**US Constitution, Article I, Sect. 8**

Promote the progress of science and useful arts, by securing for **limited times** to authors and inventors the exclusive right to their respective writings and discoveries.

**Copyright Law: U.S. Code, Title 17**

protection of original expression as soon as it is fixed in tangible form

©Section 106: Exclusive rights of creators

©Section 107: Fair use and limits to exclusive rights

©Section 108: Libraries and limits to exclusive rights

[http://www4.law.cornell.edu/uscode/17/](http://www4.law.cornell.edu/uscode/17/)
Who owns the copyright?

- Creators of original works
- Creators' assignees
- Employers: works for hire
  - Greenberg v. National Geographic Magazine
- Why officially register your copyright?
  - Possibly receive greater compensation, with less documentation when filing an infringement suit
Rights of copyright holders

1. Reproduction
2. Modification
3. Distribution
4. Public performance
5. Public display

Title 17 U.S.C. Sec. 106
Permission or license to use a copyrighted work is NOT required if

- Work is a fact or an idea
- Work is in the public domain
- Fair use
## Public Domain

<table>
<thead>
<tr>
<th>DATE OF WORK</th>
<th>PROTECTED FROM</th>
<th>TERM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Created 1-1-78 or after</td>
<td>When work is fixed in tangible medium of expression</td>
<td>Life + 70 years [1] (or if work of corporate authorship, the shorter of 95 years from publication, or 120 years from creation [2])</td>
</tr>
<tr>
<td>Published before 1923</td>
<td>In public domain</td>
<td>None</td>
</tr>
<tr>
<td>Published from 1923 - 63</td>
<td>When published with notice [3]</td>
<td>28 years + could be renewed for 47 years, now extended by 20 years for a total renewal of 67 years. If not so renewed, now in public domain</td>
</tr>
<tr>
<td>Published from 1964 - 77</td>
<td>When published with notice</td>
<td>28 years for first term; now automatic extension of 67 years for second term</td>
</tr>
<tr>
<td>Created before 1-1-78 but not published</td>
<td>1-1-78, the effective date of the 1976 Act which eliminated common law copyright</td>
<td>Life + 70 years or 12-31-2002, whichever is greater</td>
</tr>
<tr>
<td>Created before 1-1-78 but published between then and 12-31-2002</td>
<td>1-1-78, the effective date of the 1976 Act which eliminated common law copyright</td>
<td>Life + 70 years or 12-31-2047 whichever is greater</td>
</tr>
</tbody>
</table>
Fair Use

Before using someone else's work without permission, consider ALL 4 FACTORS

1. Purpose and character of use
2. Nature of the copyrighted work
3. Amount, substantiality
4. Effect

*Title 17 U.S.C. Sec. 107*
1. Purpose and character of use

- Commercial or educational use
  © Myth: It's OK--it's for educational purposes.

- For profit or not

- Degree of transformation; value added
  –© Myth: I modified it; now it's mine.

- For criticism, commentary, news reporting, teaching, scholarship, research
2. Nature of the copyrighted work

- Character of the work
  - for example, fact (information) or fiction (creative)
- Worthy of (extensive) protection?
3. Amount and substantiality

© Myth: Copying *just a little bit* is OK.

- Use only what is necessary
  - Art

- Quantity and quality in relation to the whole work
    
4. Effect

- Harm to potential market or value of a work after a portion has been used separately from the whole

  - © Myths
    - Attribution is as good as permission.
    - It's free advertising.

original by Brad Templeton
http://www.templetons.com/brad/copymyths.html

FAIR USE 4 of 4
© Myths

*It doesn't say it's copyrighted!*

*It's on the Web so I can use it without asking.*

- As of March 1, 1989, the copyright warning does not have to appear for a work to be legally copyrighted.

- Reminders

© 1997 by [your name] or Copyright by [your name]

ALL RIGHTS RESERVED
Consider adding statements that grant permission or restrict use.

- “Permission is given to copy this work provided credit is given and copies are not intended for sale."

- "Use or inclusion of any portion of this document in another work intended for commercial use requires permission from the copyright owner."
Libraries and Title 17 U.S.C. Sec. 108

- Reproduction or distribution without any purpose of direct or indirect commercial advantage

- Collections of the library or archives are (i) open to the public, or (ii) available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field

- Reproduction or distribution of the work includes a notice of copyright that appears on the copy that is reproduced, or includes a legend stating that the work may be protected by copyright if no such notice can be found
University Libraries’ Policies

http://scholar.lib.vt.edu/copyright/

- **ETDs (Electronic Theses and Dissertations)**
  - Request publisher's permission to use copyrighted works.
  - You don’t have to give away all your rights to get published.

- **EReserve and Reserve**

- **Alternative Media**
  - Fair Use of educational multimedia
  - CCUMC Consortium of College and University Media Centers
    http://www.indiana.edu/~ccumc/
ETDs: electronic theses and dissertations

http://scholar.lib.vt.edu/theses/copyright/

- Handout
- Request Permission: Sample letter
- Publishers' email addresses
- Elsevier's copyright permission policy
- Negotiate with publishers
- US Copyright Office
- Register your copyright
- Copyright Information from University Libraries
- Publishers' Surveys
Stay Alert to Changing Legislation

DCMA: Digital Millennium Copyright Act
http://www.copyright.gov/reports/studies/dmca/dmca_study.html

TEACH: S.487  http://www.aaup.org/Issues/DistanceEd/legsalert/newsip.htm

- Technology Education and Copyright Harmonization Act
- Apply a fair use standard to digital education environment
- Would modify Title 17 USC Sec. 110 and 112
  - Mediated instruction
  - Integral part of class session
  - Government or nonprofit educational institution
  - Limited to enrolled students
  - Accurately informed about copyright compliance
  - Reasonably prevent
    - Retention beyond course
    - Unauthorized further dissemination
Copyright Resources

- Copyright Management Center [http://www.copyright.iupui.edu/](http://www.copyright.iupui.edu/)
  - Kenneth Crews, IUPUI: Indiana University-Purdue University Indianapolis

- Crash Course in Copyright
  - Georgia Harper, University of Texas at Austin
  - [http://www.utsystem.edu/OGC/IntellectualProperty/copypol2.htm#test](http://www.utsystem.edu/OGC/IntellectualProperty/copypol2.htm#test)

- US Copyright Law
  - [http://www.law.cornell.edu/uscode/17/](http://www.law.cornell.edu/uscode/17/)

- Library of Congress, Copyright Office
  - [http://www.loc.gov/copyright/](http://www.loc.gov/copyright/)

- VT Library’s copyright Web site
  - [http://scholar.lib.vt.edu/copyright](http://scholar.lib.vt.edu/copyright)