Copyright

Copyright, not copyrighting

Copywriting
- The use of words to promote a person, business, or idea.

Copyright
- A legal concept, enacted by governments, giving the creator of an original work of authorship exclusive rights to it, usually for a limited time, after which the work enters the public domain.
  - Basically is “the right to copy”
  - Includes the right to be “credited”
  - The right to adapt the work
  - The right to perform
  - Importantly, the right to financially benefit

Copyright at First
- Initially created as a governmental control to restrict printing
  - First appeared in Europe
- Now - is intended to promote creation of new work
  - Gives authors control and profit form their work
- Copyright was invented after the printing press
England Start It

- Copyright law in Britain was a reaction to printing monopolies in England
  - Enacted by Charles II
  - Concerned of unregulated copying of books
  - Passed the Licensing Act of 1662 by Parliament
  - Established the register of licensed books
  - Required a deposited copy with the Stationers Company

Copyright Laws

- Statute of Anne
  - First "real" copyright act
  - Gave publisher rights for a fixed period
  - After period copyright expired
- Copyright has grown from book printing to cover many form of media
  - Printing – books, maps, documents
  - Sound recording – and broadcast
  - Films
  - Photographs
  - Software
  - Architectural works

In the USA

- In the US
  - The Copyright Clause of the United States Constitution of 1787
    - "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.
  - Guarantees a period in which they alone can profit form their work
  - Idea that they would be encouraged to invest time money and resources to create the work
Good Intentions

- This would be good for society as a whole
- This has been a driving force behind much legislation that has extended copyright
  - For lifetime of creator
  - Now to heirs

http://www.copyright.gov/

Copyright Globally

- Berne Convention 1886
  - Now known as the “World Intellectual Property Organization” established in 1967
  - First established recognition of copyrights among sovereign nations
  - Set up the need to not “register” or “apply” for a copyright as soon a work is “fixed”
    - Fixed – written or recorded
  - USA did not sign until 1989
Copyright History

- Buenos Aires Convention 1910
  - Set up the required copyright notice
    - “All rights reserved”

Copyright Laws

- Has been internationally standardized
  - Last between 50 to 100 years from author’s death
  - Or, a finite time for anonymous corporate authorship
- Generally copyright is enforced as a civil matter
  - Some cases (countries) are however criminal

Fair use?

- Most Countries Recognize copyright limitations
  - These allow “fair use” exceptions
- Recent development of Internet, digital media, and peer-to-peer file sharing have caused reinterpretation of these regulations
- Also many companies have fought to extend their copyrights
Copyright Scope

- “Works” can include
  - poems, theses, plays, other literary works,
  - movies, dances, musical compositions, audio
    recordings, paintings, drawings, sculptures,
  - photographs, software, radio and television
    broadcasts, and industrial designs
- Do NOT cover ideas and
  - information only the form or
    manner which they are
  - expressed

For example Mickey Mouse and Disney
- Mickey and his animation protected
- Anthropomorphic mice in general not
  - Mickey Mouse: 1928
  - Fievel Mousekewitz: 1986

Other laws such as Trademark and
- Patents protect through other regulations
Copyright Protection

- Work must meet minimal standards of originality to be protected
  - In most cases “skill, labor, and judgment” must have gone into the product
- Single words or short strings of words can be sometimes registered as a trademark

Copyright

- Work must be original
- However, the author may have the same copyright if duplication is deemed coincidental and neither was copied from one another

“Poor Man’s” Copyright

- Send a sealed envelope by registered mail to yourself to use the postmark to establish a date
- The US Copyright office states this is no substitute for an actual copyright
Exclusive Use

- To Produce copies
- To import and export the work
- To create derivative work (adaptive from original)
- To perform or display the work
- To sell or assign the rights
- To transmit or display (broadcast)

Exclusive Use

- Means only the copyright holder is free to exercise (use) these rights
- Sometimes called the “negative right”
  - Serves to prohibit certain people
    - Readers, viewers, listeners, publishers

Orphaned Ideas

- Someone else’s idea that was never developed into a product thing or “work”
- Can be tricky to prove ownership
- Be careful of industrial espionage – the “work” by be intended to be created at a later date
- Hard to prove - could be theft
Creative Commons

- A non-profit organization devoted to expanding the range of creative works available for others to build upon legally and to share.
- Described as being at the forefront of the "copyleft" movement
  - Seeks to support the building of a richer public domain by providing an alternative to the automatic "all rights reserved" copyright, dubbed "some rights reserved"

Fair Use

- Provided by Copyright Act of 1976 – gives "fair use" factors
  - The purpose and character of the use
  - The nature of the copyrighted work
  - The amount and substantiality of the portion to the whole
  - The effect of the use upon the potential market or value

Warning

Federal law provides severe civil and criminal penalties for the unauthorized reproduction, distribution or exhibition of copyrighted motion pictures, video tapes or video discs.

Criminal copyright infringement is investigated by the FBI and may constitute a felony with a maximum penalty of up to five years in prison and/or a $250,000 fine.
Fair Use

- Audio Home Recording Act 1992
  - Prohibits action against consumers making noncommercial recordings of music, in return for royalties on both media and devices plus mandatory copy-control mechanisms on recorders
  - © in circle use to copyright audio recordings

Fair Use

- Digital Millennium Copyright Act
  - Prohibits the manufacture, importation, or distribution of devices whose intended use, or only significant commercial use, is to bypass an access or copy control put in place by a copyright owner
Fair Use In Education

- Face – to – face
  - Music
    - 1 copy of up to 10% of entire work
  - Video
    - 1 copy of up to 10% or 3 mins. (less of either)

Royalty Free

- Means that that once the content is licensed under a set of guidelines, the licensee is normally free to use it in perpetuity without paying additional royalty charges
  - Generally still a cost and or a credit

Video

- A fairy use tale
- Disney and copyright