Copyright and ETDs

Gail McMillan, Director, Digital Library and Archives, Virginia Tech
Feb. 18, 2009

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If you have included illustrations (e.g., figures, tables, photographs, and the like) created by others in your ETD, you must appropriately cite the source of each illustration. You must also be prepared to submit letters and/or emails documenting that (1) the copyright holder (e.g., photographer, author, creator, etc.) gives you permission to use their materials, and/or (2) your statement of consideration of the four fair use factors and determination that your use is fair. The Graduate School needs evidence that you have some claim to copyright.
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Citations

Always specifically identify where you got the copyrighted work you used. Citations usually include
- Author or creator (e.g., photographer) of the work
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- URL or volume and issue, and page number
- Publisher, place of publication, and date of publication of the journal or book

You can put the full citations in a variety of locations, such as in an appendix, with your list of figures and tables, or accompanying the individual illustrations.

Consult the appropriate style manual used by your department or program area. Many citation and style manuals are available from VT University Libraries at [http://www.lib.vt.edu/find/eref/toc/citation.html](http://www.lib.vt.edu/find/eref/toc/citation.html)

Good Sources of Image Citation Information

These websites are particularly helpful. They explicitly list each element that should be included in the reference citation and they provide examples in some of the popular citation styles (e.g., MLA, APA, Chicago, etc.). ETD authors should use the citations styles and formats that their departments require consistently throughout their ETDs. The examples that follow are based on these websites:

“Citing Images” University of Cincinnati, DAAP Library.
[http://www.libraries.uc.edu/libraries/daap/resources/citingimages2.html](http://www.libraries.uc.edu/libraries/daap/resources/citingimages2.html)

[http://lcweb2.loc.gov/ammem/ndlpedu/start/cite/index.html](http://lcweb2.loc.gov/ammem/ndlpedu/start/cite/index.html)
EXAMPLES

Citing a Web Site

Illustration and Caption

![Library of Congress homepage](http://www.loc.gov)

Fig. 1: Library of Congress homepage

**Citation**


Illustration and Caption

![IAWA Biographical Database homepage](http://lumiere.lib.vt.edu/iawa_db)

Fig. 2: IAWA Biographical Database homepage

**Citation**

EXAMPLES

Citing a Map

Map and Caption

Fig. 3  [public domain]
Map of the West Coast of Africa, 1830

Citation


Map and Caption

Fig. 4  [used with permission]
“Colored Cemetery” Blacksburg, Virginia, 1864

Citation

EXAMPLES

**Citing a Photograph or Digital Image**

**Digital Image and Caption**

![Image](https://example.com/image.png)

**Fig. 5** [used with permission]
North Main Street business fronts, Blacksburg, VA, April 28, 2007

**Citation**


Used with permission from the Digital Library and archives; letter attached.

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**Digital Image and Caption**

![Image](https://example.com/image.png)

**Fig. 6** [fair use]
Freshly baled field, Pittsylvania County, Va.

**Citation**


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“Image Credits: Credited images are reproduced and used with permission. All other images, sketches and illustrations are by the author.”
EXAMPLES

Citing a Figure, Table, Chart, etc.

Figure and Caption

<table>
<thead>
<tr>
<th>Classification of approaches to ESTE</th>
<th>Classification of historical philosophies of ESTA</th>
<th>Classification of philosophies of ESTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. secondary</td>
<td>1. content</td>
<td>1. content</td>
</tr>
<tr>
<td>2. modern</td>
<td>2. tools, materials, and processes</td>
<td>2. method</td>
</tr>
<tr>
<td>3. progressive</td>
<td>3. methodology</td>
<td>3. process</td>
</tr>
<tr>
<td>4. design/science</td>
<td>4. arts and crafts</td>
<td></td>
</tr>
</tbody>
</table>

Fig. 7 [fair use]
Relationships among the three categorization systems.

Figure and Caption

Fig. 8 [fair use]
Different clusters resulted from ANN

Citation in Appendix


or


Citation

Illustration and Caption

Fig. 9  [used with permission]
Leila Ross Wilburn’s renovated 1920s Piedmont Park Apartments, Atlanta, GA

My Citation in Appendix

Leila Ross Wilburn’s renovated 1920s Piedmont Park Apartments, Atlanta, GA.
Used with permission per email from Will Herbig, Midtown Alliance, to Gail McMillan Oct. 24, 2003, attached.

Your Citation if you used this image: Image no longer available at above URL

Fig. 9  [fair use]
Leila Ross Wilburn’s renovated 1920s Piedmont Park Apartments, Atlanta, GA.
In addition to a web-based Fair Use Analysis Tool being developed by DLA at the request of the Graduate School, there are also various mechanisms available to help you determine whether you may use another’s copyrighted work without asking permission. See the Fair Use Checklist adapted from the Copyright Management Center at IUPUI [http://www.copyright.iupui.edu/checklist.htm](http://www.copyright.iupui.edu/checklist.htm) and the University of Minnesota’s “Fair Use Analysis Tool” at [http://www.lib.umn.edu/copyright/checklist.phtml](http://www.lib.umn.edu/copyright/checklist.phtml)

[Include a description and/or the citation for the item under consideration for fair use.]

**Factor 1: Consider the purpose and character of the use you made of someone else's copyrighted materials in your ETD.**

Known assumptions impacting this factor: VT ETDs freely available on the Internet is considered the equivalent to having multiple copies available. VT is a non-profit educational institution. One purpose of the use is research, academic and educational.

1. Was the purpose of your use of the copyrighted work for a business purpose or commercial activity?  
   **Yes**  **No**

2. Was the reason for using the copyrighted work to entertain?  
   **Yes**  **No**

3. Was criticism, commentary, news reporting, or parody a reason for using the copyrighted work in your ETD?  
   **Yes**  **No**

4. Have you given credit to the author or creator of the copyrighted work in your ETD?  
   **Yes**  **No**

5. Did you redo or alter the copyrighted work to serve a new purpose when you used it in your ETD?  
   **Yes**  **No**

**Factor 2: Consider the nature of the copyrighted work you used in your ETD.**

1. Is it a creative work, such as a painting, poem, or work of fiction?  
   **Yes**  **No**

2. Did it come from a published work?  
   **Yes**  **No**

3. Is it a factual work, such as a quote from a scientific journal, a graph or table derived from statistical data?  
   **Yes**  **No**
Factor 3: Consider the extent and significance of the copyrighted work you used.

1. Did you use a substantial portion of the copyrighted work?  
   Yes  No

2. Was the part of the copyrighted work you included in your ETD a negligible part of the copyrighted work?  
   Yes  No

3. Was the portion of the work you included in your ETD a noteworthy part of the copyrighted work?  
   Yes  No

Factor 4: Consider the effect your use of the copyrighted material will have on the sale or potential sale of the copyrighted work.

1. Did you lawfully acquire a copy of copyrighted material you used in your ETD?  
   Yes  No

2. Could access to the copyrighted work in your ETD have a notable effect on the market or potential market for the original work?  
   Yes  No

3. Is there a licensing mechanism in place for using the copyrighted work?  
   Yes  No

4. Could access to the copyrighted material in your ETD replace the sale or use of original copyrighted work?  
   Yes  No

5. Would it be affordable (i.e., cost-effective) for you to get permission for using the copyrighted work?  
   Yes  No
DRAFT Fair Use Checklist adapted from the Copyright Management Center at IUPUI [http://www.copyright.iupui.edu/checklist.htm](http://www.copyright.iupui.edu/checklist.htm) (accessed Oct 28, 2008). See also the University of Minnesota’s “Fair Use Analysis Tool” at [http://www.lib.umn.edu/copyright/checklist.phtml](http://www.lib.umn.edu/copyright/checklist.phtml)

As a test of fair use in ETDs at Virginia Tech: ______________________________________________

<table>
<thead>
<tr>
<th>Fair Use Factor</th>
<th>In Favor of Fair Use</th>
<th>In Favor of Copyright Holder (not fair use)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose and Character of Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>commercial or educational use</td>
<td>Research</td>
<td>Commercial activity</td>
</tr>
<tr>
<td>for profit or not</td>
<td>Scholarship</td>
<td>Profit (monetarily) from use</td>
</tr>
<tr>
<td>degree of transformation; value added</td>
<td>Nonprofit university</td>
<td>Entertainment</td>
</tr>
<tr>
<td>for criticism, commentary, news</td>
<td>Criticism</td>
<td>Bad-faith behavior</td>
</tr>
<tr>
<td>reporting, teaching, scholarship,</td>
<td>Comment</td>
<td>Denying credit to original author</td>
</tr>
<tr>
<td>research</td>
<td>Transformative: changes the original work for new purpose</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parody</td>
<td></td>
</tr>
<tr>
<td>Nature of the Copyrighted Work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>character of the work</td>
<td>Published work</td>
<td>Unpublished work</td>
</tr>
<tr>
<td>for example, fact or fiction</td>
<td>Factual or non-fiction based</td>
<td>Highly creative work (art, music, novels, films, plays)</td>
</tr>
<tr>
<td>worthy of (extensive) protection?</td>
<td>Important to favored educational objectives</td>
<td>Fiction</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount and Substantiality</td>
<td></td>
<td></td>
</tr>
<tr>
<td>use only what’s necessary</td>
<td>Small quantity of the work</td>
<td>Large portion or whole work used</td>
</tr>
<tr>
<td>quantity and quality in relation to</td>
<td>Portion used is not central or significant to entire work</td>
<td>Portion used is central to work or &quot;heart of the work&quot;</td>
</tr>
<tr>
<td>the whole work</td>
<td>Amount is appropriate for favored educational purpose</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Effect</td>
<td></td>
<td></td>
</tr>
<tr>
<td>harm to potential market or value</td>
<td>User has lawfully acquired copy of the original work</td>
<td>Could replace sale of copyrighted work</td>
</tr>
<tr>
<td>of a work after a portion has been</td>
<td>One or fewer copies made</td>
<td>Significantly impairs market or potential market for copyright work or derivative</td>
</tr>
<tr>
<td>used separately from the whole</td>
<td>No significant effect on the market or potential market of copyrighted work</td>
<td>Reasonably available licensing mechanism for use of the copyrighted work</td>
</tr>
<tr>
<td></td>
<td>No similar product marketed by the copyright holder</td>
<td>Affordable permission available for using work</td>
</tr>
<tr>
<td></td>
<td>Lack of licensing mechanism</td>
<td>Numerous copies made</td>
</tr>
<tr>
<td></td>
<td>You made it accessible on Web or in other public forum</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Repeated or long term use</td>
<td></td>
</tr>
</tbody>
</table>

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Example using an Appendix for all Citations of Copyrighted Works

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Appendix ___

Fig. 1
Works by the U. S. government are not eligible for U. S. copyright protection.

Fig. 2

Fig. 3
Ashmun, Jehudi. Map of the West Coast of Africa from Sierra Leone to Cape Palmas, including the Colony of Liberia. Philadelphia: Finley, 1830. Map Collections 1500-2004. 3 May 2005. American Memory. Library of Congress. http://hdl.loc.gov/loc.gmd/g8882c.lm000002 (accessed Oct. 29, 2008) Public domain determination attached. [It is reasonable to determine that the creator of this 1864 unpublished map has been dead at least 70 years.]

Fig. 4

Fig. 5

Fig. 6

Fig. 7

or

Feb. 18, 2009, Gail McMillan, VT Digital Library and Archives
Fig. 7 [fair use]

Fig. 8 [fair use]

Fig. 9 [used with permission]
Leila Ross Wilburn’s renovated 1920s Piedmont Park Apartments, Atlanta, GA. p. _____
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or

Fig. 9 [fair use]
Leila Ross Wilburn’s renovated 1920s Piedmont Park Apartments, Atlanta, GA.