



Dean Pentcheff <pentcheff@gmail.com>

Question about photos taken on the 2006 FFS cruise

1 message

Dean Pentcheff <dpentche@nhm.org>

Tue, Jan 26, 2010 at 7:28 PM

To: Rusty.Brainard@noaa.gov

Cc: Regina Wetzer <rwetzer@gmail.com>

We have a quick question for you regarding some of the data that came from the 2006 French Frigate Shoals cruise. Specifically, these are photos of crabs and other invertebrates taken by Joel Martin and Leslie Harris (both NHM staff) while on the cruise.

We're starting to use some of the images for more diverse purposes here at the Natural History Museum of Los Angeles County (notably, we're about to file some of them into a Museum-wide, and soon-to-be-public specimen database).

Now that we're beginning to "expose" the photographs a bit more, we're being pressed on what intellectual property rights apply to them. Because they were taken on a U.S. Government NOAA cruise, are they Public Domain? Or because the photos were actually taken by non-government employees, do they fall into another copyright category?

If you can let us know what the copyright status of those images is, we'd be most grateful. If you're not sure, any pointers to people who would know would be appreciated.

Thanks!

-Dean

--

Dean Pentcheff

dpentche@nhm.org



Dean Pentcheff <pentcheff@gmail.com>

Photos taken on the 2006 FFS cruise

7 messages

Megan.Moews@noaa.gov <Megan.Moews@noaa.gov>

Wed, Jan 27, 2010 at 2:34 PM

To: Dean Pentcheff <dpentche@nhm.org>

Cc: Regina Wetzler <rwetzler@gmail.com>, Rusty.Brainard@noaa.gov

Dear Dean,

Regarding photo credits from the 2006 French Frigate Shoals (FFS) cruise:

When the FFS cruise took place, it was determined between the Papahānaumokuākea management co-trustees that all images and information from French Frigate Shoals are provided "courtesy of the Northwestern Hawaiian Islands Marine National Monument, Hawaiian Islands National Wildlife Refuge, the Northwestern Hawaiian Islands State Marine Refuge, and NOAA's Pacific Islands Fisheries Science Center in accordance with permit numbers NWHIMNM-2006-015, 2006-01, 2006-017, and DLNR.NWHI06R021 and associated amendments". (see www.creefs.org, "French Frigate Shoals Census")

That said, if it is a simple photo credit, it can read: "Photo by __ (photographer) __, courtesy of the Northwestern Hawaiian Islands Marine National Monument (or Papahānaumokuākea) co-trustees, CReefs, and NOAA Pacific Islands Fisheries Science Center, 2006".

These photos can be used for science and outreach, but are not for commercial gain...unless otherwise determined via "compatibility determination".

Let me know if you have any questions--I hope this helps!

Aloha,

Megan Moews
CoML CReefs Coordinator
NOAA PIFSC Coral Reef Ecosystem Division

Dean Pentcheff <pentcheff@gmail.com>

Wed, Jan 27, 2010 at 2:41 PM

To: Megan.Moews@noaa.gov

Thanks, Megan -- that's extremely helpful.

-Dean

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Dean Pentcheff
pentcheff@gmail.com
dpentch@nhm.org

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Dean Pentcheff <pentcheff@gmail.com>

Wed, Jan 27, 2010 at 4:40 PM

To: Megan.Moews@noaa.gov

OK, 'fraid I'm back!

One thing that's still unclear to us is who's the actual copyright holder (if there is one, unless the materials are in the public domain).

The request for credit to the organizations is not the same as asserting that they hold legal copyright on the images. The copyright holder has the right to license usage under those (or other) terms, but who is the actual copyright holder? (The exception, of course, would be if these are considered to have been prepared by a government employee as part of their official duties, in which case they would not be subject to copyright at all.)

It looks as though the use limitations are similar to a Creative Commons "Attribution Non-Commercial" license (<http://creativecommons.org/about/licenses>). Is that, in fact, what's being used? If not, has that licensing been considered? A big advantage to using a CC licence is that publishers, web-site designers, and other institutions are pretty familiar with how those work.

Thanks again!

-Dean

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Dean Pentcheff
pentcheff@gmail.com
dpentch@nhm.org

On Wed, Jan 27, 2010 at 2:34 PM, <Megan.Moews@noaa.gov> wrote:

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Megan.Moews@noaa.gov <Megan.Moews@noaa.gov>

Wed, Jan 27, 2010 at 5:20 PM

To: Dean Pentcheff <pentcheff@gmail.com>

Cc: Rusty.Brainard@noaa.gov, Wende.Goo@noaa.gov

Hi Dean,

Because these photographs were taken on a government vessel, during government time, in a permit-only area (managed by government entities), they shouldn't be subject to copyright. Though, they are the property of NOAA (and therefore available for public viewing) b/c it was on a NOAA vessel, on a NOAA-led and permitted research expedition.

I am not familiar with the "CC" license, and don't really have the authority to make such a decision on NOAA photographs. It would take a huge amount of effort, going through several levels of government as well as the other institutions listed, to explore such a thing and so I don't think that is a place we will be going.

I have copied Wende Goo here, as she may have more input on the matter.

Cheers,

Megan

----- Original Message -----

From: Dean Pentcheff <pentcheff@gmail.com>
Date: Wednesday, January 27, 2010 2:40 pm
Subject: Re: Photos taken on the 2006 FFS cruise
To: Megan.Moews@noaa.gov

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wende.goo <Wende.Goo@noaa.gov>

Wed, Jan 27, 2010 at 5:26 PM


To: Megan.Moews@noaa.gov

Cc: Dean Pentcheff <pentcheff@gmail.com>, Rusty.Brainard@noaa.gov

given the information Megan has supplied, she's correct, these photos appear to be in the public domain.

wende

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 **wende_goo.vcf**
1K

Dean Pentcheff <dpentche@nhm.org>

Wed, Jan 27, 2010 at 5:51 PM

To: Megan.Moews@noaa.gov

Cc: Rusty.Brainard@noaa.gov, Wende.Goo@noaa.gov, [Regina Wetzer <rwetzer@gmail.com>](mailto:Regina.Wetzer@gmail.com)

Megan and Wende, thank you (again).

Our understanding now is that the images taken by NHM staff on the 2006 Northern Hawaiian Islands cruise are public domain, and not subject to copyright. (As a side issue, that makes it impossible to assign any licensing to them, Creative Commons or otherwise.)

We'll certainly be making sure that credit is given as you suggested earlier: we definitely want to make sure we give credit to the people who shot the pictures and the agencies that made it possible. We just wanted to make sure we weren't infringing on the rights of any copyright holders.

-Dean

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Dean Pentcheff
pentcheff@gmail.com
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Megan.Moews@noaa.gov <Megan.Moews@noaa.gov>

Wed, Jan 27, 2010 at 5:55 PM

To: Dean Pentcheff <dpentche@nhm.org>

Sounds good--Thanks for checking Dean! --Megan

----- Original Message -----

From: Dean Pentcheff <dpentche@nhm.org>

Date: Wednesday, January 27, 2010 3:51 pm

Subject: Re: Photos taken on the 2006 FFS cruise

To: Megan.Moews@noaa.gov

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