

## Copyright Guidelines and Resources

When you work with intellectual property, you need to be familiar with copyrights, fair use, public domain, and Creative Commons.

### Copyrights in the United States

When you create a work—such as a book, Web site, blog, photograph, film, video, song, or other recording—you own the copyright as soon as your work is in tangible form. In fact, in the United States, you automatically own the copyright for your work for as long as you live plus 70 years after your death. Further, while no international copyright law automatically protects your work throughout the *entire* world, as of 2008, 164 countries (including the United States) have ratified the leading copyright convention, the Berne Convention, administered by the World Intellectual Property Organization (WIPO).

As a copyright holder, you have exclusive rights to:

- Reproduce your work
- Prepare derivative works
- Distribute copies of your work to the public by sale, other transfer of ownership, rental, lease, or lending
- Perform the work publicly
- Display the work publicly

The “you create it—you own it” essence of copyright law seems straightforward. But, information and creative works are meant to be shared. Therefore, some exceptions, called *fair use*, exist in the United States.

### Fair Use in the United States

Fair use laws vary from country to country. In general, fair use allows a copyrighted work to be used in some ways without the express permission from the copyright holder. In the United States, section 107 of the U.S. Copyright Law states that copyrighted works can be used for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, and research without infringing on copyrights.

As you might imagine, fair use boundaries are often blurry. Therefore, when you use material on the basis of fair use, you must be aware that fair use is more of a legal defense than a clear-cut law. If you use a copyright protected work and the copyright holder claims copyright infringement, you would have to prove that your intended use of the copyrighted work falls under the fair use guidelines.

Under current copyright laws, you can only use copyrighted works if you get permission from the copyright holder or restrict your use of the work to fair use activities. Of course, there’s more—if a work is no longer copyrighted, it is considered part of the *public domain*.

## Public Domain for All

Some works have no copyright holder, which places them in the public domain. You may freely use any material that is part of the public domain. Public domain materials generally fall into one of the following categories:

- Generic information, such as facts, numbers, and ideas
- Works whose copyrights have lapsed due to the passage of time or the failure of the copyright holder to renew a registration (a requirement that applies to works created before 1978)
- Works created prior to March 1989 that failed to include a proper notice of copyright
- Works created by the U.S. federal government
- Works "dedicated" (or donated) to the public domain

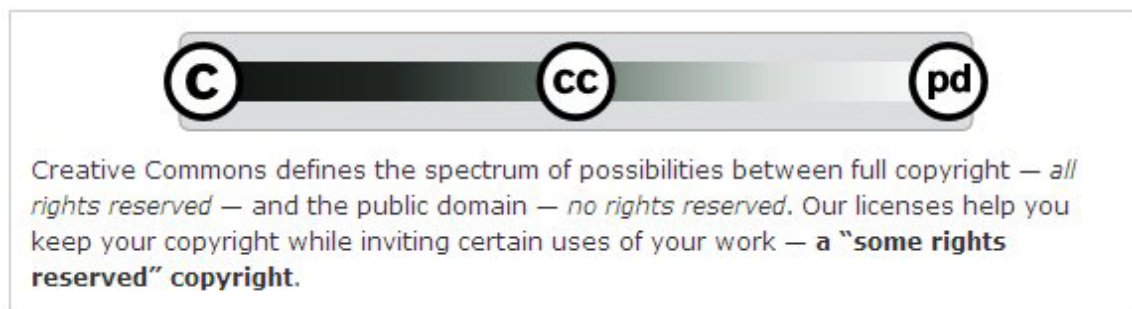
**Note:** Other materials being addressed in the U.S. Congress are *orphan works*—copyrighted materials whose owners may be impossible to identify and locate. So far, two acts have been introduced (Orphan Works Act of 2006 and Orphan Works Act of 2008) and studies have been conducted, but no laws have been enacted. Some Creative Commons opponents fear that some CC licenses could create a greater pool of orphan works and thereby hurt copyright holders. For more information about the Orphan Works Acts, go to [www.copyright.gov/orphan](http://www.copyright.gov/orphan).

In today's wired world, the copyrightscape is more convoluted than ever—you have seen YouTube, right? By nature, creative works, especially online creative works, are meant to be shared. But online material *is* copyrighted material; therefore, if you want to use any material in a way not covered by fair use, you *must* get permission from the copyright holder to avoid copyright infringement, unless, of course, the copyright holder specifically releases some rights. *Creative Commons* provides the ability for copyright holders to legally release some rights, thereby eliminating the need for people to contact copyright holders before using creative works.

## Creative Commons: Some Rights Reserved

As a copyright holder, you have the right to allow others to use your works according to your preferences. Creative Commons, a not-for-profit organization founded in 2001, provides free copyright licenses that can help you promote the creative use of your intellectual and artistic works. CC licenses build on existing copyright laws to offer a more flexible range of copyright protection and freedom. Their philosophy is rooted in the belief that innovation and new ideas come from building off existing materials.

To help promote intellectual and artistic forward progress, Creative Commons licenses allow copyright holders to take a "some rights reserved" stance, somewhere between the standard copyright's all rights reserved and the public domain's no rights reserved positions, as shown in this image from the Creative Commons Web site ([www.creativecommons.org](http://www.creativecommons.org)):





<http://creativecommons.org/licenses/by/3.0/>, image available under a Creative Commons Attribution license.

## The Six Licenses

Creative Commons offers 6 licenses to help copyright holders share their work exactly how they want to.

Symbol	Condition and Abbreviation
	<p><b>Attribution + Non Commercial + No Derivatives: by-nc-nd</b></p> <p>This license lets others download a licensor’s works and share the works with others as long as the licensee mentions the licensor and links back to the licensor’s license, but the licensee cannot change the works in any way or use them commercially. This license is the most restrictive of the six main licenses, allowing redistribution. This license is often called the “free advertising” license.</p>
	<p><b>Attribution + Non Commercial + Share Alike: by-nc-sa</b></p> <p>This license lets others remix, modify, and build on a licensor’s work non-commercially, as long as the licensee credits the licensor and licenses the new creations under the identical terms. Others can download and redistribute the work just like the by-nc-nd license, but licensees can also translate, make remixes, and produce new stories based on the work. All new work based on the original work will carry the same license, so any derivatives will also be non-commercial in nature.</p>
	<p><b>Attribution + Non Commercial: by-nc</b></p> <p>This license lets others remix, tweak, and build on a licensor’s work non-commercially, and although the new works must acknowledge the licensor and be non-commercial, licensees don’t have to license their derivative works on the same terms.</p>
	<p><b>Attribution + No Derivatives: by-nd</b></p> <p>This license lets others redistribute, commercially and non-commercially, as long as it is passed along unchanged and in whole, with credit to the licensor.</p>

	<p><b>Attribution + Share Alike: by-sa</b></p> <p>This license lets others remix, tweak, and build on a licensor's work even for commercial reasons, as long as the licensees credit the licensor and license the new creations under identical terms. This license is often compared to open source software licenses. All new works based on the licensors will carry the same license, so any derivatives will also allow commercial use.</p>
	<p><b>Attribution: by</b></p> <p>This license lets others distribute, remix, tweak, and build on a licensor's work, even commercially, as long as they credit the licensor for the original creation. This is the most accommodating of licenses offered, in terms of what others can do with works licensed under Attribution.</p>

**Note:** Table text is extracted and lightly modified from the Creative Commons Web site and is available for reuse under a Creative Commons Attribution license. To see the original source and graphics, visit <http://creativecommons.org/about/licenses>.

## Resources

### Copyright Advisory Network

<http://librarycopyright.net>

### Copyright Clearance Center

[www.copyright.com](http://www.copyright.com)

### Copyright Society of the U.S.A

[www.csusa.org](http://www.csusa.org)

### Creative Commons

<http://creativecommons.org>

### Creative Commons for Microsoft Office

[www.microsoft.com/downloads/details.aspx?FamilyId=D1DDBDC8-627F-415A-9B0A-97362BC9B480&displaylang=en](http://www.microsoft.com/downloads/details.aspx?FamilyId=D1DDBDC8-627F-415A-9B0A-97362BC9B480&displaylang=en)

### Creation Commons (cc) in Education

<http://learn.creativecommons.org>

### Creative Commons Open Educational Resources

[http://opened.creativecommons.org/Main\\_Page](http://opened.creativecommons.org/Main_Page)

### Educause

<http://net.educause.edu>

### Electronic Frontier Foundation

[www EFF.org](http://www EFF.org)

### OER Commons

[www.oercommons.org](http://www.oercommons.org)

### Orphan Works

[www.copyright.gov/orphan](http://www.copyright.gov/orphan)

### United States Copyright Office

[www.copyright.gov](http://www.copyright.gov)

### World Intellectual Property Association

[www.wipo.int](http://www.wipo.int)