

COPYRIGHT: THE BASIC BASICS

What does copyright protect?

- Written works
- Visual works
- Audiovisual works
- Musical works (including sound recordings, which are separately copyrighted from the score)
- Architectural designs
- Choreography (including pantomime)

What does copyright NOT protect?

- Ideas, facts, data, titles, common phrases
- Logos, slogans, branding (that's trademark!)
- Methods or useful articles (that's patent!)
- Works in the Public Domain: works not subject to copyright either due to age (published in the U.S. prior to 1925*) or published by the Federal Government

How do creators get copyright?

- Basically, copyright just happens. Really, it's that simple!
- Publication, registration with the U.S. Copyright Office, © notice – NOT necessary, but useful
- Works must meet three criteria:
 - Original (obviously!)
 - Creative (very low threshold, legally)
 - Fixed in a tangible medium (i.e., written down, typed and saved, recorded, etc.)

How long does copyright last?

- Individual works: Life of the creator + 70 years
 - If 2+ creators, lifetime of the longest living creator + 70 years
- Work-made-for-hire or anonymous works: 95 years from publication/120 years from creation, whichever is shorter

How can I use others' copyrighted works?

- Licensed for reuse (e.g., Creative Commons licenses)
- Asking permission (may involve paying a licensing fee!)
- Fair Use: provision within copyright law that allows limited uses of copyrighted works in certain cases
 - Commentary, satire, parody, news reporting, scholarship, educational uses

How do I determine Fair Use?

- Fair use is assessed on four factors:
 1. Purpose of your use – why are you using the work?
 2. Nature of the original work – are you using it in a new or different way?
 3. Amount used – how much of the work do you need?
 4. Impact on the market – is there a ready market for licensing?

