



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



MAR 23 2011

Memorandum

To: Service Directorate

From: *Christie* Assistant Director, External Affairs *Christie*

Subject: Clarification of Photo, Video and Recorded Audio Ownership Rights of FWS Employees

With the new emphasis on social media, and in particular, the Service's presence on sites like YouTube and Flickr, the issue of ownership of photos and videos created by Service employees has come up on several occasions, specifically, under what circumstance does the employee not own the rights to images/videos/audio recordings that she/he created.

The Service policy outlined in this memorandum is primarily based on the Interior Department's Employee Responsibilities and Conduct Regulations, 43 CFR ss 20.735.21 (6) (C), which states that no employee shall have a direct or indirect financial interest that conflicts substantially with his or her government duties and responsibilities, and/or engage in, directly or indirectly, a financial transaction as a result of or primarily relying on information obtained through his or her government employment.

A Service employee does not own the rights to an image, video or audio recording created under any of the following conditions:

1. It was created as part of official or collateral duties.
2. It was created during work hours.
3. It was created using government equipment or supplies.
4. If it was created on Service property in a location not normally open or accessible to the general public.
5. It was created under circumstances made available to the employee due to her/his employment with the Service, even if it was done on personal time.

If any of these situations were present at the time the photo, video or audio recording was created, the employee must give the original(s), or if digital, uncompressed files exactly as created, to the FWS, Washington Office, National Digital Library System Manager.



Additionally, since Title 17 U.S.C. Section 105 prohibits copyright protection for government works, the video, photo or audio recording becomes public domain and the Service employee may not restrict how it's used or charge for usage rights – no person owns it or has proprietary rights to it. However, credit is given to the creator even though it belongs to the FWS and is in the public domain. This is an example of a photo credit:

Credit: Jane Doe/USFWS

If you have any questions about this policy, please contact Troy Bunch, Chief, Branch Multimedia Technology, at 703 358-2153.