

# COPYRIGHT BASICS

Yes, you need to know this!

I, Matthew B. Gage, am not a lawyer, though I did consider pursuing that path when I was younger. Boy, am I glad I didn't do that! I think...

Anyway, the information is in the lesson is present to the best of my knowledge and ability. Copyright can get messy and complicated.

If you need expert advice, get a real lawyer. Not Jim Adler.

# DISCLOSURE

# WHAT IS COPYRIGHT?

Copyright.gov

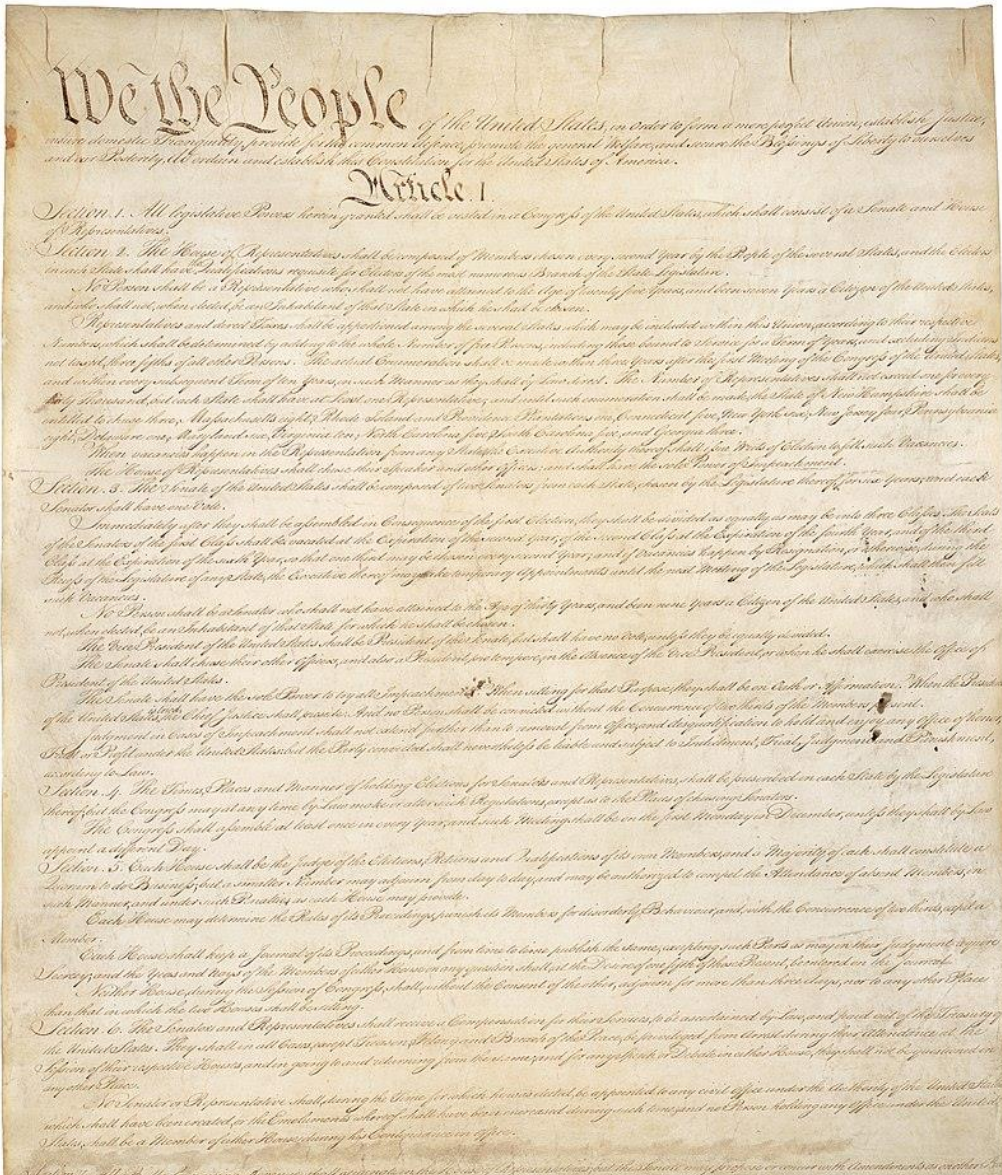
- Copyright is a type of intellectual property that protects original works of authorship as soon as an author fixes the work in a tangible form of expression.

# WHAT IS A COPYRIGHT?

- A copyright is a collection of rights that automatically vest to someone who creates an original work of authorship like a literary work, song, movie or software. These rights include the right to reproduce the work, to prepare derivative works, to distribute copies, and to perform and display the work publicly.
- To understand how these rights can be used or licensed, it's helpful to analogize them to a bundle of sticks, where each stick represents a one of these rights. The copyright owner has the right to keep each "stick" for themselves, to transfer them individually to one or more people, or to transfer them collectively to one or more people. In short, copyright allows the owner to choose the ways his/her copyrighted works are made available to the public.



copyright alliance  
create | innovate | protect



# IT IS CONSTITUTIONAL!

- “Congress shall have Power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”
- United States Constitution Article I, Section 8

# COPYRIGHT STATUS



## Who is a copyright owner?

**Everyone is a copyright owner.** Once you create an original work and fix it, like taking a photograph, writing a poem or blog, or recording a new song, you are the author and the owner.

Companies, organizations, and other people besides the work's creator can also be copyright owners. Copyright law allows ownership through "works made for hire," which establishes that works created by an employee within the scope of employment are owned by the employer. The work made for hire doctrine also applies to certain independent contractor relationships, for certain types of commissioned works.

Copyright ownership can also come from contracts like assignments or from other types of transfers like wills and bequests.



# PUBLIC DOMAIN

Works in the public domain are free from copyright restrictions and rights.



# DETERMINING PUBLIC DOMAIN STATUS

Date of Publication <sup>6</sup>	Conditions <sup>7</sup>	Copyright Term <sup>3</sup>
<b>Before 1926</b>	None	None. In the public domain due to copyright expiration
<b>1926 through 1977</b>	Published without a copyright notice	None. In the public domain due to failure to comply with required formalities
<b>1978 to 1 March 1989</b>	Published without notice, and without subsequent registration within 5 years	None. In the public domain due to failure to comply with required formalities
<b>1978 to 1 March 1989</b>	Published without notice, but with subsequent registration within 5 years	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
<b>1926 through 1963</b>	Published with notice but copyright was not renewed <sup>8</sup>	None. In the public domain due to copyright expiration
<b>1926 through 1963</b>	Published with notice and the copyright was renewed <sup>8</sup>	95 years after publication date
<b>1964 through 1977</b>	Published with notice	95 years after publication date



# DETERMINING PUBLIC DOMAIN STATUS

Date of Publication <sup>6</sup>	Conditions <sup>7</sup>	Copyright Term <sup>3</sup>
<b>1978 to 1 March 1989</b>	Created after 1977 and published with notice	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
<b>1978 to 1 March 1989</b>	Created before 1978 and first published with notice in the specified period	The greater of the term specified in the previous entry or 31 December 2047
<b>From 1 March 1989 through 2002</b>	Created after 1977	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
<b>From 1 March 1989 through 2002</b>	Created before 1978 and first published in this period	The greater of the term specified in the previous entry or 31 December 2047
<b>After 2002</b>	None	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
<b>Anytime</b>	Works prepared by an officer or employee of the United States Government as part of that person's official duties. <sup>19</sup>	None. In the public domain in the United States, unless the employee was a civilian member of the faculty of one of 15 service academies and the work in question is a literary work intended for scholarly publication. (17 U.S.C. § 105)

# PITFALLS

Watch out!

# COPYING SHEET MUSIC

- Don't.



# BROADCAST / RECORDING

- Broadcasting and recording copyrighted material as a church is another source of copyright infringement.



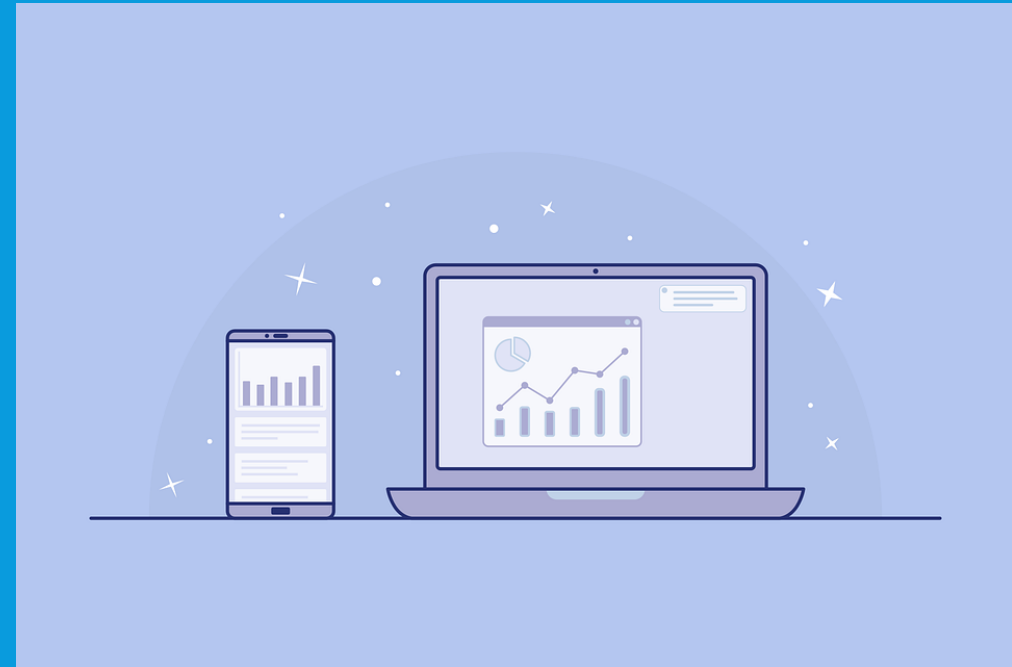
# MOVIES

- Showing films or clips of films is not covered in most of their standard copyrights.
- You will need extra licensing to show movies legally.



# GRAPHICS

- Just because you can find it on Google doesn't mean you can use it.





# OBTAINING PERMISSION

Yes, you can!

# LICENSING



# WRITTEN PERMISSION

- Get it in writing!



# PUBLIC DOMAIN

- Just make sure it is!



# FAIR USE

- Very limited.



# RELIGIOUS WORSHIP EXCEPTION

- Covers a lot of “in house” uses.





