Getting Acquainted With Copyright

Who
The rights provided by copyright usually belong to the creator(s) of a work. Creators often transfer some or all of their rights to other parties, and often creators who are working as employees or under commission don’t own the copyright to their works in the first place. Copyright owner and copyright holder both refer to the owner of the legal rights – and that is often not the creator!

What
Copyright protects the expression (but not the ideas or facts) in original, “fixed” creative works. Works covered include visual art, literary works, computer software, music, drama, other performing arts, multimedia compositions, and a host of others.

Copyright holders have the “exclusive right” to do, and to authorize others to do, the following things:
- make copies of the work
- make derivative works (such as translations or adaptations for other media)
- distribute copies by sale, rental, or lending, and
- to perform or display the work publicly

These rights are not paramount or unlimited. Several important exemptions apply to particular uses by libraries, educators, people with visual disabilities, and small business owners, to name just a few. Similarly, some uses may fit under an exception such as fair use.

When
Copyright attaches at the moment a work is created and lasts until 70 years after the death of the creator (or for corporate works, for 95 years from creation.)

Where
Copyright law varies internationally, although many nations have similar laws as a result of treaties. Both where a work was created and where it is used or copied may be relevant to copyright questions.

How
Copyright attaches automatically, at the moment a work is created. You cannot “copyright” a work – if the work exists, it is already protected. A work may be registered with the U.S. Copyright Office, and there are some good reasons for doing so, but it is not required in order to own a copyright.

There is no longer any need to put the copyright symbol “©”, name of copyright holder, or date of publication on a work in order to claim a copyright in the work. However, these formalities may be important for the copyright status of older (pre-1978) works.

Why
Fundamentally, the creative process is iterative – new works build on old ones. One main idea of copyright is to encourage greater production by providing creators with opportunities to control and profit from the distribution of their works. Greater production of expressive works, suggests the U.S. Constitution, produces public benefits in the progress of learning, art, and human knowledge.
Further Information

U of M Libraries Copyright site
http://www.lib.umn.edu/copyright

Transforming Scholarly Communications site
http://www.lib.umn.edu/scholcom

University Digital Conservancy
http://conservancy.umn.edu

And some fun interactive tools from the American Library Association’s Copyright Advisory Network and Office of Information Technology Policy
Public Domain Slider – http://librarycopyright.net/digitalslider
Fair Use Evaluator – http://librarycopyright.net/fairuse
Exceptions for Instructors – http://librarycopyright.net/etool