Teaching Fair Use with Astronomy Imagery
What students need to know about copyright, plagiarism and fair use

Teresa Wilson
1Department of Physics, Michigan Technological University

“What Congress shall have the power... to promote the Progress of Science and useful Arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.”
—US Constitution Article 1, Section 8

What is Copyright? Copyright is legal protection automatically provided to authors of original works, including literature, drama, music and art. In the case of photographs, copyright gives photographers exclusive right to reproduce their original work. Before using any copyrighted images found online, permission of the photographer should be obtained. Without it, one might be guilty of copyright infringement.¹

What about Fair Use? Fair use is the limited copying of copyrighted material for a “transformative” use such as criticism or commentary. In this case, permission does not need to be obtained from the author.² Educational purposes generally fall under fair use, since the work is being used in a new context, usually for commentary. In this poster, they provide an opportunity to illustrate a new concept, and can be considered being used for fair use purposes.

Where does Plagiarism fit in? Plagiarism is the use of another’s work without giving proper credit. Proper citation ensures that ideas are attributed to the appropriate persons; however, it does not protect against copyright infringement.³ Using a copyrighted image without permission or a good fair use case may be considered copyright infringement.

“Pluto’s Colorful Composition”⁶
NASA images such as this one are not copyrighted, but NASA still needs to be acknowledged as the source.⁴ However, public domain or stock images (such as the background of this poster) do not need to be cited.

“Rosetta & Comet Outbound”⁵
This image was taken by a private astrophotographer who gave APOD permission to post the image on their website; the astrophotographer retains the copyright. Copying the image for any purpose that does not fall under Fair Use could be considered copyright infringement, even if cited properly. This includes posting images to Facebook, or on a personal website.

I am not a lawyer; The content of this poster is based on my interpretation of the research I did on the subject:

Sources

Contact Information:
Teresa Wilson twilson@mtu.edu