

Copyright and Fair Use

- Copyright happens automatically as soon as a copy of the work is created.
- Just because you don't see the copyright symbol doesn't mean the work is "public domain" (you have the right to use it freely).
- In fact, the opposite is usually true. The symbol itself can provide the reader with important information including who owns the copyright and the first year of publication.
- A person does not have to register their work with the Copyright Office for action to be taken against a person infringing on that work; however it will help.
- Copyright registration is a public record and puts other people on notice.

Copyright

- The copyright “owner” has the exclusive rights to:
 - reproduce the work.
 - prepare “spin off” created from the work.
 - distribute copies or phonorecords (cassette tapes, CD’s LP’s, 45 rpm’s as well as other formats) by sale or transfer of ownership, rental, lease or lending.

Copyright

- The copyright “owner” has the exclusive rights to:
 - perform the work publicly (for plays, musicals, poetry, choreography, pantomimes, movies and other audiovisuals).
 - display the work publicly (poems, musicals, plays, choreography, pantomimes, pictorial, graphics, sculptures, individual images from movies and other audiovisual works).
 - perform publicly (by digital audio transmission) sound recordings.
- They can also give permission for others to do the same.

Copyright

- Copyrights can be obtained for the following types of works:
 - Literary (including computer programs)
 - Musical
 - Dramatic
 - Pantomimes and choreograph
 - Pictorial, graphic and sculpted
 - Motion Picture and other audiovisual
 - Sound recordings
 - Architectural

Copyright

- How long does a copyright last?
 - Currently once a work is created it is protected until 70 years after the author has died.
 - If there are co-authors, the copyright lasts until 70 years after the last surviving author passes away.
 - For works that were commissioned and those written under pseudonyms or whose authors are unknown, the copyright is effective 95 years from first publication or 120 years from creation – whichever is shortest.

Copyright

- Using someone else's work:
 - Must obtain permission.
 - Don't need permission for "fair use."
 - Fair Use are guidelines created by the courts for teachers and students.
 - This "policy" permits those of us working in the school setting to "borrow" parts of an original work without obtaining written permission from the author.
 - United States Government works are considered Public Domain and may be used freely.

Fair Use

Purpose	Nature	Amount	Effect
Acceptable Teaching, research, news reporting	Acceptable Factual, important to education	Acceptable Small quantity, portion is not crucial to entire work	Acceptable No major effect on the market, user legally owns a copy of original work
Illegal Making money from sale of work, don't give credit to author of original work	Illegal Very creative work (art, music, literary, films, plays), fiction	Illegal Large or entire work used, the part of the original used is crucial to new work's success	Illegal Could replace selling of original, many copies made, used for a long time, made it available on the Web

Fair Use

Motion Media	Text Material	Music. Lyrics, and Music Video	Illustrations and photographs
Up to 10% or 3 minutes, whichever is less	Up to 10% or 1000 words, whichever is less; an entire poem of less than 250 words may be used but no more than 3 excerpts from a poet	Up to 10% but no more than 30 seconds of the music and lyrics, alterations to a musical work can't change the basic melody or character of work	An entire photo or drawing may be used but no more than 5 images from the same artist, or when from a published collective work not more than 10% or 15 images, whichever is less

Fair Use

- Some famous copyright infringement cases:
 - George Harrison and Chiffons
 - Ray Parker Jr. and Huey Lewis
 - Vanilla Ice and Queen/Bowie

Famous Cases