

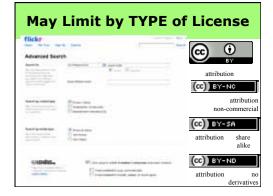
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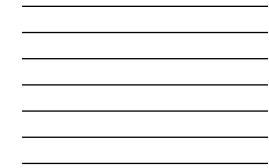


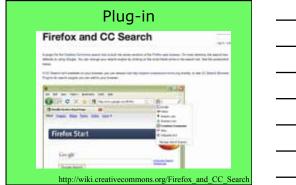
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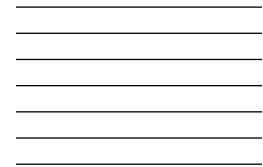




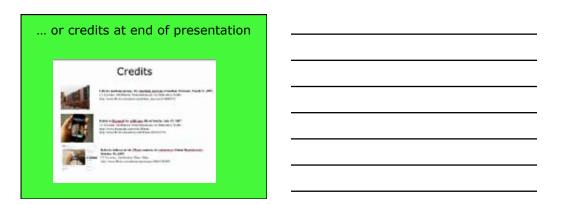




















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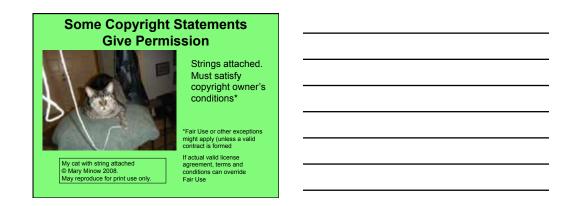
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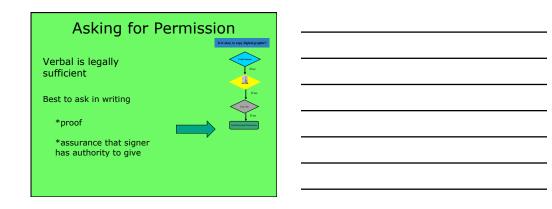
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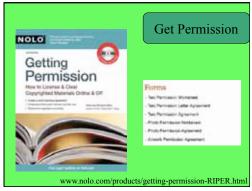
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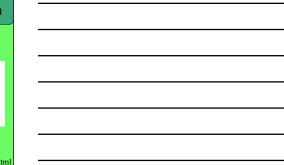
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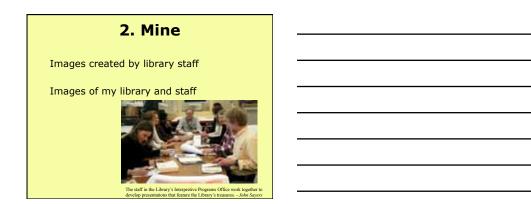
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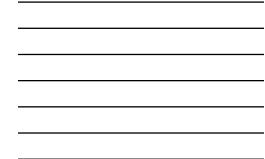












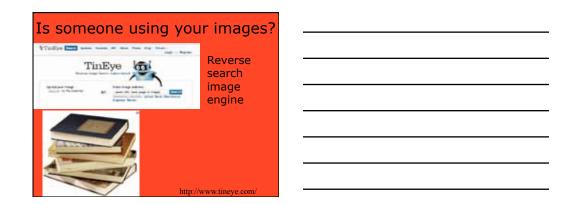
Can local government be copyright owner?



Yes. Only FEDERAL GOVERNMENT works are in the Public Domain per federal law.

States and local governments may dedicate works to the public domain. Rarely do.

May offer creative commons licenses.





Takedown request
If you are a copyright owner or an agent thereof and believe that any User Submission or other content infringes upon your copyrights, you may submit a notification pursuant to the Digital Millennium Copyright Act ("DMCA") by providing our Copyright Agent with the following information in writing (see 17 U.S.C SIZ)(c)(3) for further detail):
1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
 Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;
 Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled and information reasonably sufficient to permit the service provider to locate the material;
 Information reasonably sufficient to permit the service provider to contact you, such as a address, telephone number, and, if available, an electronic mail;
5. A statement that you have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
6. A statement that the information in the notification is accurate, and under penalty of perjury, that you are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
http://twitpic.com/terms.do



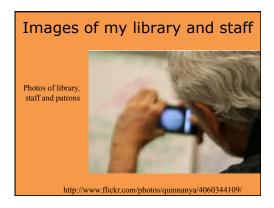


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Patron asks to take photo for blog	
Library says: 1) Yes. 2) Yes, for private use. 3) Yes, but no patrons without their permission. 4) No. Are any of these answers legally correct?	

Guiding Principles



Follow library policy

Treat everyone same

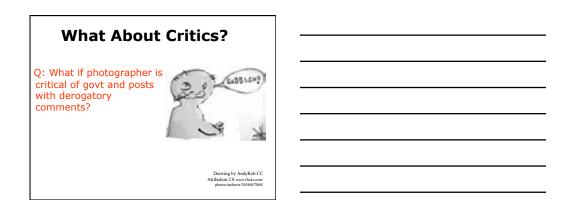
Check with lawyer before restricting photos

1) Library Says Yes

Library is public place.



Deal with abusive behavior under conduct codes.





2) Library says yes, for Private Use

... or "noncommercial use"

No longer meaningful... blogs, ads...



Use conduct policy.

California law forbids some *uses* of photos

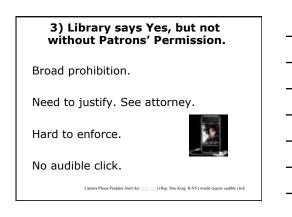
Any person who knowingly uses another's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services, without such person's prior consent ... shall be liable for any damages sustained.

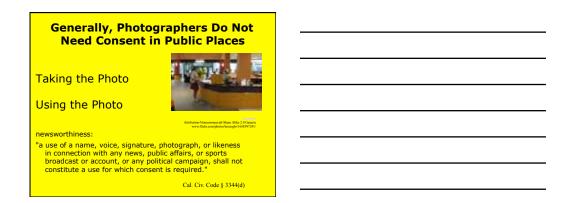
Cal. Civ. Code § 3344(a)

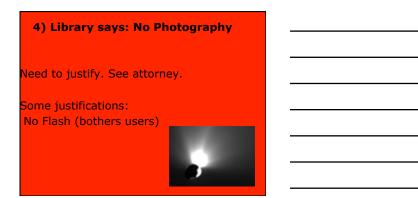
Direct connection

use of a name, voice, signature, photograph, or likeness in a commercial medium shall not constitute a use for which consent is required under subdivision (a) solely because the material containing such use is commercially sponsored or contains paid advertising. Rather it shall be a **question of fact whether or not the use of the person's name, voice, signature, photograph, or likeness was so directly connected** with the commercial sponsorship or with the paid advertising as to constitute a use for which consent is required under subdivision (a).

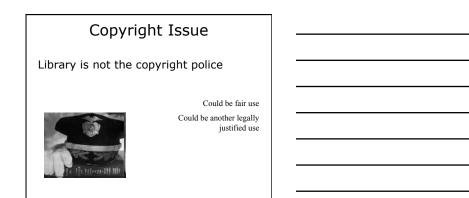
Cal. Civ. Code § 3344(e)











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... But Library Must Honor Contracts re Exhibits, Programs

Protect commercial interest of exhibitors, performers

... How to enforce?



(don't sign contracts you can't honor)

For discussion of On the Road exhibit, see http://williampatry.blogspot.com/2006/02/ on-road-again.html

Sample Library Policy

Filming and photography is allowed if it does not interfere with the delivery of library services.

Persons filming or taking photographs on library premises are responsible for gaining all necessary permissions to use the photos.

Taking photos or videos of persons in the library who ask not to be photographed is unacceptable under the Library's Code of Conduct.

Library staff may terminate any photo session that violates Library policies or appears to compromise public safety or security.



Family in Prague store window

Legal recourse if pictures of library staff or patrons show up in unusual places?

Yes, if commercial use

Otherwise must show invasion of privacy (impossible if taken in public place),

false light

http://www.extraordinarymommy.com/are-you-kidding-me/stolen-picture

3. Ours: Social Media

Who owns photos users post to our site?

Who owns images library posts on flickr, facebook, twitter etc.?

What if we get a takedown notice for an image *a patron* posted to our site?



Owner of library photos on flickr etc.

Fine print in Terms of Service (TOS) Flickr, Twitter, Facebook:

Creator is owner; posting it gives them permission to display

Flap last May – Twitpic claimed ownership of photos uploaded. Backed down right away.



	opyright action based posts to library site	 	
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