

COPYRIGHT BASICS

with emphasis on what you

Can Do

Barbara Mignon Weatherly

"Only one thing is impossible for God: to find
any sense in any copyright law on the planet."
—Mark Twain's Notebook, 1902-1903

Why do copyright laws exist?

The purpose of copyright is to protect the ownership rights of an author in work which the author creates, while still encouraging the flow of ideas and discoveries.

What types of works are protected?

Literary

Music (including lyrics)

Dramatic

Pantomime

Choreography

Artistic

Motion pictures and other
audiovisual works

Sound recordings

Computer programs

What does a copyright protect?

Generally, the copyright applies to the manner in which the idea is expressed, not to the idea itself.

What's NOT Copyrighted?

Works in the Public Domain – prior to
1923

U.S. Government Publications

Do I just look for that little “c” in the circle to determine whether a document is copyrighted?

Since March 1, 1989, it is no longer necessary to use the copyright mark © and name and date. Merely writing something and publishing it (which amounts to NOT keeping it secret) creates a copyright.

THIS MEANS ALMOST
EVERYTHING INCLUDING
WHAT YOU FIND ON THE
INTERNET IS LIKELY TO BE
UNDER COPYRIGHT!

You can

Use anything in the Public Domain

Use anything you have created (unless you let the rights get away)

Use U.S. Government Works

Use anything for which the copyright owner has given you permission

You can

Show your class something during face to face teaching (but not post to the internet)

Share a link:

www.knowyourcopyrights.org/index.shtml

Use Open Access items – things that say you can use them

You can

Use works that you have been given a license to use – Clip Art and maybe some items in the library data base

Use Creative Commons Licensed works according to their terms

Make a copy for your own reference

You can

Use materials if the use is Fair Use. Each use must take into consideration the actual facts surrounding the use based on the interplay of 4 factors.

1. The purpose of the use, including whether use is of a commercial nature or is for nonprofit educational purposes;

Non-profit educational use is better for fair use; commercial use makes it much more likely not to qualify. It also helps if the user has transformed or added to the original work, for example, by making annotations.

2. The nature of the copyrighted work (factual vs. literary)

Facts can be fairly used; creative works,
not so much.

3. The amount and substantiality of the work in relation to the work as a whole

A short quote tends towards fair use. Using the entire article or book chapter weighs against it. But note that just a little may still be a problem if it is the “heart of the work”.

4. The effect of the use in question upon the potential value of the work.

Is this use preventing the copyright owner from making money from the work? Some courts have considered this to be a deciding factor. But more recently, this has been said to be no more or less important than the other three.

You must look at all of the factors.
If you look at them all, does the
argument favor fair use? If so, it is
ok to use and copy the excerpt. If
not, the use would be infringing.

Applying the 4 factors:

Coursepack compiled by faculty
to be used by students in lieu of a
textbook

Not fair use

OBTAIN PERMISSION!

You also cannot

Copy items that were intended to be a workbook

Use a short item semester after semester

Post items under copyright to your website

Copy a CD for your friend

Download music unless from a free site or you pay for it