

Free images and free licenses

Marco Chemello - Wikimedia Italia



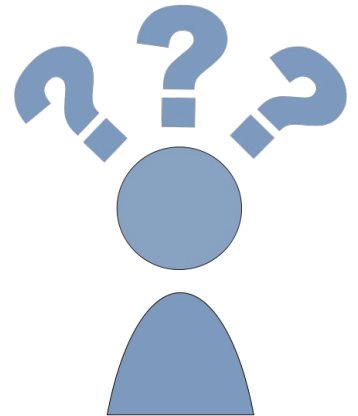
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Which images can I use freely?

1. All those which are not copyrighted, that is, which are in the **public domain**, or
2. Which the author granted with a **free license**.

An image found on the Internet is not for this free and it's not "of public domain"!

*Infringement of copyright is a flagrant offence
and can be prosecuted in civil and criminal matters.*



Contents in the public domain

Public domain = no reserved rights = free use (without conditions)

When did you do that?



1. By law (e.g. texts of the laws and norms of the Italian State)
2. The rights have expired (e.g. aAuthor who has been dead for more than 70 years)
3. The author waives the rights (e.g. by means of CC0 declaration)

Video to learn more about the project. Simone Aliprandi: <https://www.facebook.com/simone.aliprandi.page/videos/277774992451034>

Contents in the public domain

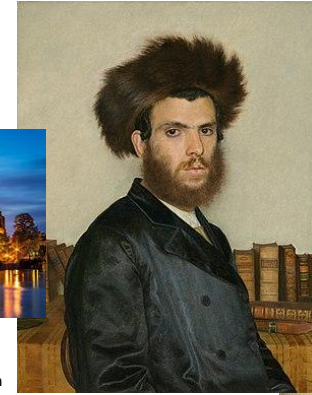
Besides...

4. not all works are original enough to be protected by copyright:

There is a **threshold of originality**



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[https://commons.wikimedia.org/wiki/File:Isidor_Kaufmann_-_The_Kabbalist_\(c._1910-20\).jpg](https://commons.wikimedia.org/wiki/File:Isidor_Kaufmann_-_The_Kabbalist_(c._1910-20).jpg)

NO. 1. THE STORY OF A SUCCESSFUL SOUTHERN YOUTH. 41

...the peculiar taste of a recall to the day. was glad when Christmas had been his, and he would not have been his, and he the evergreen tree of a and pity, and have a deal with the merry-colored but inevitably demanded egg as his share. The 8 Fourth of July had no m for this young South the usual stroll over the his father. Indeed, every thing to him, to be proud a gratification, but others a certain day added new. The crossing feature of this was his birth-day, the 4th boys he was glad long long years old to find that he was one year nearer manhood to his golden age. He enjoyed it more, perhaps, because his beloved parents would give him a birthday party, and invited the young people in the neighborhood to participate in the feast. The children would bring Biscuits, with milk and cream and cake, mince and nutmeg, and the appearance of the jolly little. Watermelon, were his favorite dish, and I have been around at him relating how he used to eat until full, then go out and roll on the grass, and come back ready for more.

Edward, yielding to his intellectual inclination, would ransack the library for picture books, and become a student of reading war tales, biographies of great men, and doing deeds of prince heroes, illustrating Southern history, patriotism, heroism, magnanimity and bravery. Fortunately for him, there were no time-movies within his reach. He was now beginning to be impressed with the notion that there is something in the worth being true and that he had a mind deserving of culture, as well as other boys, not to be left his uneducated, formed new resolutions, and determined to climb the heights, reached and kept by the illustrious men about whom he had read. These were noble thoughts, but entirely too slow in developing for any would-be would read and frolic in his youth.

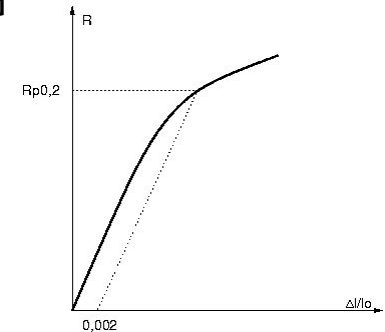
Half a dozen years full of trial and opposition had elapsed since the slaves were freed and the army disbanded. Edward was now sufficiently thoughtful to observe the constant change in affairs, how his parents seemed troubled and every thing around signs of neglect. All how many youth in the land of these have weaned from the idleness of affluence and equities to meet direst necessities of the great reform. Poverty thrust upon him by competing hands.

Mr. Knapley had not shared the fate of many, many Southern lords in that age of gallantry or chivalry of property, and of unbounded hospitality. When his income went no longer his own, his money vanished, with only land and labor left, he, noble and generous, went quietly to work. He was equipped of his wealth, and forced to become a bankrupt, with barely a

Above the threshold (copyright) (copyright)

Below the threshold (public domain)



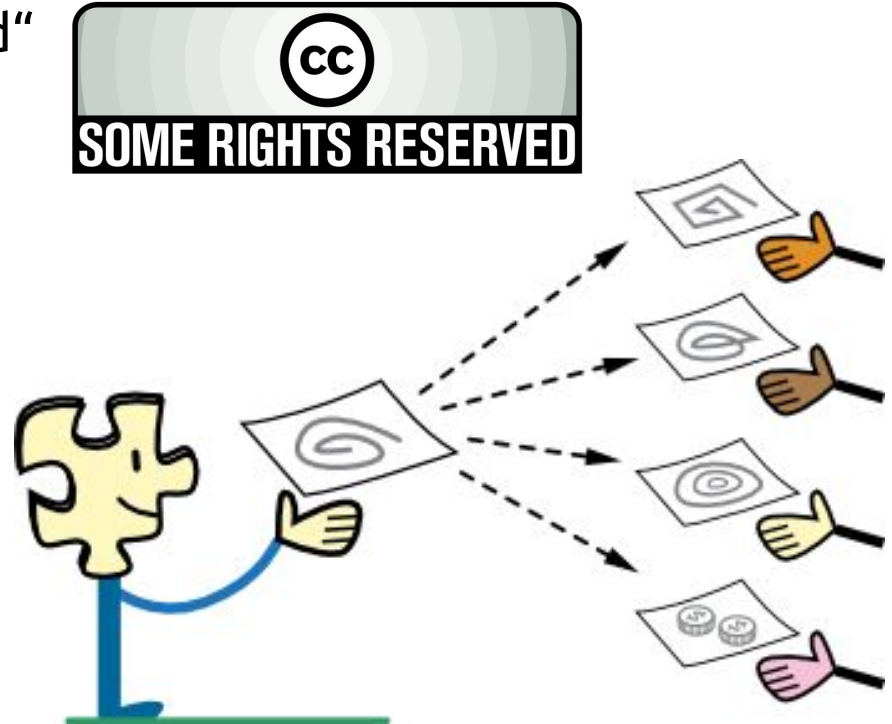


[Commons:Threshold of originality](#)

The free licences

that's to say "some rights reserved"

- The 3 freedoms:
- to **distribute** to the public
- to mix / **modify** / transform
- to use for **commercial** purposes



Detail from Licensing tutorial for Wikimedia Commons by Wikimedia Foundation [CC BY-SA 3.0 (<http://creativecommons.org/licenses/by-sa/3.0/>), via Wikimedia Commons http://commons.wikimedia.org/wiki/file:licensing_tutorial_en.svg]

Free licenses are a fundamental element of all open content projects such as Wikimedia and OpenStreetMap



WIKIMEDIA

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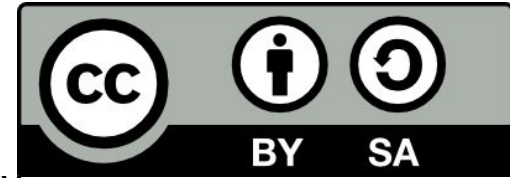
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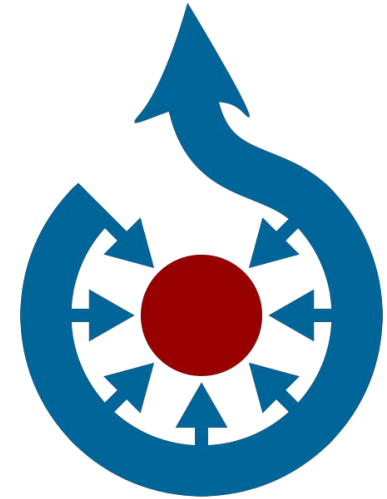
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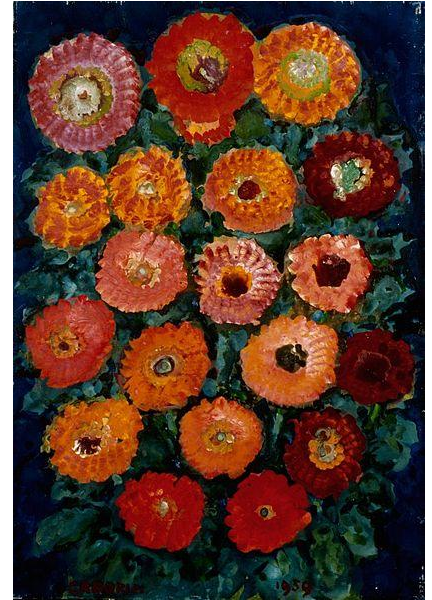
Duration of copyright

General rule for freelance creative works
(recognized in Italy and in most countries of the world):

More than **70 years** after the death of the author

In Italy copyright is ruled by:

1. *Civil Code, Book five, Title IX, Chapter I, Articles 2575-2583*
2. *Law no. 633 of 22 April 1941, G.U. n. 166 of 16 July 1941) and subsequent amendments.*



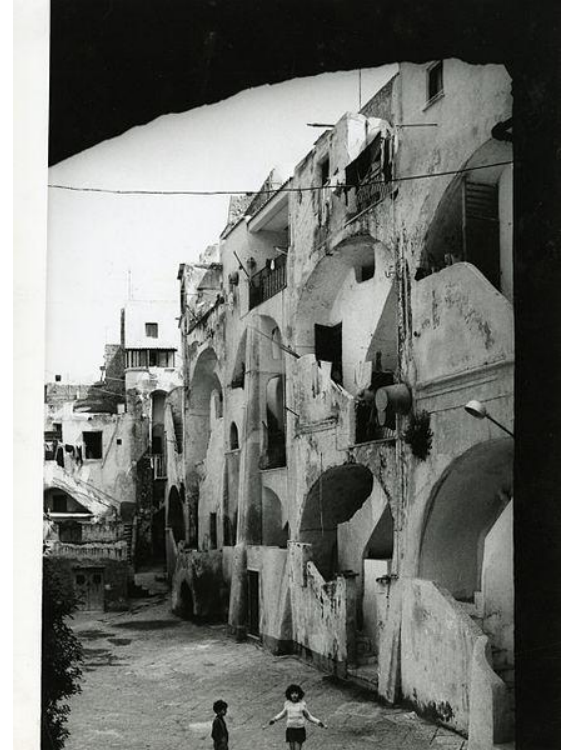
Guido Cadorin, Zinie, oil on canvas, 1959. Cariplo Foundation, CC BY-SA 3.0, through Wikimedia Commons
https://commons.wikimedia.org/wiki/File:Artgate_Fondazione_Cariplo_-_Cadorin_Guido_-_Zinie.jpg

Duration of copyright in Italy

1. Photographic works: **70 years after the death** of the author

Like other works of creative ingenuity, the photographic work is protected according to moral and commercial rights of the photographer in the first instance.

For anonymous or pseudonymous photos: 70 years after publication.



Paolo Monti, Photographic Service (Procida, 1972).
Paolo Monti Fund, BEC Foundation, CC BY-SA 4.0. [https://commons.wikimedia.org/wiki/File:Paolo_Monti_-_Photographic_Service_\(Procida,_1972\)_-_BEIC_6362020.jpg](https://commons.wikimedia.org/wiki/File:Paolo_Monti_-_Photographic_Service_(Procida,_1972)_-_BEIC_6362020.jpg)

Duration of copyright in Italy

Shorter duration in specific cases:

2. Simple photos: **20 years from the creation** in Italy

simple photographs = pictures of people or of aspects, elements or facts of natural and social life, obtained by photographic process or by similar process, including reproductions of works of figurative art and frames of cinematographic films [13] (art. 87):

1. Images of people
2. Images of aspects, elements or facts of natural life
3. Images of aspects, elements or facts of social life
4. Reproductions of works of art (provided that the work of art itself is not covered by rights)
5. Frames of cinematographic films

https://it.wikipedia.org/wiki/Diritto_della_fotografia

A beautiful photo is often a simple photo, it is not necessarily a creative photographic work.



Construction of Viaduct Polcevera, Genoa, 1966.
Http: // commons.wikimedia.org / wiki / file:
construction _ Viaduct _ Polcevera _ 1966.jpg

Copyright in Italy

Other specific cases:

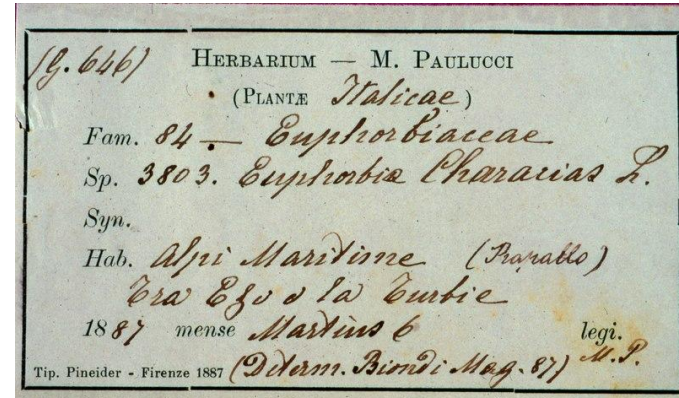
3. documentation photos: not copyright-protected

(art. 1, 3, 4). 87.2) the protection under Italian law excludes photographs of:

- writings
- Documents
- business papers
- Material objects of the
- Technical drawings and technical drawings
- Similar products

Therefore, these images - as long as they do not portray creative works - fall within the public domain.

Please note: it only applies to **photos taken in Italy!**



Autograph by Marianna Paulucci.

https://commons.wikimedia.org/wiki/File:Autografo_marianna_paulucci_1887.tif

Dissemination of images on the web

1. The author is granted the exclusive right to authorize or prohibit any communication to the public (it is therefore necessary to obtain authorization also for publication on a website other than the original one or on a social network)
2. Even when it is authorized by the author, the sharing of any image on social networks and in general on the web is lawful only when it allows to trace the author, the date and any title or name of the work.

Further readings

on free licenses

<http://www.creativecommons.it/>

on public domain

Pubblico Dominio. Istruzioni per l'uso (AIB)

<https://www.aib.it/attivita/2020/78571-pubblico-dominio-istruzioni-per-luso-frequently-asked-questions/>

Lo Statuto per il dominio pubblico di Europeana

https://pro.europeana.eu/files/Europeana_Professional/Publications/Public_Domain_Charter/Public%20Domain%20Charter%20-%20IT.pdf

books

Simone Aliprandi, *Creative Commons: manuale operativo*, 2013 <http://www.aliprandi.org/manuale-cc/>

articles

Effie Kapsalis, *The Impact of Open Access on Galleries, Libraries, Museums, & Archives*, 2016

<http://s.si.edu/openSI>

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