



HARRY RANSOM  
CENTER

THE UNIVERSITY OF TEXAS AT AUSTIN

## Harry Ransom Center Policy on Access to Digital Reproductions of Works in the Public Domain

### General principle

The mission of the Harry Ransom Center is to encourage discovery, inspire creativity, and advance understanding of the humanities for a broad and diverse audience through the preservation and sharing of its extraordinary collection. The use and reuse of digitized content for research, teaching, learning, and creative activities supports that mission. Digitized content enhances access for students and faculty to Ransom Center collections, and it provides a way for the Center to share its intellectual wealth with the rest of the world. In order to foster creative reuse of digitized content, the Center allows free use of openly available digital reproductions of items from its collections that are not under copyright, except where other rights or restrictions apply.

### Policy

The Harry Ransom Center asserts no copyright over digital reproductions of works in its collections which are in the public domain. When digital reproductions of public domain works are made openly available on its CONTENTdm site, the Center does not charge for permission to use those reproductions, and it does not grant or deny permission to publish or otherwise distribute them. To the extent that some jurisdictions grant an additional copyright in digital reproductions of such works, the Center relinquishes that copyright. As a matter of good scholarly practice, the Center requests that patrons using Center-provided reproductions provide appropriate citation to the Center as the source of the reproductions. This policy is subject to the explanation and exclusions below.

### Details

- *Public domain; levels of copyright.* Under this policy, the underlying work that has been digitized must be in the public domain in the United States. The same is true of any secondary representation of the underlying work that is sufficiently original to be protected by U.S. copyright law. Thus, for example, a digital reproduction of an in-copyright photograph of a public domain sculpture is not covered by this policy. Nor is a digital reproduction of a two-dimensional work (such as a page of a book) that is protected by copyright. Under this policy, the Ransom Center is committing

not to assert copyright in certain digital reproductions, but is not relinquishing any copyright it may hold in works or secondary representations that have been digitized. Some works that are in the public domain in the U.S. may remain in copyright in other countries. In that case, while the Ransom Center will not assert foreign copyrights in the digital reproduction of such a work when the conditions of this policy are met, it is not relinquishing any foreign copyright it may hold in the underlying work or any secondary representation, and the user of the digital reproduction is responsible for obtaining any permission that is needed (whether from the Ransom Center or a third party) to use the digital reproduction in other countries.

- *Public domain determination:* When possible, the Ransom Center will provide information on the copyright status of works that have been digitized and are made openly available on its CONTENTdm site. The nature of historical collections, however, is such that copyright or other information about restrictions may be difficult or even impossible to determine. Therefore, the absence of explicit information on copyright is no guarantee that a work is in the public domain either in the U.S. or abroad. Nor can the Ransom Center guarantee the accuracy of any information about copyright status that it does provide. The Center makes no express or implied warranty to others who wish to use digital reproductions of items found in its collections. Users are solely responsible for making independent assessments of an item's legal status for the purpose for which it is to be used.
- *Non-copyright restrictions:* Some uses of public domain works may be restricted by trademark, privacy, publicity rights, donor requirements, or other such rights or restrictions. It is the user's sole responsibility to consider the possibility that such rights or restrictions may be involved and to secure any needed permissions.
- *Service fees:* Costs associated with fulfilling requests for new digitization or for the provision of digital files that are not currently available through the Center's CONTENTdm site are detailed at the Center's [Policies, Fees, and Forms](#) page.
- *Openly available:* This policy currently applies only to publicly accessible digital reproductions found on the Center's CONTENTdm site believed to be in the public domain.
- *Exceptions:* The Director of the Ransom Center may make exceptions to this policy in particular cases where his or her delegate, determines on balance that the aims of the Ransom Center would be better served by such an exception.
- *Information on use:* The Ransom Center may implement systems to identify and track the use of images made openly available under this policy.
- *Citation and credit:* The Ransom Center requests as a matter of good scholarly practice that appropriate citations be provided to the Center as the source of digital reproductions that are used in any media. Preferred forms of attribution, citation, or credit are provided in the metadata for each CONTENTdm digital reproduction.
- *Fair Use:* Under this policy, digitized reproductions of public domain works may be used for any purpose without first seeking permission from the Ransom Center. Reproductions of many other works in the collections are also available from the Center in varying formats. The Ransom Center supports fair use of its digitized reproductions that are not subject to this policy when all applicable legal criteria are met.

## **Ransom Center Marks/Name**

Users of digital reproductions should not suggest or imply that the Ransom Center endorses, approves of, or participated in their projects. The Center's name should not be used in the title or the name of the product, and it should not be used as a metadata search term, website name or web address; nor should it be large or prominent. The use of the Center's name or trademarks of The University of Texas at Austin for any purpose other than standard source citation requires the prior approval of the Ransom Center.

## **DISCLAIMER**

The use of digital reproductions made available by the Harry Ransom Center shall be at the user's sole risk. To the fullest extent permitted by law, the Ransom Center disclaims all warranties of any kind (express, implied or otherwise), including but not limited to any implied warranties of merchantability, fitness for a particular use, non-infringement, and/or as to the accuracy or completeness of content or related information, in connection with such digital reproductions and your use thereof. The Ransom Center shall not be responsible or liable for any damage that may occur due to your use of any material that the Center makes openly available. As used in this paragraph, "Harry Ransom Center" includes the Harry Ransom Humanities Research Center, The University of Texas at Austin, and their respective governing board members, officers, employees, agents and affiliates.

## **Frequently Asked Questions**

### **What is the Harry Ransom Center's Policy on Access to Digital Reproductions of Works on its CONTENTdm site (the "Policy")?**

Under the Policy, the Ransom Center waives any copyright it may have in digital reproductions of works in its collections, when the underlying works are in the public domain and when the digital reproductions are made openly available on the Center's CONTENTdm site. These digital reproductions may be used by anyone for any purpose without first securing permission from the Ransom Center.

For the Policy itself, which includes further explanation and certain exclusions, see the Harry Ransom Center Policy on Access to Digital Reproductions of Works in the Public Domain.

### **What works or content are governed by the Ransom Center's permission waiver?**

The Policy applies to digital reproductions of works in the collections of the Ransom Center, when the underlying works are in the public domain and when the digital reproductions are made openly available on the Center's CONTENTdm site.

### **What content is excluded from the Policy?**

The Policy does not apply to digital reproductions of works that are protected by copyright. It also does not apply to secondary representations (whether analog or digital) of public domain works when the secondary representation is sufficiently original to be protected by copyright under U.S. law. For example, the Policy does not apply to a digital reproduction of an in-copyright analog photograph of a public domain sculpture, or a modern digital photograph of such a sculpture.

### **Is all online content available from the Ransom Center's website subject to the Policy?**

No. Some of the digital reproductions found on the Center's CONTENTdm site reproduce works that are still under copyright; and/or rights holders have granted the Ransom Center permission to make these reproductions available for educational purposes. Some of the digital reproductions found on a site may have been provided by another institution and are not part of the Ransom Center's collection.

The Policy only applies to digital reproductions of works in the Center's collections, when the underlying works are in the public domain in the U.S. and when the digital reproductions are made openly available on the Center's CONTENTdm site.

## **How do I know whether online content is subject to the Policy?**

You should first see whether the digital reproduction is openly available (within the meaning of the Policy) on the Center's CONTENTdm site.

Next, determine whether the underlying work is in the public domain in the U.S. In some cases, there will be an indication in the record for the item indicating its public domain status. In other cases, you will have to make that determination. Some resources to help you are provided at the end of this document.

Lastly, check if the digital reproduction – and any intermediate representation (such as a photograph) – is merely an imitative copy of the original work, rather than being an original creative work in its own right.

If all conditions are met (i.e., the reproduction is openly available from the Center's CONTENTdm site; the underlying work is in the public domain in the U.S.; and the digital reproduction and any intermediate representation are merely imitative copies), then the Policy applies.

Note that while the Ransom Center may waive any copyright it may have in certain digital reproductions of public domain works and may provide information about its understanding of copyright status, you are solely responsible for making independent assessments of an item's legal status for the purpose for which it is to be used. The Center makes no express or implied warranty as to the public domain status of items found in its collections, or as to the accuracy of any information it may provide about copyright or public domain status.

## **Are high-resolution, publication-quality images available for download?**

Yes, high-resolution images for select collection items are available for download from CONTENTdm. While the Ransom Center does not charge for use of digitized images it makes openly available from its CONTENTdm site that fall under this Policy, there may be costs associated with fulfilling requests for new digitization or for the provision of high-resolution digital files that are not yet available from CONTENTdm.

## **Does the Ransom Center place any restrictions on digital reproductions subject to the Policy?**

No. As far as the Ransom Center is concerned, digital images which fall under the Policy may be used for any purpose.

## **May I use such digital images for academic or classroom projects?**

Yes.

**Do I need to ask for permission from the Ransom Center to reproduce or publish such digital images?**

No, if a digital image is covered by the Policy, you do not need to ask for permission from the Ransom Center to reproduce or use it. All uses of such images, including reproduction and distribution, are permitted without further application, authorization, or payment of any fees to the Harry Ransom Center.

**My publisher insists I get permission letter to use the reproduction. Will you provide one?**

No. The Ransom Center will neither grant nor deny permission to use digital content covered by the Policy. Tell your publisher that it is not necessary to ask for permission to use public domain works. Provide publisher with a copy of the Ransom Center's Policy if they still have concerns.

Other parts of this FAQ give guidance on when digital content on the Ransom Center website is covered by the Policy.

**Does the Harry Ransom Center need to be credited in any way when I reproduce an image?**

The Ransom Center requests as a matter of good scholarly practice that appropriate citations be provided to the Center as the source of digital reproductions that are used in any media. Preferred forms of attribution, citation, or credit are provided in the metadata for a digital reproduction on the Center's CONTENTdm site.

**What if I want to use the digital reproduction outside of the United States? Would the policy apply?**

When the underlying work is in the public domain in the United States and the other conditions of the Policy are met, the Ransom Center waives any copyright it may have in the digital reproduction, regardless of where it is used. Note, however, that the underlying work may still be protected by copyright in a different country. You may still need to get permission from the copyright holder in order to use the digital reproduction. (This is true whether the holder of foreign copyright in the underlying work is a third party or the Ransom Center.) You are solely responsible for making that determination and securing all necessary permissions.

**Would the Policy apply to a digital reproduction of a photograph of something when both the subject of the photograph and the photograph itself are in the public domain?**

Yes. When both the underlying work and the photograph of that work are in the public domain, and when the digital image is openly available from the Ransom Center's CONTENTdm site, the Policy would apply.

**What if the digital image is a digital copy of an analog photograph of a three-dimensional public domain work (such as a sculpture)? Would the Policy apply?**

Probably not. In most cases, the analog photograph itself would have enough creativity to warrant its own copyright. Hence, unless the copyright in the photograph had expired, the secondary representation of the underlying work would not be in the public domain, and the Policy would not apply.

**What if the digital content is a digital photograph of a three-dimensional public domain work? Would the Policy apply?**

Probably not. Again, in most cases, the digital photograph itself would have enough creativity to warrant its own copyright. The secondary representation of the underlying work would not be in the public domain, and the Policy would not apply.

**Does the policy apply to works in which the Ransom Center owns the copyright?**

No. This content is not in the public domain, so the Policy does not apply. Moreover, though the Ransom Center is committing under the Policy not to assert copyright in certain digital reproductions, it is not relinquishing any copyright the Ransom Center may hold in works that have been digitized.

**Where can I find more information about what is included in the public domain?**

The following resources may be helpful:

- [Copyright Term and the Public Domain in the United States](#) (Cornell Copyright Information Center)
- [Is it in the Public Domain?](#) (Samuelson Law, Technology & Public Policy Clinic at the University of California, Berkeley)
- [US Copyright Office](#)
- [WATCH file](#)

This FAQ is based in part on Harvard Library's [Policy on Access to Digital Reproductions of Works in the Public Domain: Frequently Asked Questions](#)

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