What is copyright?

- Copyright is federal law (Title 17, United States Code) that provides protection to creative and intellectual works by giving the copyright holder certain exclusive rights for a limited period of time.
- Full text of the copyright law can be found at the U.S. Copyright Office web site – http://www.copyright.gov/title17/

What can be copyrighted?

Copyright protects “original works of authorship” that are “fixed in any tangible medium of expression.” (Source: Title 17, U.S. Code at http://www.copyright.gov/title17/)

What cannot be copyrighted?

- Things that are not “fixed” (impromptu speeches, choreography that has not been notated or videotaped, ephemeral or transitory items or objects, etc.)
- Facts (weights and measures, dates of historical events, addresses and phone numbers.)
- Ideas (Ideas and discoveries are not protected by the copyright law, although the way in which they are expressed may be.)

Exclusive Rights

Copyright Law gives copyright holders a limited monopoly over their works, to serve as an incentive for authors and creators. The rights include the following:

- Reproduce the work in copies
- Distribute the work publicly
- Make derivative works
- Publicly display the work
- Public performance
- Public performance by means of a digital audio transmission

(Source: § 106, Title 17 U.S. Code at http://www.copyright.gov/title17/)

Exceptions to Exclusive Rights

Four Factors of “Fair Use”

- Purpose of use, including nonprofit educational use
- Nature of the copyrighted work
- Amount of copying
- Effect of the copying on the potential market for, or value of, the original work.

(Source: § 107, Title 17 U.S. Code at http://www.copyright.gov/title17/)

Other Exceptions to Exclusive Rights...

- Library Copying (Section 108)
- First-Sale Doctrine (Section 109a)
- Exception for Public Displays (Section 109c)
- Displays and Performances in Face-to-Face and Distance Learning (Section 110)
- Computer Software (Section 117)
- Architectural Works (Section 120)
- Special Formats for the Differently-Abled (Section 121)
Duration of Copyright
Determining what has passed into the “public domain” can be difficult. This chart may help – http://www.copyright.cornell.edu/public_domain/

Obtaining Copyright Permissions
You can obtain copyright permissions on your own, but Libraries & Media Services Copyright Clearance Service can help:
  • Writing journal articles or books using copyrighted materials
  • Placing materials on electronic reserve
  • Producing course packs
  • Placing articles on WebCT Vista

Copyright Resources
  • United States Copyright Office – http://www.copyright.gov/
  • Copyright Law and Graduate Research – http://www.umi.com/umi/dissertations/copyright/
  • Copyright Clearance Center – http://www.copyright.com/
  • Keep Your Copyrights: A Resource for Creators – http://www.keepyourcopyrights.org/
  • Libraries & Media Services Copyright Links – http://www.library.kent.edu/copyright/

Fair Use Resources
  • Fair Use Checklist - http://www.copyright.iupui.edu/checklist.htm
  • Fair Use Doctrine – American Association of Law Librarians -- http://www.aallnet.org/committee/copyright/pages/issues/fairuse.html
  • Primer on Copyright Liability and Fair Use – Citizen Media Law Project - http://www.citmedialaw.org/primer-copyright-liability-and-fair-use
  • The TEACH Toolkit: an online resource for understanding copyright and distance education - http://www.lib.ncsu.edu/scc/legislative/teachkit/
  • A Fair(y) Use Tale – Media Education Foundation - http://www.youtube.com/watch?v=CJn_jC4FND0