

Copyright Basics

Disclaimer: These guidelines represent the library's best effort at articulating copyright principles. They neither represent general legal advice nor a legal response to a specific situation.

Copyright definition: The right to copy a work, including a performance.

Copyright definition: Five rights for copyright owners (*what they have the right to do but you don't without permission*)

1. to **reproduce/make copies of** the copyrighted work
2. to **prepare derivative works** that are based upon the copyrighted work
3. to **distribute copies** of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending
4. to **perform the copyrighted work publicly** in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works (such as for plays, film, dances or music)
5. 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 (such as for artwork, or stills from audiovisual works, or any material used on the Internet or television)

Copyright applies to: Things in tangible form. That is, not to *facts* or *ideas* (i.e., that have not been fixed in tangible form). Creator doesn't have to register the work, but advised to do so (this tells the viewer that the artist has claimed the rights to the work). Copyright applies to things with and without copyright symbol (as of 1989).

Time limits on copyright: Very generally speaking, for *new* works, life of artist plus 70 years (slightly different in some other countries). For older works, because of various changes in copyright laws, there are a range of different limits and conditions (see chart for specifics).

Public domain: Either it is not copyrightable; the copyright has expired; or the copyright was lost by the copyright holder. You may reproduce to heart's content. However, whatever you reproduce you can't copyright yourself *unless* you have added original material; then you own copyright to the *new* elements.

Fair use: Allows for copying when using the work for "Criticism, comment, parody, satire, news reporting, teaching, scholarship, and research". The following four factors, taken together, determine what constitutes fair use. The first three factors are usually important in determining the fourth.

1. **The purpose and character of the use**, including whether it is intended for commercial or non-profit educational use
2. **The nature of the copyrighted work** (e.g., published? unpublished? etc.)
3. **The amount and sustainability of portion to be copied** as related to the work as a whole
4. **The effect of the use upon the potential market** for, or value, of the copyrighted work.