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Copyright Notes

**Obtaining Copyright Protection for a work**

* In order for work to be protected, it has to be original.
* Types of work of authorship: Literary works, Musical works, Dramatic works, Pantomimes or choreographic works, Pictorial, graphic works, Motion pictures or a/v works, and more
* Work has to be “fixed”( has to be stored in medium which can be shown to audience)

**Works Unprotected by Copyright Law**

* Unfixed works: Works that have not been fixed in a tangible form to show an audience.
* Titles, names, short phrases, and slogans.
* Ideas or discoveries
* Articles that may have a utilitarian function (lamps, bathroom sinks, clothing)

**Scope of Protection Under Copyright Law**

* Preproduction: most important right granted by the Copyright Act. This means no other can reproduce the work other than the copyright owner.
* Derivative work: “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.”
* Distribution: give the copyright owner exclusive rights to distribute his/her work.
* Public performance/display

**Fair Use and other Limitations**

* Factors or Fair Use: purpose of use, nature of copyrighted work, amount and substantiality of option use in relation to whole work, effect of use on potential market.
* Examples: Excerpts in a review for purpose of comment

**Copyright Formalities**

* If a work was published before March 1, 1989, you needed a copy right noticed in order to be protected under copyright law. No longer necessary, now optional.
* Three elements of copyright notice: The letter C inside a circle or word “copyright” or “Copr.”, year of first publication of work, name of owner of copyright.
* Procedures of copyright registration: 1. Complete application form 2. Nonrefundable filing fee 3. Nonreturnable deposit of work being registered.

**Duration of Copyright Protection**

* If created after January 1, 1978, copyright will last a term on the length enduring author’s life, plus additional 70 years. If joint work, 70 years after last surviving member dies.
* If registered before 1978, term lasted 28 years with the eligibility of renewing for another 28 years. Extended from28 to 67 years for renewal.