

A Guide to Copyright Permissions

A WiderNet document concerning Public Domain, Open Source, Creative Commons, Open Access, GNU, Fair Use, and more

The purpose of this document is to serve as a guide to some of the common terms and license agreements used today on the Internet. When collecting Web sites, documents and/or software, it is important to understand these items so that copyrights are not infringed upon.

(* In addition to the information below, here is a good link for information about copyright issues:
<http://scholar.lib.vt.edu/copyright/>)

Who do I ask for copyright permission?

If looking at a site or resource that is not published by a publishing company or association, the author is the best person to approach. If no author is listed, ask the webmaster or other contact person listed. If wanting permission for an entire organization or company Web site, try to find the most relevant contact e-mail - director, president, librarian, etc.

If you are looking at a journal or publications that are connected to a publishing company or association, the author has usually given up his or her rights to copyright permissions. In this case, the publishing company or association must be asked for rights.

Where to find copyright information

- Look at the bottom of the page you wish to mirror. Any of the following words may have a hyperlink to the copyright information.
 - Copyright (copyrights, copyrighted, copyright information, etc)
 - ©
 - Date (2001, 2002, 2003, etc)
 - Terms and Conditions
 - Name of the Company with rights to the Web site (Disney, Center for Disease Control)
 - Privacy Statement
 - Contact Us
- Look around the edges of the page you wish to mirror (usually left and top of the page)
 - See all of the above hints.
 - Site Map (This will bring you to a list of hyperlinks. Usually one of them is the copyright page.)
- Go to the home page of the Web site/page.
 - See all of the above hints.
 - Look for an overriding copyright for all documentation for its Web sites. (Example: Center for Disease Control owns journals and therefore its copyright information is valid for those journals.) If you find something like this, make sure you find an exact sentence covering the specific Web page. If you can't, it is better to ask the publisher of the site to make sure your assumptions are correct.
- Go to the parent company.
 - See all of the above hints.

For the WiderNet Team, you may also want to read these relevant documents concerning the process for finding resources and gaining permissions:

- [What Makes a Good eGranary Resource?](#)
- [Customized or Vague Copyright Statements](#)

Common terms/license agreements and what they mean:

Fair Use

There are four reasons something can be delineated as "fair use":

1. "the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

The distinction between "fair use" and infringement may be unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission. Acknowledging the source of the copyrighted material does not substitute for obtaining permission."

Taken from the US Copyright office Fair Use document: <http://www.copyright.gov/fls/fl102.html>

The above statement means that if we were to take a quote or one line for an educational purpose, we could claim fair use. However, because we scrape a large chunk of material, we can not claim fair use for the scraping of a Web site or page. A person must meet all four criteria above to claim "fair use" and this is a term that is very relative - determined by the court system.

Free Access

Free Access generally means that the internet user can view the information for free. It is not typically a term used to determine if one can copy or mirror a site. However, because many internet users do not understand this term and its uses, you may find that some sites will say "free access" and then describe that the site is "copyable" and may be "distributed". It is best to assume free access is not automatically scrapable unless other documented proof is found to the contrary.

Public Domain

"The steps that follow will help you dedicate your work to the public domain, the commons of information and expression where nothing is owned and all is permitted. The Public Domain Dedication is not a license. By using it, you do not simply carve out exceptions to your copyright; you grant your entire copyright to the public without condition. This grant is permanent and irreversible."

Taken from Creative Commons site:<http://creativecommons.org/license/publicdomain-direct>

Examples include Web sites created by the US government. However, this does not include works contracted by the US government. It is expected that even though a work is in public domain, a person still include appropriate citations for a body of work. In a nutshell, we can freely copy works in the public domain for WiderNet purposes.

(An interesting article about Public Domain vs. Fair Use in Science can be found at <http://www.csudh.edu/oliver/paper2.htm>)

Creative Commons

"The Creative Commons is devoted to expanding the range of creative work available for others to build upon and share."

Taken from Creative Commons Web site homepage: <http://creativecommons.org/>

The Creative Commons has many, many types of licensure but most allow distribution of materials as long as the materials are not used for commercial purposes. It would be a good idea to check their site for more information about this type of copyright license.

Open Access

Often the term is applied to research journals, and it is becoming more and more common. However, further research is needed to determine the permissions status of the open access resource. "Open access" refers in general to a publishing model that allows readers to access articles online free of charge. And while many open access licenses do allow additional uses such as copying and re/distributing - key words that we are interested in - declaring itself "open access" unfortunately is not explicit enough for our purposes. When in doubt, ask permission.

For a more detailed description of open access, please see http://www.openoasis.org/index.php?option=com_content&view=article&id=130&Itemid=390

Open Source

Open Source is a term that is used primarily with software. In oversimplified terms, Open Source means that anyone can access the source code to use, modify or distribute in any form. "The **basic idea behind open source** is very simple: When programmers can read, redistribute, and modify the source code for a piece of software, the software evolves. People improve it, people adapt it, people fix bugs. And this can happen at a speed that, if one is used to the slow pace of conventional software development, seems astonishing." (The Open Source Definition)

However, there are some restrictions on how you are to proceed if you do change the source code. For WiderNet's purposes, if we come across some Open Source software that we want to download to use in the library, we normally can. If we change the code, we have to pay attention to the guidelines given in this link:

The Open Source Definition (taken from the Open Source Initiative)

One of the places that is a central repository of information about open source software that is available is SourceForge.

Free Software Licenses

When Open Source or Free Software (access, not price) are published, there are some licensing options available to protect the authors while still assuring that it remains "free". The most common of these for software has been created by GNU with their license agreements, the most common of which is the GNU General Public License (GPL). There is a FAQ list and a quiz to learn more about this license. View information about this and their other types of licenses here.

Example phrases to look for

All information presented in these pages and all items available for download are for public use. (Means it is public domain!)

All information on this Web site is free. (This means the site is free to view, not necessarily free to download.)

In general...(This means there is some exception somewhere.)

Most...(Another exception word.)

Watch Out!

If a site says it is public domain or that it can be copied, make sure that what you are scraping is within that site. For example, PubMed (www.pubmed.gov) says it is public domain, because it is a government Web site. However, it does not own most of the documents you find with its searches. You usually find documents linked to PubMed that are copyrighted and would therefore need to have permissions granted before being scraped.