Copyright Basics

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What is copyright?

- the exclusive right to make copies, license, and otherwise exploit a literary, musical, or artistic work, whether printed, audio, video, etc. (dictionary.com)
Why should I care about copyright?

- It’s the law
- It protects your creative work
What do I need to know about copyright?

- Copyright protects almost all creative and intellectual works.
- Copyright protects works whether or not a copyright notice appears.
- Copyright protection lasts for many years.
How do I know if something is copyrighted?

- If it was produced/created before 1923 it is NOT protected by copyright
- If it was produced/created by the U.S. Government it is NOT protected by copyright
- Almost anything else MAY be protected by copyright – a copyright notice is NOT required!
Is there a way to legally reproduce something that is copyrighted???

- Request permission from the copyright owner
- License agreements
- Fair Use
Fair Use – 4 Determining Factors

- Purpose
- Nature of the work
- Amount
- Effect on the market
Purpose

- Why do you need to reproduce the material?
- How will you use it?
### Purpose

<table>
<thead>
<tr>
<th>Favoring Fair Use</th>
<th>Opposing Fair Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teaching (including multiple copies for classroom use)</td>
<td>Commercial activity</td>
</tr>
<tr>
<td>Research</td>
<td>Profiting from the use</td>
</tr>
<tr>
<td>Scholarship</td>
<td>Entertainment</td>
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<tr>
<td>Nonprofit educational institution</td>
<td>Bad-faith behavior</td>
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<tr>
<td>Criticism</td>
<td>Denying credit to original author</td>
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<td>Comment</td>
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<td>News reporting</td>
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<td>Transformative or productive use (changes the work for new utility)</td>
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<td>Restricted access (to students or other appropriate group)</td>
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<tr>
<td>Parody</td>
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Nature of the Work

- What do you want to reproduce?
- Is the material fact-based? (a newspaper article or a clip of a documentary)
- Is the material highly creative? (a poem, a painting, a song)
## Nature of the Work

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<tr>
<td>- Published work</td>
<td>- Unpublished work</td>
</tr>
<tr>
<td>- Factual or nonfiction based</td>
<td>- Highly creative work (art, music, novels, films, plays)</td>
</tr>
<tr>
<td>- Important to favored educational objectives</td>
<td>- Fiction</td>
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</tbody>
</table>
Amount

- What portion of the entire work do you want to reproduce? (5 minutes of a 2 hour film? an entire article from a journal?)
Amount

**Favoring Fair Use**
- Small quantity
- Portion used is not central or significant to entire work
- Amount is appropriate for favored educational purpose

**Opposing Fair Use**
- Large portion or whole work used
- Portion used is central to work or "heart of the work"
Effect on the market

- What impact will your reproduction have on potential sales of the original?
Effect on Market

**Favoring Fair Use**
- User owns lawfully acquired or purchased copy of original work
- One or few copies made
- No significant effect on the market or potential market for copyrighted work
- No similar product marketed by the copyright holder
- Lack of licensing mechanism

**Opposing Fair Use**
- Could replace sale of copyrighted work
- Significantly impairs market or potential market for copyrighted work or derivative
- Reasonably available licensing mechanism for use of the copyrighted work
- Affordable permission available for using work
- Numerous copies made
- You made it accessible on the Web or in other public forum
- Repeated or long term use
Fair Use

- Consider and weigh all four factors
- Use the checklists
- Save documentation relevant to your deliberation (copies of the checklist)
Fair Use

- Not a strict set of rules
- Consider all circumstances
- Determine the risk involved
Plagiarism & Copyright

• Plagiarism ≠ Copyright infringement

• Plagiarism: the unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one's own original work (dictionary.com)

• Copyright infringement: a violation of the rights secured by a copyright (dictionary.com)