

Copyright Quick Facts

1. Definition of copyright:

Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- **To reproduce** the work in copies or phonorecords;
- To prepare **derivative works** based upon the work;
- **To distribute copies or phonorecords** of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- **To perform the work publicly**, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;
- **To display the copyrighted work publicly**, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work; and
- In the case of **sound recordings, to perform the work publicly** by means of a **digital audio transmission**. *

2. Form of the notice: “Copyright [dates] by [author/owner]”

3. Duration: Life of the author(s) plus 70 yrs.

4. Legal use of information: Case by case determination. For works created after January 1, 1978, copyright registration and notice are no longer required.

5. Fair Use: a legal exemption. If “fair use” is claimed, the copy **must** meet at least one of the following criteria. *Note: only a court can decide the legality of fair use.*

- (1) The **purpose and character of the use**, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) **The nature** of the copyrighted work;
- (3) **The amount and substantiality** of the portion used in relation to the copyrighted work as a whole.
- (4) **Market effect**

Additional points:

- a. One **must do “due diligence”** in your search for a copyright holder and document all steps in the search process (see sample form).
- b. **Assume everything is copyrighted**, even if no copyright notice or symbol appears.
- c. Computers cannot own copyright; only people can.
- d. The open access initiative (OAI) does not address copyright or intellectual property. It is the author or owner of copyrights who determines the terms of use.
- e. Citing the source of the material has no legal consequence if you are trying to protect yourself from a claim of copyright infringement. Proper citation is important for intellectual honesty to prevent charges and plagiarism and academic misconduct.

f. **Licenses trump copyright!**

The Library is staffed to assist you in obtaining copyright permissions!

8. Creative Commons: Preserving the public domain

This creates a method for authors to deed works to the public domain. The legality of this is still questioned. The website offers blank license forms to permit owners to hold onto their copyrights, but to publicize the fact that their works are available free and permit greater use of their work. <http://creativecommons.org/>

9. Selected Key Resources:

Gasaway, Lolly. When U.S. Works Pass into the Public Domain. <http://www.unc.edu/~unclng/public-d.htm>. This chart summarizes the copyright law changes and dates.

Harper, Georgia. Crash course in copyright. <http://www.utsystem.edu/ogc/intellectualproperty/cprtindx.htm>. Shared under the Creative commons license: <http://creativecommons.org/licenses/by-nc-sa/2.0/>

Indiana University's Copyright Management Center. <http://copyright.iu.edu/>

Copyright Clearance Center. Rightslink. Processes requests for print, digital and other reprints or use of content: <http://www.copyright.com/viewPage.do?pageCode=pu4-n>

*U.S. Copyright Office. Copyright basics. <http://www.copyright.gov/circs/circ1.html>
Frequently asked questions about copyright: <http://www.copyright.gov/faq.html>

Copyright Quizzes.

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<http://www.copyrightlaws.com/international/copyright-law-myths-and-facts-test-your-copyright-knowledge/>

Updated Diana Cunningham 04/07/2011