

# 10 Things You Need to Know about Copyright and Genealogy

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“Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works.” Here’s what is and isn’t covered by copyright and what you should be aware of as a genealogist!



- Facts Can't Be Copyrighted.** Birth dates, death dates, locations of events, etc. are not covered by copyright. So, as a genealogist you can copy this type of information and use it freely in your research, reports, family trees etc.
- Assume everything is copyrighted.** Prove the work a) is public domain, royalty free or covered by a special license; or b) can be used according to Fair Use provisions; or c) can be used through permission or licensing. Otherwise, don't use it!
- Copyright Myths.** Don't make these assumptions: "It's on the Internet so it must be free to use!" or "There's no copyright notice. Author loses and I win!" or "The book I'm using is out of print."
- The Truth about Fair Use.** For purposes of criticism, comment, news reporting, teaching, scholarship, or research, you can use portions of copyrighted works. Copyright is not meant to interfere with or impede scholarly research. Make sure your use meets the Fair Use standard.
- Cite Your Sources!** Not only do source citations serve you as a genealogist and help improve the research process, for Fair Use purposes you should make clear the name of the work, the author and all pertinent details in your citation.
- How Are You Using a Copyrighted Work?** If your research will remain unpublished, your worries are few. However, if you have a blog or you are publishing a family history book, you do need to understand what is and isn't allowed in terms of usage.
- What Does a Copyright Bestow to the Owner of a Work?** When you own the copyright to a work, you can control how that work is used by yourself and others. This includes genealogy books, written family stories, even audio and video recordings.
- When in doubt, research or ask.** Use the Resource List below or ask the owner of the work if and how the work can be used. Ignorance is not a valid excuse.
- How Long Does a Copyright Last?** Due to the many changes to US copyright law, determining the length of copyright can be difficult. For guidance, use the Copyright Genie <https://librarycopyright.net/resources/genie/> to determine copyright issues.
- When to Worry about Copyright.** Don't let the fear of using materials in both your research and a published or unpublished report or book keep you from breaking down brick walls or serving your genealogy clients. "Don't worry ... be educated!"

Check out the **Copyright and Genealogy Resource List** on the back page!

## Copyright & Genealogy Resource List

- Attribution: It's the Right Thing To Do  
<https://tarletonlibrary.blogspot.com/2014/07/attribution-its-right-thing-to-do.html>
- Compendium II of Copyright Office Practices  
[http://www.copyrightcompendium.com/#202.02\(b\)](http://www.copyrightcompendium.com/#202.02(b))
- Copy Right, Copy Sense  
<http://www.pddoc.com/copyright/index.html>
- Copyright Advisory Network  
<https://librarycopyright.net/>
- Copyright Curiosities – The Legal Genealogist  
<https://www.legalgenealogist.com/2014/08/07/copyright-curiosities/>
- Copyright Genie  
<https://librarycopyright.net/resources/genie/>
- Creative Commons  
<https://creativecommons.org>
- Electronic Frontier Foundation – Legal Guide for Bloggers  
<https://www.eff.org/issues/bloggers/legal/liability/IP>
- Stanford University Libraries – Copyright & Fair Use  
<https://fairuse.stanford.edu/>
- The Copyright Quandary and Copyright Myths  
<http://www.costcoconnection.com/connection/201304?pg=27#pg27>
- The Legal Genealogist – Copyright  
<https://www.legalgenealogist.com/category/copyright/>
- U.S. Copyright Office FAQs  
<https://www.copyright.gov/help/faq/>