sources on the Library's Teachers Page

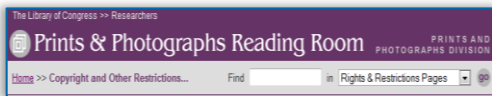
Copyright and citation information specifically for teachers.

[www.loc.gov/teachers/usingprimarysources](http://www.loc.gov/teachers/usingprimarysources).



### The U.S. Copyright Office

at <http://www.copyright.gov/> in the Library of Congress maintains a list of "Copyright Information Circulars and Form Letters" at <http://www.copyright.gov/circs/> Scroll to find "Fair Use," or go directly to <http://www.copyright.gov/fls/fl102.html>



### Prints & Photographs Rights and Restrictions Information

Copyright and Other Restrictions That Apply to Publication/Distribution of Images:

Assessing the Risk of Using a Library of Congress Prints and Photographs Image

[http://www.loc.gov/rr/print/195\\_copr.html](http://www.loc.gov/rr/print/195_copr.html)



### Taking the Mystery out of Copyright

Join Detective Cop E. Wright to learn about copyright basics.

Great for students!

<http://www.loc.gov/teachers/copyrightmystery/text/>