

19.2 Copyright Basics

The key to being able to appreciate the application of copyright law to field situations is to have a basic understanding of copyright law, namely what it is and how it operates. Although a full explanation of copyright could take upwards of a thousand pages, it is possible to cut through the details and boil matters down to a manageable number of essential concepts and principles. Note that for the purposes of this chapter, I shall limit myself essentially to US law, which has a special status throughout the world due to the dominant role that the US plays in the production of intellectual property, with the understanding that its principles can serve as a guide to copyright requirements and operation wherever one is working.

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Copyright deals with intangible mental products and not with the physical objects in which they are manifested. For example, suppose you buy a hardcover book consisting of five short stories by five different authors. As the purchaser you own the book. You can lend it to a friend, sell it to a used bookstore, donate it to a public library, or put it in the shredder. You can do these things because you own the book *per se*. But you do not own the copyright; and thus you cannot photocopy the book as a whole or any of the stories in it, nor can you make an inexpensive paperback version of the book for your class, nor translate the Spanish stories in the book into English (or the English stories into Spanish), nor do a public reading of one of the stories for your book club, nor turn one of the stories into a play for your amateur theatre group. Although you own the physical object, the book, the copyright in the stories belongs to others, and without their permission, you may not do the kinds of things just mentioned. The copyright to the individual stories belongs to the individual authors (at least initially), the copyright to the introduction belongs to the compiler(s)/editor(s), and the copyright to the book as a whole, which probably has its own copyright apart from the content, belongs to the compiler(s)/editor(s) or perhaps to the publisher (see §19.3.5 below). Only they, the copyright holders, have the right to exploit the content of the book, not you, the owner of the book in your hand.

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Copyright covers artistic and literary creations in the broadest sense of the term, including but not limited to literature, non-fiction writing, painting, sculpture, photography, motion pictures, dance, music, and sound recordings. It does not apply to ideas, scientific principles, inventions, procedures and methods, discoveries, facts, or real world historical or current-day incidents. Natural languages are not copyrightable. As far as intellectual property is concerned, languages are not owned by the communities that speak them, and thus native speakers have no legal basis for restricting access by others to materials written in or about their languages.²

Copyright also covers the organization, manipulation, and adaptation of pre-existing materials, whether those materials are copyrighted or not. For example, a translation of a work from one language into another has copyright even if it is of an old work that itself has no copyright protection. Similarly, an anthology or collection of poems or short stories or scholarly articles can have its own copyright, independent of the copyright status of the works included. For example, if you or your field assistants collect a large number of proverbs and organize them in some coherent fashion, that collection will be covered by copyright even though the individual proverbs themselves presumably are not. What this means is that other scholars can freely make use of any or all of the proverbs for their purposes without needing your permission, although they cannot copy or (re)publish the collection as a whole.

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