

Library Live Session: Copyright Essentials

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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...(Title 17 U.S. Code at <http://www.copyright.gov/title17/>)

- 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>
- Educational Fair Use Today – a white paper from the Association of Research Libraries, written by Jonathan Band - <http://www.arl.org/bm~doc/educationalfairusetoday.pdf>
- 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_jC4FNDo