

hw 6b: Copyright Law and Plagiarism

Name: Michael Pacholarz

Copyright Law

Copyright law is about granting protections to authors of *original works of authorship*.

Knowing about copyright is a critical skill for future success. In this class, on co-op, and in future jobs, knowledge of what materials can (and cannot) legally be used on a web site is critically important.

Part 1: Copyright Basics

Go to the web site at **copyright.gov**. In particular:

<http://copyright.gov/circs/circ01.pdf>

<http://www.copyright.gov/help/faq/>

Use the information there to answer the following questions.

1. What are the six exclusive rights that the owner of a copyright has?
 - Reproduce the work in copies or phonorecords
 - Prepare derivative works based upon the work
 - Distribute copies or phonorecords of the work to the public by sale or other transfer of ownership or by rental, lease, or lending
 - Perform the work publicly if it is a literary, musical, dramatic, or choreographic work; a pantomime; or a motion picture or other audiovisual work
 - Display the work publicly if it is a literary, musical, dramatic, or choreographic work; a pantomime; or a pictorial, graphic, or sculptural work. This right also applies to the individual images of a motion picture or other audiovisual work.
 - Perform the work publicly by means of a digital audio transmission if the work is a sound recording
2. What are the eight categories of "Original Works of authorship" that are protected by copyright?
 - Literary works
 - Musical works, including any accompanying words
 - Dramatic works, including any accompanying music
 - Pantomimes and choreographic works
 - Pictorial, graphic, and sculptural works
 - Motion pictures and other audiovisual works

- Sound recordings, which are works that result from the fixation of a series of musical, spoken, or other sounds
 - Architectural works
3. Can a copyright be granted on an *idea*?

No.

4. Do works have to be published to receive copyright protection?

No.

5. How can copyright be automatically secured?

Copyright exists automatically in an original work of authorship once it is fixed in a tangible medium.

6. How long does copyright last for works that were created after 1978?

The term of copyright is the life of the author plus seventy years after the author's death.

7. Is copyright *registration* required?

No.

Part 2: Copyright FAQs

Now, go to the FAQ link to answer these questions.

1. How is a copyright different from a patent?

Copyright protects original works of authorship, while a patent protects inventions or discoveries.

2. Can web sites receive copyright protection?

Yes, the original authorship appearing on a website may be protected by copyright.

3. Is it legal to download copyrighted works from Peer-to-Peer file-sharing services?

Yes, only with the permission of the author of the copyrighted material. Anyone found to have infringed a copyrighted work may be liable for statutory damages up to \$30,000 for each work infringed and, if willful infringement is proven by the copyright owner, that amount may be increased up to \$150,000 for each work infringed.

Part 3: Fair Use Exceptions to Copyright Law

Go to the page at http://fairuse.stanford.edu/Copyright_and_Fair_Use_Overview/chapter9/9-a.html.

Use the information from that page to answer the following question:

What are the two (2) major categories of "Fair Use?" Give examples of each.

The two major categories of fair use are: commentary and criticism, and parody. An example of commentary or criticism is: quoting a few lines from a Bob Dylan song in a music review. An example of parody are the songs of Weird Al Yankovic, but he does get the original author's permission to use their song.

Part 4: Applying Copyright Law

Below, we give you a series of hypothetical scenarios and related questions. Answer the questions for each.

1. What do you feel is the ultimate purpose of copyright law? (Do a web search if necessary)

I feel that the ultimate purpose of copyright is to protect authors and creators of any form of content from having their work protected from anyone trying to pass off that work as their own.

2. Web designer John Donovan finds an image on a recently published personal web site that he wishes to use on a commercial site that he is developing. He does not know the author of the image, and there is no apparent copyright notice on either the site or the image. Can Mr. Donovan legally use the image on the site he is developing? Why or why not?

No Mr. Donovan is not legally allowed to use the image. If he wants to use the image he would have to contact the copyright owner, unless on the site it is written that the image can be used by anyone.

3. Would it be acceptable for an instructor at a non-profit educational institution to copy a chapter out of a textbook and pass it out to her class?

Yes it would be acceptable.

4. Would it be acceptable for an automobile manufacturer to quote from the findings of a copyrighted car review and place that quote in a paid advertisement?

No. The automobile manufacturer should get the permission to use the quote from the author of the car review if they want to use it in a paid advertisement.

5. One last hypothetical situation: Although this situation was not specifically mentioned in the readings, do you feel it would be legal for a person to make a duplicate of a copyrighted material, such as an audio CD, as long as it was solely for their own use?

No, because that is reproduction of copyrighted material, regardless of intended use.

Plagiarism

Read the RIT student conduct policies:

<http://www.rit.edu/studentaffairs/studentconduct/conduct-process/standards-of-conduct>

Then read the information at: <https://wts.indiana.edu/writing-guides/pdf/plagiarism.pdf>

1. If a student finds a web template that the creator has put into the public domain, and decides to turn that template in as part of a project for a college class, are they violating copyright laws?

No, because the template is in the public domain.

Is this student plagiarizing and violating RIT's academic dishonesty policy?

Yes because the student is passing off the work that someone else had done as their own.

2. If two students work together on what is assigned as an individual project, are the students committing plagiarism? Are the students violating RIT's academic dishonesty policy?

The students are both committing plagiarism unless they put both of their names as the authors of the work. Both students are also violating RIT's academic dishonesty policy unless they are crediting each other as co authors of the work. However, as the assignment was an individual project, the professor could accuse both students of plagiarism and academic dishonesty.