Copyright Basics: A Quick Review

Copyright covers

1. Original works of authorship,*

2. Fixed in a tangible medium of expression.

* Work must involve a “modicum” of creative effort.
Unregistered Copyright

With fixation of original work of authorship in a tangible medium of expression, author has a copyright (unregistered).

To sue for infringement, a copyright must be registered.
Copyright Law is strictly Federal Law

• No copyright notice is required on copyrighted works, since 1989.
• For safety: Assume everything is copyrighted

Caveat: Keep in mind that copyright law covers electronic formats as fully as it covers print formats.
What Can be Copyrighted?

- Literary Works
- Visual Arts
- Performing Arts
- Sound Recordings
- Serials/Periodicals
What Cannot be Copyrighted?

• Ideas
• Facts
• Things already in public domain
• Procedures/processes
• Systems, Operations Methods
• Concepts, Principles, Discoveries
Works Not Covered

• Those not fixed in tangible medium
• Works consisting entirely of common property
• Federal Documents
• Titles, Names, Slogans, Mere listings of ingredients
How Long Does Copyright Last?

Single Author—Life of author plus 70 years

Joint Authors—Life of last survivor plus 70 years

Works for Hire—95 years from publication or 120 years from creation
Exclusive Rights of Copyright Holders

1. Reproduction (Make copies);
2. Make adaptations, new editions, abridgements;
3. Distribute via sales, lease, rental, etc.;
4. Public performance rights for musicals, dramas, choreography;
5. Public display of pictorial, graphic, sculptural works.
Exceptions to Exclusive Rights

Section 107 Fair Use

Section 108 Reproduction and Distribution by Libraries and Archives
Fair Use (Section 107)

• Fair use is the “use”* by someone other than the copyright holder, without the holder’s permission, of a copyrighted work.

*Use means making copies, paraphrasing, quoting, etc. of the work

Purposes of Fair Use: Teaching, Preparation for teaching, Scholarship/research, Criticism/Comment.
Reproduction and Distribution by Libraries and Archives (Section 108)

Let’s take a look at that section of the law.