Copyright
Who has copyrighted items?

Everyone!
Today’s Plan

• Define copyright and when it applies
• Define and be able to use Creative Commons licenses
• Describe the importance of publication agreements
What is copyright?

“Copyright protection subsists...in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.”

United States Code, Title 17, Section 102
Copyright Origins in the US

“Congress shall have the power...to promote the Progress of Science and Useful Arts, by securing for limited Times to Authors and Inventors exclusive Right to their respective Writings and Discoveries.”

*United States Constitution*
International Copyright

There are no universal agreements.

Each country has their own laws.
What can be copyrighted?

- literary works
- musical works, including any accompanying words
- dramatic works, including any accompanying music
- pantomimes and choreographic works
- pictorial, graphic, and sculptural works
- motion pictures and other audiovisual works
- sound recordings
- architectural works
Rights Granted Under the Law

• To reproduce the work
• To prepare derivative works
• To distribute copies of the work
• To perform the work publicly
• To display the work publicly
• In the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.
Exception 108: Libraries

- Permits libraries and archives to make certain uses of copyrighted materials in order to serve the public and ensure the availability of works over time.
- Provides limited exceptions for libraries and archives to make copies in specified instances for preservation, replacement, and patron access.
Exception 109: First Sale

• The term first sale focuses on whether there has been a first, authorized sale of a particular copy
  • If so, the copyright owner may not prevent subsequent sales.
Exception 110: TEACH Act

• Gives accredited, nonprofit U.S. educational institutions (and some government entities) the right, under certain circumstances, to use copyrighted materials for organized instructional activities that are not in face-to-face traditional classroom settings.

• Primary purpose is to balance the needs of distance / online learners and educators with the rights of copyright holders.

• Students must be enrolled in the course.
What cannot be copyrighted?

• facts
• ideas
• procedure
• processes
• systems
• methods of operation
• concepts
• principles
• discoveries
• any work of the United States government

Regardless of the form in which it is described, explained, illustrated, or embodied in such work.
How long does copyright last?

- Works created by a single author: 70 years after the author’s death.
- Joint works: 70 years after such last surviving author’s death.
- Anonymous work, pseudonymous work, or work made for hire: endures for a term of 95 years from the year of its first publication or a term of 120 years from the year of its creation, whichever expires first.

*There may be other factors to consider and it can depend on when it was created.* See [Copyright Term and the Public Domain in the United States.](#)
Works in the Public Domain

• Works PUBLISHED in the US prior to January 1, 1924
• Works created by the US Federal Government
• Works placed in the public domain by the rights holder

There may be other factors to consider and it can depend on when it was created. See Copyright Term and the Public Domain in the United States.
Who owns copyright?

• Generally, the author or creator
• Authors of a joint work are co-owners of copyright in the work as long as they:
  • Intended to work together to create the copyrightable work
  • Each contributed significant copyrightable content to the work
• Works made for hire: copyright is owned by the employer or other person for whom the work was prepared UNLESS the parties have agreed otherwise in a written instrument signed by them.
Transferring Copyright

• You can transfer copyright.
  • You don’t have to give up all aspects of copyright though.
• Be careful not to transfer all of your copyright rights!
Publication Agreements

• These are used when publishing an article (or other work) in a journal (or other publication item).
  • Defines the terms of publication, including transfer of copyright and payment of royalties.
  • Falls under contract law which allows it to supercede other laws, including copyright law.
  • If the publication agreement is questionable or bad... negotiate, use author’s addendum, publish in an open access journal.

• Read carefully!
• Be careful not to transfer all of your copyright rights!
Publication Agreements: Look for...

- the ability to put a copy of the work on your personal website
- the ability to deposit a copy of the work in your institutional repository
- the ability to republish the work in another form in the future
- the ability to use, reproduce, and distribute the work in your teaching and professional activities (such as conference presentations and lectures)
- the moral right to be recognized as the author of a work
Creative Commons Licenses

Creator explains to others what the user is allowed to do with the material.
Creative Common License Types

- Attribution (BY)
- ShareAlike (SA)
- NonCommercial (NC)
- NoDerivatives (ND)
Public Domain License

Creator waives all copyrights so that others may freely build upon, enhance and reuse the works for any purpose without restriction under copyright or database law.
Training and More Info

• guides.auraria.edu/copyright/copyright
• Copyright Basics: https://www.copyright.gov/circs/circ01.pdf
• Copyright Law of the United States: https://www.copyright.gov/title17/
Questions?

Ask Us: library.auraria.edu/services/askus
Chat/IM: AskAuraria and on Auraria Library’s Website
Text: 303-848-8444
Email: library.eref@auraria.edu
Phone: 303-315-7700
Survey

tinyurl.com/aurariasavvyresearcher