

Glossary

A | C | D | E | I | J | L | N | O | P | R | S | T

A

Anonymous Work - An "anonymous work" is a work on the copies or phonorecords of which no natural person is identified as author. (US Code)

Architectural Work - An "architectural work" is the design of a building as embodied in any tangible medium of expression, including a building, architectural plans, or drawings. The work includes the overall form as well as the arrangement and composition of spaces and elements in the design, but does not include individual standard features. (US Code)

Attribution - "Attribution" is a type of Creative Commons license which allows others to copy, distribute, display, and perform a copyholder's work, provided that they give credit according to the copyholder's wishes.

Audiovisual Works - "Audiovisual works" are works that consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied. (US Code)

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C

Collective Work - A "collective work" is a work, such as a periodical issue, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole. (US Code)

Compilation (Anthology) - A "compilation" is a work formed by the collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship. The term "compilation" includes collective works. (US Code)

Copyrighted Works - Copyrighted works, which may include literary, dramatic, musical, artistic, and certain other intellectual works, are those which have been afforded a form of protection provided by United States law (Title 17 of the United States Code (17 USC - Copyrights) . Copyright protection is automatic once an original work of authorship is fixed in a tangible medium of expression.

Copyright Owner - "Copyright owner", with respect to any one of the exclusive rights comprised in a copyright, refers to the owner of that particular right. (US Code)

Coursepack - A coursepack is a collection of periodical articles, book chapters, cases, and other copyrighted materials that have been compiled at the request of faculty for classroom use. Many publishers grant fee-based permission for their materials to be used, usually for one class term. Coursepacks are available in print or digital formats.

CONFU Guidelines - CONFU guidelines were developed by the Conference on Fair Use to give librarians and copyright holders recommendations on fair use for digital images, distance learning, educational multimedia, and computer software.

CONTU Guidelines - CONTU Guidelines were developed by the National Commission on New Technological Uses of Copyrighted Works to help librarians and copyright owners understand how much photocopying is permissible under copyright law for use in interlibrary Loan transactions.

Copyright - Copyright grants legal protection to the rights of creators of original works of authorship" which includes works of literature, music, art, drama, and other intellectual works.

Creative Commons - Creative Commons is a non-profit organization dedicated to allowing creators to easily and freely share their work with others through the use of six basic types of licenses. These licenses incorporate various combinations of the following four required conditions: See "Attribution", "Non-Commercial", "No Derivative Works", and "Share Alike".

D

Derivative Work - A "derivative work" is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications, which, as a whole, represent an original work of authorship, is a "derivative work". (US Code)

Digital Transmission - A "digital transmission" is a transmission in whole or in part in a digital or other non-analog format. (US Code)

Display - To "display" a work means to show a copy of it, either directly or by means of a film, slide, television image, or any other device or process or, in the case of a motion picture or other audiovisual work, to show individual images non-sequentially. (US Code)

Dramatic Work - Types of published or unpublished dramatic works that may be submitted for registration include choreography, pantomimes, plays, treatments, and scripts prepared for cinema, radio, and television. (US Code)

F

Fair Use - Fair Use is a term that describes limited circumstances in which the use of reproductions of certain works are allowed without requesting permission from the copyright owner. Fair Use is covered in Section 107 of the US Copyright Code. Four critical factors to consider are:

"The purpose and character of use, including whether such use is of a commercial nature or is for nonprofit educational purposes; the nature of the copyrighted work; the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and the effect of the use upon the potential market for or value of the copyrighted work." (US Code)

Fixed - A work is "fixed" in a tangible medium of expression when its embodiment in a copy or phonorecord, by or under the authority of the author, is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated

for a period of more than transitory duration. A work consisting of sounds, images, or both, that are being transmitted, is "fixed" for purposes of this title if a fixation of the work is being made simultaneously with its transmission. (US Code)

I

Infringement - Infringement is the illegal use of copyright material.

Intellectual Property - A work is "fixed" in a tangible medium of expression when its embodiment in a copy or phonorecord, by or under the authority of the author, is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration. A work consisting of sounds, images, or both, that are being transmitted, is "fixed" for purposes of this title if a fixation of the work is being made simultaneously with its transmission. (US Code)

J

Joint Work - A "joint work" is a work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole. (US Code)

L

Literary Works - "Literary works" are works, other than audiovisual works, expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, film, tapes, disks, or cards, in which they are embodied. (US Code)

N

Non-Commercial - "Non-Commercial" is a type of Creative Commons license by which others are allowed to copy, distribute, display, and perform a copyholder's work, as well as derivative works on which it is based, for non-commercial purposes only.

No Derivative Works - "No Derivatives" is a type of Creative Commons license in which others are allowed to copy, distribute, display, and perform exact copies of a copyholder's work that have not been altered, transformed, or remixed in any way.

O

Orphaned Work - An "orphaned work" is one in which it is difficult or impossible to locate the creator.

P

Public Domain - Public Domain refers to any work that is not currently copyright protected. Works in the public domain include those registered for copyright prior to 1923, most government documents, works whose copyright has expired, and works created for public use.

R

Reasonable Portion - Reasonable portion is defined as 10% of an entire print work or 1,000 words, whichever is the lesser amount. For books, one chapter over 1,000 words is permissible to use as long as it is not a significant portion of the work.

S

Share Alike - "Share alike" is a type of Creative Commons license in which others are allowed to create and distribute derivatives of a copyholder's work provided that they are distributed under the same Creative Commons license that governs the original work.

Significant Portion - A "significant portion" refers to the heart of a work, and can range in size from one section of the work to one page.

T

TEACH Act - The Technology, Education, and Copyright Harmonization Act, passed by Congress in 2002, clarifies the terms and conditions under which accredited, nonprofit U.S. educational institutions may use copyrighted materials for the purposes of distance education and other electronic classroom instruction.

Trademark - A trademark is a word, symbol, design, phrase, or color that is consistently attached to, or forms part of, a product in order to identify and distinguish it from others in the marketplace.

Transformative Use - "Transformative use" refers to the use of a copyrighted work that adds "something new, with a further purpose or different character" (US Supreme Court) that alters the first with new expression, meaning or message.