What is copyright?

Copyright is a right of intellectual property for artistic expression, deriving from Article I of the U.S. Constitution. Copyright law protects the way authors and artists express facts and ideas, and provides exclusive rights to them for a substantial amount of time.

What protection is provided?

- Right to reproduce
- Right to prepare derivative works
- Right to distribute copies
- Right to perform the work publicly
- Right to display the work publicly
- Right to digital audio transmission (for sound recordings)

What are the requirements for copyright?

- Originality: The work must be original.
- Fixation: The work must be fixed in a tangible medium of expression.
- Minimal creativity: The work must have at least some creativity.

Who can claim copyright?

The author or artist, unless the work is made for hire and therefore belongs to the employer or commissioner of the work.

When can the copyright symbol © be used and what does it signify?

Protection of an “original work of authorship” exists from the time the work is created in a fixed form, and whether it is published or unpublished. Formal registration is not required, but would be necessary to take legal action against an infringer. The symbol © can be used immediately by the author or artist; however, the © is no longer required for protection. Copyright is automatic for artistic works.

Where can I register an artistic work?

The U.S. Copyright Office at the Library of Congress handles copyright registration. Information and forms can be found at their website: http://copyright.gov. Copyrights are registered, but not examined (unlike trademarks and patents, which are thoroughly examined). Copyright infringement is up to the author/artist to enforce.

What is the cost and term of a copyright?

Beginning August 1, 2009, online filing is available for a fee of $35.00. The cost is $50 per registration for filing by mail. Copyright protection lasts for the lifetime of the author/artist plus 70 years for works created on or after 1/1/1978.
What works are protected?

- Literary works
- Musical works, including accompanying words or lyrics
- Dramatic works, including accompanying music
- Pantomimes and choreographic works
- Pictorial, graphic and sculptural works
- Motion pictures and other audiovisuals
- Sound recordings
- Computer programs
- Architectural works

What cannot be copyrighted?

- Works not fixed in a tangible medium
- Blank forms
- Titles, short phrases, slogans, common symbols or designs; lists of ingredients
- Names of businesses or products
- Ideas, procedures, methods, inventions
- Unprotected works with no original authorship (plain calendars, etc.)
- Works in the public domain
- Works of the U.S. Government (usually)

What is the public domain?

In general, the public domain refers to all works published in the U.S. before 1923, or works dedicated to the public domain. These works can usually be used without permission or fees. See specific chart: [http://copyright.cornell.edu/resources/publicdomain.cfm](http://copyright.cornell.edu/resources/publicdomain.cfm)

Are there any exemptions to copyright protection?

Yes. The Fair Use Doctrine and the TEACH Act provide exemptions for educators and libraries.

What is “Fair Use”?

This doctrine is known as the “Educational Exemption,” and is part of the Revision of the Copyright Act in 1976. It states that portions of a copyrighted work may be used without the author’s permission for specific purposes, namely for education.

What is the TEACH Act?

The Technology, Education, and Copyright Harmonization Act of 2001, attempts to equalize distance and classroom learning. Essentially, it removes the concept of a physical classroom, allowing for storage of copyrighted materials on a server and digitization of works for use in distance education.

Is content on the Internet copyrighted?

Yes. Everything on the Internet is copyrighted, whether it displays the © symbol or not. Copying or reproducing without permission may be illegal.

Copyright issues can be complex. For further assistance, contact Nan Myers, Librarian for Government Documents and Intellectual Property at the Wichita State University Libraries by phone: 316-978-5130 or at 1-800-572-8368, or by e-mail: nan.myers@wichita.edu.