

### DISCLAIMERS

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## VOL 1, NO3

Dear Subscriber,

The Library of Congress has a lot of original images, books and other works in their collection that is freely available online that could be in the Public Domain. Not all of the works in the Library of Congress are in the Public Domain, but many of them are. Sometimes navigating the LoC site is a problem because it is so large.

The mission of the Library of Congress is to make its resources available and useful to the Congress and the US citizens. Through its web sites, the Library offers broad public access to a wide range of information, including historical materials that may contain works in the public domain but that is not the purpose of the LoC... it is not a repository of public domain work. Always check a work in the LoC to determine if it's the public domain or not before using resources as we've discussed in past issues.

That being said, it is a rich goldmine of works that are in the public domain! In fact, the greatest benefit of the LoC is the fact that they have 'digitized' a great deal of the library... especially images. The images are, for the most part, extremely high quality \*.tiff or \*.jpg images (some in excess of 45MB each!).

The starting point for a search can take place at a number of pages. Here's a guide to the starting points that will give you the most content with the least amount of searching. The majority of the collections below appear to have a large amount of public domain content:

### Special Collections in the Library of Congress

<http://lcweb.loc.gov/spcoll/full.html>

These collections, listed by title, are the 'major and important' collections in the LoC but are not a comprehensive listing of all the LoC holdings.

### Photographic Services

<http://lcweb.loc.gov/preserv/pds/photo.html>

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If you find an image that is not digitized or is not high quality on the LoC site you can request a copy of the original photograph or image. Copies made by the LoC are not cheap but you can get excellent quality prints that can be replicated other ways. You can also order b&w or color transparencies, negatives and slides.

### Origin of American Animations

<http://memory.loc.gov/ammem/oahtml/oahtml.html>

The development of early American animation is represented by this collection of 21 animated films and 2 fragments, which spans the years 1900 to 1921. The films include clay, puppet, and cut-out animation, as well as pen drawings. They point to a connection between newspaper comic strips and early animated films, as represented by *Keeping Up With the Joneses*, *Krazy Kat*, and *The Katzenjammer Kids*. As well as showing the development of animation, these films also reveal the social attitudes of early twentieth-century America.

### American Memory Collection

<http://lcweb.loc.gov/rr/mopic/ndlmps.html>

This section includes the following works:

#### **America at Work, America at Leisure: Motion Pictures from 1894-1915**

This collection illustrates the vibrant and diverse forms of popular entertainment, especially vaudeville, that thrived from 1870-1920. Included are 334 English- and Yiddish-language playscripts, 146 theater playbills and programs, 61 motion pictures, 10 sound recordings and 143 photographs and 29 memorabilia items documenting the life and career of Harry Houdini. Groups of theater posters and additional sound recordings will be added to this anthology in the future.

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### **Inventing Entertainment: the Motion Pictures and Sound Recordings of the Edison Companies**

Prolific inventor Thomas Alva Edison (1847-1931) has had a profound impact on modern life. In his lifetime, the "Wizard of Menlo Park" patented 1,093 inventions, including the phonograph, the kinetograph (a motion picture camera), and the kinoscope (a motion picture viewer). Edison managed to become not only a renowned inventor, but also a prominent manufacturer and businessman through the merchandising of his inventions.

### **American Variety Stage: Vaudeville and Popular Entertainment, 1870-1920**

This collection illustrates the vibrant and diverse forms of popular entertainment, especially vaudeville, that thrived from 1870-1920. Included are 334 English- and Yiddish-language playscripts, 146 theater playbills and programs, 61 motion pictures, 10 sound recordings and 143 photographs and 29 memorabilia items documenting the life and career of Harry Houdini. Groups of theater posters and additional sound recordings will be added to this anthology in the future.

### **Buckaroos in Paradise: Ranching Culture in Northern Nevada, 1945-1982**

The Buckaroos in Paradise Collection presents documentation of a Nevada cattle-ranching community, with a focus on the family-run Ninety-Six Ranch. The documentation was largely the work of the Paradise Valley Folklife Project (1978-1982), a research initiative conducted by the American Folklife Center at the Library of Congress.

### **Before and After the Great Earthquake and Fire: Early Films of San Francisco, 1897-1916**

This collection consists of twenty-six films of San Francisco from before and after the Great Earthquake and Fire, 1897-1916. Seventeen of the films depict San Francisco and its environs before the 1906 disaster.

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### **Inside an American Factory: Films of the Westinghouse Works, 1904**

The Westinghouse Works Collection contains 21 actuality films showing various views of Westinghouse companies. Most prominently featured are the Westinghouse Air Brake Company, the Westinghouse Electric and Manufacturing Company, and the Westinghouse Machine Company.

There's more... most of these films have not been digitized (although many are online in "mpeg" format, but you can order video tapes (including masters) of the collection and digitize them yourself here: <http://lcweb.loc.gov/r/mopic/ammem/instruct.html>

The LoC also has a main page for it's entire set of online categories from photographs, movies, images, books, letters and more...

<http://memory.loc.gov/ammem/collections/finder.html>

**So much for "where", now for the "how":**

### **MONEY MAKING IDEAS:**

The LoC is a rich treasure full of marketable images, books and more. Let's look at just a couple of very profitable ones:

**DVD/CD Production:** Much of it can be placed into 'collections' on CD or DVD and sold or used in other ways, such as licensing for use in products. When licensing their use be sure to use a '**click wrap**' **license agreement** and be sure to alter the image in some way that only you know about or watermark them in some way to identify they came from your CD or DVD.

You can burn them yourself or use a fulfillment house that specializes in DVD and CD production. My favorite is: <http://www.swiftcd.com/>

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**TIP:** 'Click wrap' licenses are enforceable and there are a lot of cases they were upheld in the courts even if you are selling an item that is in the public domain. A click wrap license is an agreement between you (the company) and the purchaser of the CD or DVD that states that the buyer can use the images for their own use and projects but they cannot be resold by them for profit. Of course the agreement can say whatever you want it to say but that's a basic 'click wrap' agreement.

A publisher of public domain material successfully sued a company that was reselling their CD- a violation of the 'click wrap' agreement. The buyer claimed the 'click wrap' was un-enforceable because the information on the CD was in the public domain, but the court stated that if you tear that label or open the package and break the 'wrap' on the package or click an 'I agree to the terms' button on a website you are subject to the agreement. Even if the material is in the public domain you're liable for damages if you violate the agreement (for example by re-selling the product).

The point is simply this: To protect yourself when reselling public domain images and other works include a 'click wrap' agreement on your CD/DVD, ebook or whatever else you are selling to prevent duplication and unauthorized re-production.

**Your own storefront at Café Press:** Place the images and photos on coffee cups, t-shirts, posters, framed prints and mouse pads and more! That's at <http://www.cafepress.com>. They have a great system for creating your own products with your images.

Until next time,

*David Vallieres*

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