

VISUAL RESOURCES ASSOCIATION: STATEMENT ON THE FAIR USE OF IMAGES FOR TEACHING, RESEARCH, AND STUDY

EXECUTIVE SUMMARY

This Statement on the Fair Use of Images for Teaching, Research, and Study describes six uses of copyrighted still images that the Visual Resources Association (www.vraweb.org) believes fall within the U.S. doctrine of fair use. The six uses are: 1) preservation (storing images for repeated use in a teaching context and transferring images to new formats); 2) use of images for teaching purposes; 3) use of images (both large, high-resolution images and thumbnails) on course websites and in other online study materials; 4) adaptations of images for teaching and classroom work by students; 5) sharing images among educational and cultural institutions to facilitate teaching and study; and 6) reproduction of images in theses and dissertations.

The uninhibited flow of information and ideas – including visual information – is essential to advancing our collective state of knowledge in the arts and sciences. Nowhere is this more evident than in the academic context, where teachers, scholars and students, and those who support such individuals (such as visual resources staff and librarians), access and use information to engage in activities that are at the heart of our freedoms of expression: to comment and critique, evaluate, and compare; to create; to encourage the development of new ideas and thought; and to communicate those ideas and thoughts to others. The robust use of images is essential in this context: images uniquely convey information. They are often the only or best means by which certain ideas can be expressed.

The U.S. doctrine of fair use is essential to the use of images for teaching, research and study; without it, educators' and scholars' ability to express themselves would be severely curtailed, as set forth in this Statement. It is for this reason that faculty, scholars and students have actively relied on fair use for more than a century when using images in these contexts.

This Statement aims to provide educators, scholars, and students – as well as members of the Visual Resources Association, librarians, and others – with the tools to rely on fair use with greater certainty when they employ these practices and principles. It draws from the academic community's longstanding practices of fair use (and highlights one area – the use of images in theses and dissertations – where the VRA believes the community should return to its previous practices of being more assertive in relying on fair use). Although not legal advice, the statement relies heavily on fair use jurisprudence. The statement has also benefited tremendously from the guidance of an advisory committee of preeminent copyright scholars and legal experts, whose members include: Robert W. Clarida (Cowan, Liebowitz & Latman), Jeffrey P. Cunard (Debevoise & Plimpton LLP), Jackie Ewenstein (Ewenstein & Young LLP), Georgia K. Harper (Scholarly Communications Advisor, The University Libraries, University of Texas at Austin), Virginia Rutledge (PIPE Arts Group), and Jule Sigall (Associate General Counsel – Copyright, Microsoft; Formerly Associate Register for Policy & International Affairs, U.S. Copyright Office).