COPYRIGHT

Myths & Facts
Website: lib.umich.edu/copyright

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Today’s Adventure:

- Battle 7 Myths
- Go on 7 Quests
- Gather Treasure

(a.k.a. Copyright Knowledge)
Copyrighting an Idea
Fact: An Idea Is Not Copyrightable
Only Original Expressions Are!
Fact: Many Things Are Not Copyrightable

- Government works
- Recipes
- Short phrases
- Typefaces, fonts, lettering
- Scène à faire
Useful Article
Copyrighting an Idea
Ann has been keeping a diary for ten years. She records everything from the weather to her diet, to what she thinks and feels each day. She wants to know if her diary is protected by copyright in the US.
Use It, or Lose It
Fact: Different IP, Different Rules

Trademark

Copyright

Patent
Fact: Copyright vests automatically upon fixation of an original work, thereby qualifying as a copyrightable work.
Fact: No Formalities Necessary

Publication
Notice
Registration
Renewal

...
Fact: Copyright Expires

The U.S. Constitution gives Congress the ability "...to promote the Progress of Science and useful Arts, by securing for a limited Time to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."
Use It, or Lose It
Ann’s father was an animator employed by Disney. He created a Cartoon for Disney in 1980, which was then distributed to the public in 1985. Ann’s father died in 2000. Ann wants to know when the cartoon will enter the public domain and become free for her to use.
Free to See, Free to Use
Fact: Open Access ≠ Copyright Free

A Copyright Holder’s Exclusive Rights:

- Reproduction
- Distribution
- Making Derivative Works
- Public Display or Performance
Fact: Contractual Terms Are Important
Creative Commons Licenses

Vimeo Licensing options:
- Any
- CC BY
- CC BY-NC-ND
- CC BY-NC
- CC BY-SA

More licenses available.

Mature content option.

Videos by:
- levon (pug)
- Peter Yong (Pug Paradise)
- Vetor Zaro (GoDaddy - Pug)
- GoPro (GoPro: Pug Life)
Free to See, Free to Use
Quest 3. Fee to See, Free to Use?

Ann found a video on YouTube. The license says “Creative Commons Attribution license (reuse allowed).” Can Ann use the background music or copy the design of the characters for her own short cartoon film?
Fact: Copyright Notice ≠ Copyright

1) Copyright, Copr., or ©
2) Year of First Publication
3) Name of Copyright Holder

Until Feb. 28, 1989
"notice" was required

From Mar. 1, 1989
"notice" not necessary
Ann’s Grandma Beth died in 1970. Beth gave Ann some diaries she kept from 1939 to 1945. Ann published the diaries in 2000, with a copyright notice stating “©2000 Beth Smith.” Are the diaries in the public domain? If not, who holds copyright, and when will the diaries enter the public domain?
Using 10% is Never Infringing
Fact: Even 1% Could Be Infringing

Fact: Even 100% Could Be Fair Use

Search the HathiTrust Digital Library

Search words about or within the items

- Full-text
- Catalog

Full view only

Advanced full-text search  Advanced catalog search  Search tips

Should I search catalog or full-text?
Fact: Fair Use Is a Holistic Analysis

- Transformative?
- Education?
- Commercial?

- Creative?
- Factual?
- Unpublished?

- Heart of work?
- Market?
- Value?
Using 10% is Never Infringing
Quest 5.  Is It Fair Use?

Ann’s son told Ann that if a use is not-for-profit and educational in nature, it is always a fair use. Should Ann debate with her son?
Plagiarism = Copyright Infringement
Plagiarism = Copyright Infringement
Quest 6. Plagiarism or Infringement?

Ann’s 20-year-old son published Shakespeare’s plays in his own name. He also shared all Harry Potter books online, attributing them to J.K. Rowling. Should Ann have a talk with her son?
Fact: Many Non-Infringing Uses Exist

I. Public Domain
II. Uncopyrightable
III. User’s Rights
IV. License
Fact: Permission is only necessary if the use is otherwise infringing.

Access + Substantial Similarity = Copyright Infringement
Must Seek Permission
Mission VII  Copyright Infringement?

Behold—here is the first ever duck float wearing sunglasses! A competing float manufacturing company, *CopyDuck*, wants their own duck float with sunglasses. Could you come up with a design for *CopyDuck*, please?
sued

for copyright infringement

What Have You Heard About Copyright?

Is it a Myth or a Fact?
Upcoming Workshops:

- **February 26**, 2 to 3 p.m. Public Domain
- **March 23**, 2 to 3 p.m. Copyright BINGO
- **April 6**, 2 to 3:30 p.m. Negotiating Publishing Contracts