



## Fair Use in NPS Theses

NPS theses, joint applied projects, capstone reports, and dissertations must comply with U.S. copyright law with respect to the reuse of figures, illustrations, and images created by others. It is the policy of NPS that faculty, staff, and students of NPS abide by [U.S.C. Title 17](#), [SECNAVINST 5870.9](#), and [NPSINST 5870.1](#) with respect to all use of copyrighted materials while at NPS.

U.S. copyright law, as defined in [Title 17 of the United States Code](#), protects “original works of authorship fixed in a tangible medium of expression” for a limited period. Ownership of a copyrighted work includes the right to control the use of that work. In order to use another’s copyrighted work, you have several options, including: 1) obtaining permission from the copyright owner (who may not be the author) or a rights agency; 2) observing item-specific licensing rights and restrictions (for example, those offered under a Creative Commons license); or 3) determining fair use (an exemption provided in U.S. copyright law).

When including an image or other potentially copyright-protected content in a thesis *without requesting reuse permission from the copyright owner*, the student must:

1. verify the content is not copyrighted (or is in the public domain) *or* meets fair use requirements, and
2. cite the content to the source from which it was obtained.

The fair use doctrine allows many uses of copyrighted works for the purposes of teaching and research. The [Visual Resources Association](#) (2011) issued the following guidance to help students determine if content in their theses might meet fair use requirements.

Graduate students (and libraries, or publishers of online repositories of theses and dissertations) may be best positioned to assert fair use if:

- Significant commentary, or other original content, accompanies images included in the thesis or dissertation (as is almost uniformly the case).
- Images included in a dissertation or thesis are the subject of the commentary, or are included to illustrate a scholarly argument, and are not included for purely aesthetic purposes.
- Images are incorporated at a size or resolution necessary to make the best scholarly argument (for example, large images may be best or even required to illustrate small background elements or obscure details, but in other instances, smaller reference images may suffice).
- Attributions are provided to the copyright owners of the images (and any works depicted in the images), where known. Although not legally required under fair use, attributions may help demonstrate a user’s good faith in adhering to the broader scholarly traditions of providing citations when using others’ works (which traditions are especially strong in the context of publications).
- The circulation and distribution of the dissertation or thesis through online websites or repositories is consistent with academic practices or requirements set forth by the degree-granting institution.

**A Word of Caution:** A determination of fair use must be made on a case-by-case, image-by-image basis, using a [four-factor fair use test](#). Determining fair use is complex and subjective; the guidance in this document is neither complete nor exhaustive. For more fair use guidance, visit The Dudley Knox Library’s [Fair Use page](#). For more information on copyright at NPS, please visit the Dudley Knox Library’s [Copyright page](#).

