# [Copyright and Fair Use FAQs](https://splc.org/2015/10/copyright-and-fair-use-faqs/)

[October 21, 2015](https://splc.org/2015/10/copyright-and-fair-use-faqs/)[Student Press Law Center](https://splc.org/author/splc/)

* [Click here](https://splc.org/wp-content/uploads/2018/08/1061_faq_copyrighto.pdf) to download a PDF on the Copyright and Fair Use FAQs.

**The Student Press Law Center answers your most frequently asked questions about what is protected under copyright law.**

**Q: Can we copy and publish material that we find through an online search engine like Google Images?**

**A:** The fact that material is available and easily copied on a website does not lessen its copyright protection. The best practice is always to get consent (and if you can’t, consider creating your own alternative). You may be able to make a “fair use” of a limited amount of someone else’s material, but it’s always best to avoid copying material from a professional news service like the Associated Press that offers such material for sale (unless you so greatly alter the material that you transform it into a new work).

**Q: Does it protect you against a copyright claim if you properly credit the artwork you are copying?**

**A:** Not at all. Copyright is concerned with consent, not credit. Properly attributing a photo or a cartoon is ethically correct, but it is not a legal defense if the creater believes that your reuse of the work infringes his copyright.

**Q: Can we use the logo of a business — like Pepsi or Facebook or Google — without getting permission?**

**A:** Yes, in connection with a news or feature story about the company or the industry, like a story about the popularity of Facebook. But you cannot use it without permission for purely marketing purposes, such as putting the Facebook logo on your yearbook cover in hopes of selling more books.

**Q: Isn’t it safe to reuse only 30 seconds of a song, or only 10 percent of an article?**

**A:** You’ll hear various rules of thumb, but the Copyright Act itself contains no numerical or percentage “safe harbors.” Material can be safely reused — a “fair use” — if the amount taken is limited to only what is necessary, and is used in a new-and-different way (such as a clip from a film to illustrate a movie review) that does not detract from the economic value of the original.

**Q: Where can you find photos, videos and documents online that are fair game to be used without permission?**

**A:**Start with the federal government (.gov) sites like the White House, FEMA, NASA and others. Content created by federal employees in the course of their work is unprotected by copyright and can be freely reused. Also look for materials carrying the Creative Commons (CC) license, a voluntary alternative to copyright. Typically, such materials can be used in a nonprofit publication as long as proper attribution is given.

**Q: Who owns the copyright in work done by student journalists?**

**A:**Unless the work is done by a salary (“work for hire”) or under a contract or an employee handbook that specifies ownership, the normal rule is that the creator owns the work. And that is true even if school equipment is used.

# [Press law’s (very) Frequently Asked Questions](https://studentpress.org/nspa/press-laws-very-frequently-asked-questions/#:~:text=The%20Fair%20Use%20Exception%20allows,when%20publishing%20commentary%20or%20reviews.)

By Mike Hiestand

Calling these Frequently Asked Questions doesn’t really do them justice. These are the current Eveready Energizer Bunny questions for student media. They are asked, and asked, and asked.

**Q. We’re reviewing a new movie (or a new CD, video game, TV show, book, etc.). Can we use an image from the Internet as an illustration?**

A. Yes, but you have to be selective. As a general rule, most of material that you find online — whether it’s a photo, a story, music, etc. — is protected by copyright. If you want to use it, you’ll first need to obtain permission from the copyright owner (which may or may not be the operator of the website where you find the material).

There is, however, one important exception called Fair Use. The Fair Use Exception allows student journalists to use limited portions of otherwise copyrighted material without permission when engaged in news reporting or when publishing commentary or reviews.

To qualify, the copyrighted material that you use must be very closely tied to a news story or survey, commentary or review. For example, in reviewing the latest Julia Robert’s movie, the Fair Use Exception would allow you to use a single framed scene from the movie or a scaled down image of the movie’s promotional material (for example, the movie poster) taken from the movie’s official website to illustrate your review. (The same thing would allow you to scan a small image of a CD cover to illustrate your review of that CD.)

Likewise, when Charles Schulz died, newspapers across the country lawfully used a small image of Charlie Brown or some other famous Peanuts character to illustrate their news story about his death. In such cases, there is a sufficiently close connection between the movie review or the news story and the copyrighted material. Without the review or the news story, however, you could not simply paste a downloaded photo of Julia or Snoopy into your publication because you had empty space to fill.

Fair Use would also not apply if you were to use a candid photo of Julia Roberts from People Magazine or some other third party’s website that is unconnected to the movie you’re reviewing. The candid photo of Julia Roberts taken by a People Magazine photographer really has nothing to do with the movie and would likely not qualify as a Fair Use. If you want to use it, you’d need to obtain People Magazine’s permission.

Similarly, if you wanted to publish a photo of a current news event, such as a terrorist bombing, you could not just go to the online edition of The New York Times and download one of their copyrighted photos to illustrate your article. The photo depicts the news, but it is not the news itself and you can’t make a Fair Use claim.

If, however, you were you doing a story on how the news media covers terrorism, you could probably make a Fair Use claim for publishing a scaled down version of the entire front page of The New York Times , including the photo, to show how the newspaper placed the story. In such a case, the photo itself would be part of the news.

**Q. Can I use copyrighted material (online or otherwise) if I properly credit the source?**

A. Simply giving credit (for example, “Photo courtesy of People.com “) usually isn’t enough. Unless you can make a Fair Use argument, as discussed above, or unless you’re certain that material is not protected by copyright (for example, works created by the federal government and older works whose copyright have expired are not protected) you must obtain permission — preferably in writing — from the copyright owner before using the material. Of course, once you obtain permission, good journalism also demands that you accurately credit the source.

**Q. We want to use soap opera titles, such as “Days of our Lives,” to head our yearbook sections. Any problems?**

A. This question has many popular variants. For example, can we use book titles (Dr. Seuss’s “Oh, the Places You’ll Go” is a perennial favorite) as our yearbook theme? Can we use movie titles (for example, “The Sound of Music” to head the band section)? Can we use names of popular songs? Can we use advertising slogans as section headers (Nike’s “Just Do It” must have been in every yearbook in the country a few years back)? The answer to all of these questions is “yes” — as long as you do it right.

The U.S. Copyright Office has determined that certain categories of material cannot be copyrighted because they lack the necessary creativity. Among them: names, titles, short phrases, expressions or catchwords, slogans and mottoes. NBC, for example, cannot copyright the bare, unadorned words, “days of our lives,” and you are free to use them as a section header, a yearbook title or anyplace else without obtaining NBC’s permission. However, NBC does own the rights to the daytime soap opera, “Days of Our Lives,” and if you want to use other material from the show, such as photos of cast members, scripts, or the show’s hourglass logo, that material is copyrighted and (unless you can make a Fair Use claim, as discussed above) you’ll need to obtain permission from NBC.

For more information on these and other copyright law issues, see the SPLC’s “Student Media Guide to Copyright Law,” available on the SPLC website at: [www.splc.org](http://www.splc.org/).

More:

[**Copyright Law and Student Journalism**](https://www.edutopia.org/article/copyright-law-and-student-journalism)

[**Copyright for Students**](https://www.libraries.rutgers.edu/research-tools-and-services/copyright-guidance/copyright-students)

**[Tips for Quick Photos (and Common Copyright Risks To Avoid)](https://www.marketing-partners.com/conversations2/common-copyright-risks-to-avoid-and-tips-for-quick-photos)**

**Videos:**

<https://www.youtube.com/watch?v=POYFi6tRMwg&t=2s>

<https://www.youtube.com/watch?v=XzzkSZ0Jrko&t=3s>

<https://www.youtube.com/watch?v=68fRTF_fd0A>