November 2016 Genealogy Tip

Genealogy and Copyright

Do you really need to think about copyright when you work on your family history?

For example, you have a letter that you would like to publish online or in your family history book. Can you do it? It depends. While the physical letter belongs to the recipient, the copyright belongs to the writer of the letter. The letter doesn’t have be a highly creative work to warrant copyright protection; it just needs to be original to its author. The copyright can be transferred by agreement or passed to heirs as any other personal property. So, if you are the sole heir of the author, you might well be the copyright holder. If not, you would have to identify the copyright holder and get a permission for reproduction/distribution, or stay within the fair use limits when quoting the letter. For a genealogist / family historian, however, it is important to remember that only the expressive content is protected by copyright, not facts and ideas.

The following works of interest to a family historian are covered by copyright:

* Letters
* Photographs
* Diaries
* Obituaries

No covered:

* Ideas
* Facts
* Census data
* Military records
* Birth certificates, marriage certificates, etc.

Copyright law is complex and sometimes confusing, but copyright infringement may be costly, and it’s worth remembering even when working with your own family archive. When you subscribe to any major genealogy service, you agree to the Terms and Conditions including a provision about copyright that places all responsibility to comply on you, the end user.

Here are some links on how the copyright law works, who owns rights to what and for how long.

*Copyright Essentials for Genealogist by Peter Midgley (BYU Family History Library / YouTube Videos)*

<https://sites.lib.byu.edu/familyhistory/classes-and-webinars/youtube-videos/>

<https://www.youtube.com/watch?v=QysdG8rd6QE&feature=youtu.be>

*Copyright Term and the Public Domain in the United States (by Peter B. Hirtle, Cornell University)*

<http://copyright.cornell.edu/resources/publicdomain.cfm>

*Copyright Law of the United States*

<http://www.copyright.gov/title17/>