

Interpretation Project - Annex F to Guidance on research and assembling interpretative material

Copyright and acknowledgement of digital images used in secondary labels

F.1 Purpose of this Annex

This Annex gives guidance and background to volunteers on various issues related to copyright and acknowledgement that could arise depending on the source of the image that you propose for any secondary label. You should follow this guidance in:

- considering options for and/or proposing an image (Section F.3 and route map in Figure F.1), and
- recording required information to be displayed with the image or held by the Museum (Section F.5).

F.2 Background to copyright, public domain, licences and database right

[Copyright](#), as the word implies, relates to the right to reproduce an original creative work which has been recorded by any method. It applies to literary works, maps, films, paintings, photographs, and other works of art. By contrast, the [public domain](#) consists of all the creative work to which no exclusive intellectual property rights apply. Those rights may have expired, been expressly waived, or may be inapplicable.

Copyright arises automatically under law for the original creator of a work. There is no requirement for any action on the part of the creator and there is no requirement to register copyright. Copyright may be sold, transferred or inherited. Ownership of a work will not automatically confer copyright on the owner of the work - for example, an art gallery that owns a painting may not have its copyright unless it has been expressly transferred to the art gallery.

The minimum duration of copyright is governed by an international legal convention. In the UK the duration is usually the life of the creator of the work plus 70 years. After the creator's death, it may be necessary to obtain permission from the creator's executors or estate. When the copyright period has expired, a work generally enters the public domain and images of it can be freely used.

Some websites (e.g. Internet Archive; V&A Museum) specifically aim to share cultural and artistic work with the public, and allow digital images to be downloaded free of charge for non-commercial use under a public copyright licence, notably the [Creative Commons](#) licence (see Fig F.2, p5). These can enable the legal use of an otherwise copyrighted work provided the terms and conditions are followed.

Note also that [database right](#), comparable to but distinct from copyright, recognises the investment that an organisation has made in compiling a database, even when this does not involve the 'creative' aspect that is reflected by copyright.

F.3 What you need to consider The route map in Figure F.1 (p.4) helps guide you through this section.

Following on from the Main Guidance (Section 4.3.8), key factors to bear in mind listed below:

- is there suitable material that the Museum or you yourself already own that could be used, or could you take a suitable digital photograph yourself? (This avoids or simplifies copyright issues)
- is any other image that you might propose in the public domain or is it subject to copyright or other restrictions (Section F.2 gives definitions and background), or maybe its status is unclear?
- if it is copyright or has other restrictions, will there (or are there likely to) be favourable conditions for our specific non-commercial use of the image on a secondary label in the Museum?
- can permission for this use be obtained (a) relatively easily and (b) at no cost?
- what acknowledgement (copyright, credits, permission, etc) of the owner, copyright holder or source should be displayed with the image and/or held by the Museum (Section F.5)?

F.3.1 The potential sources of the images which you might consider in secondary labels are:

- a) the Museum's collections of historical photographs and documents and images of the objects;
- b) your own photographs, artwork, images or videos which you have the right to use;
- c) websites that you browse in your research;
- d) illustrations or text in books and other publications that you examine in your research; and

e) other photographs, artwork or documents that you know of or come across in your research.

If you can, we strongly recommend that wherever possible you select images that will be available free of charge for use in the secondary labels and for which specific permission is either not needed or can be arranged largely by yourself. The project has very little cash funding available to pay for the use of copyright images. Also the Project Team and the Museum do not have a lot of time at present to help to arrange for specific permission from third parties, though we're always available for advice.

F.3.2 Images provided by (a) the Museum or (b) yourself will not, in general, involve third parties who have copyright. With the Museum's sources, their staff will understand what, if any, third-party copyright issue applies to any particular item. With your own sources, you have the right to use material that you have created, e.g. a photograph or diagram relevant to the secondary label.

F.3.3 Images obtained from third-party sources - (c), (d) and (e) above. If you wish to use images from these other sources, you may need to obtain the permission of the owner of the copyright to the image if it is not in the public domain. It can sometimes be a time-consuming business to obtain permission and a charge may be required for use of a copyright image. Also, in some cases, it can be difficult to establish who, if anyone, owns the copyright.

The following points are relevant to whether you should obtain or record permission:

- It will not be necessary to obtain permission to use images which are already in the public domain (e.g. because copyright has expired). You still need to record the source - Section F.5.
- It will also not be necessary to obtain specific permission if the source legitimately makes a copyright image freely available for public or non-commercial use, although the source's terms or conditions for such use must be followed and any required acknowledgements displayed. Details of potentially useful websites for obtaining such free images are given in Annex D, Section D.2.
- With **source (c) websites** - those websites that wish to control the use of their content by third parties will generally state this. Some will have specific webpages on terms and conditions of use which cover authorised use and what permission is needed for this. It is also common to see the copyright printed alongside or within a specific image (see for example Fig. F.3, p.5).
- With **source (d) books and other publications** - the front and back pages will generally contain statements covering the copyright owner, the publisher, the rights reserved and requirements for permission for use of the content. There may also be acknowledgements of further third parties who provided particular images in the publication and hold copyright of these.
- With **source (e) other photographs, artwork or documents** - this source covers individuals or organisations that you know or with whom you make contact in the course of your research who offer image(s) of material that they own (e.g. a family photograph or a town council document). If that image is privately-held or could be copyright, you should make a record of the permission you have obtained for its use.

If you do need to request or record permission to use copyright or restricted material, follow the guidance in Section F.4. How easy or difficult it is to obtain permission at no cost, depends very much on the potential source.

Use of an image with a disclaimer may be acceptable if you have made reasonable efforts to identify or contact the owner of the copyright of an image that you wish to use, but without success, and you cannot find any alternatives. Our suggested standard disclaimer states:

'Every effort has been made to contact the copyright holder of this image. Powys County Council and its local partners - the Brecknock Society & Museum Friends and the Brecknock Art Trust - will be pleased to correct any errors in its use here in y Gaer that are brought to our attention.'

F.3.4 Annex D - 'Sourcing and submitting images' provides practical aids and advice on obtaining and saving images, including the list of potentially useful websites and also material to assist you in any correspondence or discussion with third parties that is necessary for getting or recording permission to use an image.

F.4 Description of our specific use of the digital images

When seeking or confirming permission from the owner or copyright holder (the third party) for the free use of a digital image, you should state or record the specific use of the image in the Museum.

This is public use to aid interpretation of the exhibits for the interest and education of Museum visitors, which include all ages of the local community as well as visitors to the Breconshire area. There is a strong educational link between the Museum and local schools and colleges. This use is non-commercial in that access to the Museum is free and those who operate it are not seeking to profit from the use of the image. The image will be used solely within the Museum on a secondary digital label and stated acknowledgements of the source and conditions of use (e.g. licence, copyright, credit etc) will be displayed alongside each image. No other use of the image(s), such as in a printed publication or on the internet, will be made without requesting further permission.

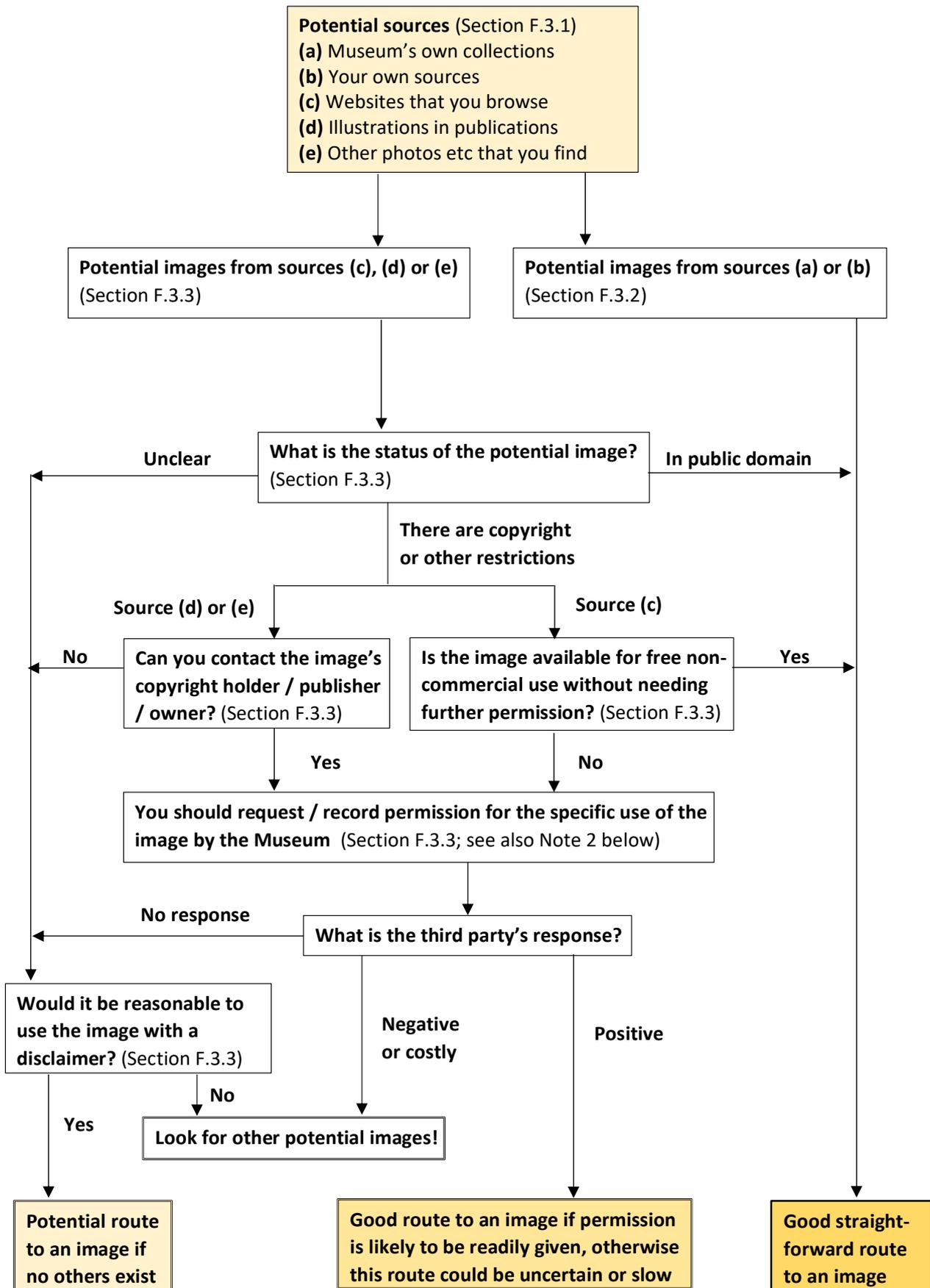
This is covered in (a) the template email or letter for you to use in asking permission for use and what acknowledgement should be displayed, and (b) a statement (PDF) describing the specific use of a third-party image to support interpretation in y Gaer. Both are downloadable as [supporting files to Annex D](#).

F.5 Information to be submitted for acknowledgements and records

As summarised in Section 4.3.9 of the Guidance, in selecting an image for a secondary label, where applicable, you must record the information listed below related to copyright and acknowledgement. You will need to submit this information with your proposed secondary label for use either in the acknowledgements to be displayed with the image or in the Museum's records. Examples of what might be stated in submissions for secondary labels are given in Annex C.

- a) the source from which you obtain the proposed image. It is standard practice to acknowledge the source in displaying an image provided by a third party. The source is also needed in all cases for the Museum records, including when the source is the Museum or you yourself.
- b) the status of the image in terms of being in the public domain, or subject to any copyright or licence, or there being uncertainty as to what its status is.
- c) the permission for use that exists or you have obtained:
 - Nothing more need be stated if the image is in the public domain or the Museum itself is providing the image.
 - If you are proposing an image that you yourself have created, then your submission should state that you give the Museum permission for its use.
 - If the source is legitimately making a copyright image freely available for our non-commercial use under a public copyright licence, then your submission should describe the licence (e.g. Creative Commons).
 - If the image is copyright or held privately, you should state what permission you have obtained, or are in the process of obtaining, for its use. Alternatively, you may propose its use with a disclaimer if you've made reasonable attempts to get permission but without success.
- d) any necessary acknowledgement to be displayed on the label. This will include:
 - the owner of copyright. (This will be displayed with the standard copyright symbol ©).
 - specific wording required under the terms and conditions of the source (e.g. as Fig F.4, p5).
 - acknowledgment of the source (e.g. Courtesyname....) if not covered by the above to show the provenance of the image and/or to thank the third party for making it available.
- e) any other relevant information. This is a 'catch all' for other information such as contact details of the source; PDF of letter or email giving permission for use.

Figure F.1 - Route map through factors to consider in sourcing an image



Notes: 1. The possible routes that you follow will depend on the image you are looking for or would like to use
 2. You may know that the third party will give permission, however you must obtain a record of this

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Figure F.2 - Creative Commons licence referenced in British Museum’s ‘Collections on Line’

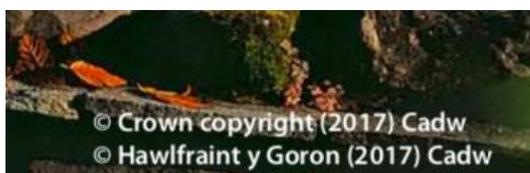


Figure F.3 - Example of copyright embedded in an image (part image Courtesy: Cadw)

1. Commercial, non-commercial, educational and private use of some map images

You are welcome to use some images displayed on the Maps website for commercial, non-commercial, educational and private purposes under the terms of the [Creative Commons Attribution \(CC-BY\) licence](#).

Use is conditional on provision of attribution. Please apply the credit line 'Reproduced with the permission of the National Library of Scotland' wherever you re-use map images. If you create derivative work, the documentation of your work must contain this attribution.

For online publications, we request that your attribution includes a link to our [Map images website](#).

Figure F.4 - Example of specific acknowledgement wording required by National Library of Scotland