

# Copyright Tips

## This is Not Legal Advice

Nothing in this worksheet is to be construed as legal advice. These materials are meant to be a guide to general principles of law. You should consult your legal counsel to determine the applicability of these rules to your particular case.

## What is a Copyright?

A copyright protects an original work of art or authorship that has been reduced to a tangible form.

## Items That can be Copyrighted

Novels & other fiction	Nonfiction & e-Books
Screenplays	Handouts
Online training materials	Musical compositions
Sound recordings	Cartoons & other drawings
Web sites	Brochures / e-Brochures
One sheets	Newsletters
Magazines; e-Zines	Streaming videos
Audio cassettes/CDs	Workbooks
Online marketing materials	Overheads
Pamphlets	Articles
Video games	Software
Motion pictures	Photographs
Sculptures	Computer programs, source code
e-Surveys, Questionnaires	

## Items That are not Protected

- Ideas
- Work containing no original material
- Plain Facts
- Book titles, names, short phrases, slogans
- Procedures, methods, systems, processes
- Anything that has lost its protection
- Anything in the public domain

## Copyright Holder's Rights

The copyright holder can:

- Reproduce
- Distribute
- Display
- Perform
- Sell or license rights to others
- Create a derivative work

# Copyright Tips

## Copyright Ownership

**A copyright lasts for life of the copyright holder, plus seventy years  
[Life + 70 years]**

The original creator of a work of art or work of authorship owns the copyright to that work, UNLESS, they've transferred their rights by written agreement to someone else or when it's a work made for hire:

*A work created by an employee within the scope of their employment.*

*A commissioned work created by an independent contractor where a written agreement exists.*

## How to Protect Your Copyright(s)

1. **Always place the Notice symbol on your Work:**

[© 2007 Francine Ward, JD. All Rights Reserved.]

2. **Register with U.S. Copyright Office**

[[www.loc.gov/copyright](http://www.loc.gov/copyright)]

### Benefits of Registration

- Establishes a public record
- You receive a Certificate of Registration
- You can sue for infringement
- You may receive statutory damages (i.e., \$750 to 20,000, and if willful up to \$150,000)
- You may receive attorney's fees

### How to Register Your Work

#### Send:

1. A correct and properly completed application form (i.e., TX, SR, VA, PA, SE)
2. A nonrefundable filing fee of \$45
3. A cover letter addressed to the Library of Congress
4. A stamped, self-addressed postcard addressed to yourself
5. A non-refundable deposit of the work (See Copyright Basics, Cir. #1)

#### To:

Library of Congress  
Copyright Office -- Registrar of Copyrights  
101 Independence Avenue, SE  
Washington, DC 20559-6000

# Copyright Tips

## Protecting Your Copyright(s)

1. Know what you own
2. Make sure you own what you think you own
3. Don't sign away your rights inadvertently
4. Read everything BEFORE you sign
5. Understand what you read
6. If you don't ask questions
7. Place notice symbol on all Copyrightable work
8. Register your work

**Copyright Infringement is the use of someone's copyright protected material without their permission. Also known as:**

***THEFT  
STEALING***

## Examples of Infringement:

- Photocopying material (i.e., articles, cartoons)
- Use of quoted material
- Reproducing testimonial letters
- Downloading music from the Internet
- Copying material from the Internet
- Performing someone else's material
- Going beyond the scope of a license
- Using clips from videos, movies

## Contributory Infringement

A third party can be held liable for copyright infringement even if they don't actually commit the act if:

1. They knew or should have known about the infringing activity, and
2. Induced, caused, or materially contributed (substantially participated) in the infringing conduct of another

## Vicarious Infringement

A third party can be held liable for copyright infringement even if they don't actually commit the act if:

1. They have the right and the ability to supervise the infringing activity, and
2. They derived a direct financial benefit from the activity

# Copyright Tips

## Fair Use

When you can legally use someone's copyright protected material without permission it is called "Fair Use" and is NOT infringement.

There are 4 factors the court takes into consideration when determining if a use is a fair use, thus legal:

1. The purpose/character of your use  
Is it transformative? Commercial vs. non-profit educational use?
3. The nature of your use  
Acceptable uses include satire, parody, criticism, comment, news reporting, teaching, scholarship, and research
4. How much are you using?  
Does it go to the essence of the work or the heart of the book?
5. What is the market impact?  
Does your use affect the copyright owner's ability to make money?

## What is Considered "Public Domain?"

- Works created by employees of the federal government, within the scope of their employment
- Facts and events. (The creative expression of those facts is protected)
- Works created prior to March 1989 where no notice existed
- Works created, but where the copyright wasn't renewed

## Review

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