DOWNLOAD PDF COPYRIGHT-AN OVERVIEW

Chapter 1 : Copyright: An Overview | SNJ Legal

Alter, Kendrick & Baron, LLP Fifth Avenue, Suite New York, New York Site Â© Alter, Kendrick & Baron, LLP.

As answer material for a test; or As an atlas. Other typical types of arrangements between authors and music publishers include co-publishing agreements, under which the copyright ownership is shared by the author or heir and publisher; administration agreements, under which the author or heir retains the copyright ownership and the publisher administers the rights; and co-administration agreements under which the author or heir retains the copyright ownership and co-administers the rights with the publisher. Music publishing rights are generally understood to include the following: Small performance rights are administered by the performing rights societies. Small performance royalties are divided equally between the writer and publisher. Royalties derived from the exercise of small performance rights are determined by a formula established by the performing rights society. Note that there is no statutory definition of grand rights, and an issue may arise as to whether a particular usage constitutes the exercise of a grand, versus small, right. The royalties derived from the exploitation of grand rights are typically in the form of a percentage of gross weekly box-office receipts or a flat per performance fee. In addition, mechanical royalties will be payable if the song is included in a soundtrack album. Mechanical Rights Mechanical rights are the rights to include a composition in a sound recording. Once a song has been published, anyone can record it as long as the statutory mechanical license is obtained and the statutory fee paid. In the United States, many copyright owners authorize the Harry Fox Agency to issue mechanical rights licenses on their behalf. As of January 1, , the statutory rate is 9. This rate is subject to adjustments by the Copyright Royalty Board. Despite the statutory minimum, record companies will often insist on paying a rate that is less than the full statutory rate. This is true regardless of whether or not the songwriter has written all the songs on the album. Another common practice of the record companies is to limit the number of songs on a particular album for which the author is paid mechanical license fees even if the album contains a greater number of songs. Both the reduction in the mechanical rate and the limitation on the number of songs respecting which the record company will pay royalties is subject to negotiation. Print Rights Print rights are the rights to issue licenses for printed versions of the compositions, including single-song sheet music and folios. Print rights may be included in a general grant of rights to a third-party music publisher or may be licensed separately to a company whose primary business is the printing and sale of music. The fees payable to the songwriters for the exercise of print rights are typically based on a percentage of retail list price Concert Rental Rights Concert rental rights are the rights to perform works in public. Concert performance rights are generally covered by licenses issued by the performing rights societies. However, the rental of full orchestral scores and parts are typically handled by a concert rental agent. Concert rental rights may be included in a general grant of rights to a third-party music publisher or may be licensed directly to a concert rental agent. New Media rights include all rights not covered by the traditional modes of exploitation. New Media rights include digital performance and digital transmission of musical compositions by a variety of means, including digital downloads, ringtones, and interactive streaming. The use of a composition in a permanent digital download is recognized as a mechanical right. The Copyright Royalty Board has established that the current statutory rate for the mechanical reproduction of a composition in a permanent digital download is 9. The use of a composition in a ringtone is recognized as a mechanical right. The Copyright Royalty Board has established that the current statutory rate for the mechanical reproduction of a composition in a ringtone is 24 cents. Copyright Duration Bifurcated Duration Provisions Under US Copyright Act The United States copyright law is unique in that the duration of the copyright differs depending on the date of creation of the work, as well as the date the work is initially registered or published. Pre works Works created and copyrighted that is, registered or published prior to January 1, , are protected for 95 years from the date the copyright was originally secured 95 years from the earlier of the registration or publication. The year period is divided into an initial term of 28 years and a renewal term of 67 years. Post Works Works created on or after January 1, , are protected for the life of the author plus 70 years. In the case of a joint work, protection continues for 70 years after the death of the last surviving author. However, this is

often not the case. Imagine, for example, a year-old author who creates a composition and registers it for copyright in The author dies at the age of 85 in Compare this to a year-old author who creates a composition and registers it for copyright in The author also dies at the age of 85, in Registration and Renewal of Copyrights Registering Works Original works may be registered with the Copyright Office at any time after their creation. Although copyright is now secured automatically upon the creation of a work even if no registration is made, it is advisable to officially register a copyright with the Copyright Office in order to establish priority as well as to document title. To register a musical work, request Application Form PA from the Copyright Office and return it with the requested material. You may also print out and fill in Form CO from the Copyright Office website and send it in with the requested material. In addition to these two methods, the Copyright Office allows you to register works online using the eCO Online System. Renewing copyrights The process of copyright renewal applies only to works registered or published before January 1, Works registered or published prior to January 1, , must have been formally renewed i. Failure to renew caused the work to enter the public domain upon the expiration of the initial year term of copyright. Works originally registered or published between January 1, , and December 31, , benefit from automatic copyright renewal. Although the filing of a renewal application was not mandatory for these works, there were several advantages to filing renewals with the Copyright Office. A renewal registration in the 28th year records the interest of the renewal claimant in the work for the renewal term. Additionally, a renewal certificate can serve as prima facie evidence of copyright and allow the claimant to object to the creation of an unauthorized derivative work. Most significantly, with respect to posthumous renewal, the timely filing of a renewal application by the heirs of the author, where the heirs were not party to a prior renewal term grant, ensures that prior licensees shall not be entitled to continue to exploit either the original work or derivative works based thereon without the permission of the heirs. The simple public performance of a composition does not constitute publication. The date of publication of a work may be significant in determining the duration, as well as statutory termination windows, of the work. Vesting of Renewal Term Rights in Pre Works Ownership of Renewal Term Rights When Author Survives the Renewal Term If an author lives into the renewal term of copyright, the ownership of the renewal term rights rests with the author unless the author has entered into an agreement transferring renewal term rights. If the author conveyed rights to a music publisher for the full term of copyright, including renewals and extensions thereof, the music publisher will continue to own the work in the renewal term subject to the applicable statutory termination provisions. If the author granted rights only for the initial term of copyright, rights will revert to the author on the commencement of the renewal term of copyright. In this limited circumstance, renewal term rights will remain with the assignee. While no explicit statutory notice requirements or procedures are prescribed in order to claim a renewal interest, the failure to make a timely claim may limit retroactive recovery. While the statute does not limit the territorial scope of the reversion of rights, custom in the industry limits the scope of the reversion because the notion of a renewal term of copyright is unique to the United States. A grant may be terminated even if the original contract states that the grantee shall be entitled to retain its rights for the entire term of the copyright, including renewal and extended terms, because the statutory termination right overrides the contract. Termination may be exercised only by following the procedures for notice and recordation outlined by the Copyright Act and Copyright Office Regulations. That is, notice must be served anytime during the period beginning 46 years after the original copyright date and continuing until 59 years after the original copyright date. It is important to note that while renewal applications may be filed at any time during the calendar year in which the 28th anniversary of copyright occurs, the date of the start and close of the 5-year termination window corresponds with the original month and day of copyright. For example, if the original copyright date is April 29, , then the earliest possible effective date of termination is April 29, In this case, the earliest possible date for serving notice of termination is April 29, The latest possible effective date for termination in this example is April 29, , and the latest possible date for serving notice of termination is April 29, While it is recommended that the author or statutory heir s serve notice of termination on the earliest date possible, notice is timely if it is served at any time up until the date 2 years before the end of the 5-year termination window. Absent proper notice of termination, rights in the work will remain with the grantee. Terminating Grants Under Section c.

Chapter 2 : Do Copyrights Owned by a Corporation Ever Expire? | www.nxgvision.com

About the Author: Jo Plumridge Jo Plumridge is a UK based photographer, writer and lecturer. She specializes in portrait, corporate and travel photography, and writes photography, travel and comedy pieces for magazines, websites and books.

Copyright Definition The exclusive legal right to reproduce, publish, sell, or distribute the matter and form of something. Copyright Act General The U. Changing technology has led to an ever expanding understanding of the word "writings. All works of authorship fixed in a tangible medium of expression and within the subject matter of copyright were deemed to fall within the exclusive jurisdiction of the Copyright Act regardless of whether the work was created before or after that date and whether published or unpublished. Limits on Copyright Protection Copyright protection does not extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery. In addition to being independently created by the author, to qualify for copyright protection a work must also exhibit a minimum of originality. Rural Telephone Service, U. This underscores the idea that information itself is not copyrightable, only the specific arrangements or presentations of it. Copyright Registration General According to the Copyright Act of , registration of copyright is voluntary and may take place at any time during the term of protection. Deposit Requirement Deposit of copies with the Copyright Office for use by the Library of Congress is a separate requirement from registration. The Register of Copyrights may exempt certain categories of material from the deposit requirement. Copyright Notice under construction In the U. In accordance with the requirements of the Berne Convention, copyright notice is no longer a condition of protection for works published after March 1, This change to the notice requirement applies only prospectively to copies of works publicly distributed after after March 1, However, lack of notice might be a relevant factor in determining the merits of a innocent infringement defense. The Berne Convention also modified the rule making copyright registration a precondition to commencing a lawsuit for infringement. For works originating from a Berne Convention country, an infringement action may be initiated without registering the work with the U. However, for works of U. The federal agency charged with administering the act is the Copyright Office of the Library of Congress. Its regulations are found in Parts - of title 37 of the Code of Federal Regulations.

Chapter 3 : Copyright & Fair Use - University at Buffalo Libraries

Definition The exclusive legal right to reproduce, publish, sell, or distribute the matter and form of something.

In other words, if the work was published in the U. As an example, the graphic illustration of the man with mustache below was published sometime in the 19th century and is in the public domain, so no permission was required to include it within this book. These rules and dates apply regardless of whether the work was created by an individual author, a group of authors, or an employee a work made for hire. Because of legislation passed in , no new works will fall into the public domain until , when works published in will expire. In , works published in will expire, and so on. If a work was written by several authors and published after , it will not expire until 70 years after the last surviving author dies. In other words, the last day of copyright protection for any work is December For example, if an author of a work died on June 1, , protection of the works would continue through December 31, The Renewal Trapdoor Thousands of works published in the United States before fell into the public domain because the copyright was not renewed in time under the law in effect then. If a work was first published before , the owner had to file a renewal with the Copyright Office during the 28th year after publication. No renewal meant a loss of copyright. If you plan on using a work that was published after , but before , you should research the records of the Copyright Office to determine if a renewal was filed. Chapter 13 describes methods of researching copyright status. Sometimes an author deliberately chooses not to protect a work and dedicates the work to the public. This type of dedication is rare, and unless there is express authorization placing the work in the public domain, do not assume that the work is free to use. An additional concern is whether the person making the dedication has the right to do so. Only the copyright owner can dedicate a work to the public domain. Sometimes, the creator of the work is not the copyright owner and does not have authority. If in doubt, contact the copyright owner to verify the dedication. Information about locating copyright owners is provided in Chapter Keep in mind that much of the artwork advertised as copyright-free is actually royalty-free artwork, which is protected by copyright. Your rights and limitations to use such artwork are expressed in the artwork packaging or in the shrink-wrap agreement or license that accompanies the artwork. These principles are discussed in more detail in Chapter 3. If the artwork is in the public domain, you are free to copy items without restriction. However, even if the artwork is in the public domain, the complete collection may not be reproduced and sold as a clip art collection because that may infringe the unique manner in which the art is collected known as a compilation or collective work copyright. These things are free for all to use without authorization. Short phrases, names, titles, or small groups of words are considered common idioms of the English language and are free for anyone to use. However, a short phrase used as an advertising slogan is protectable under trademark law. In that case, you could not use a similar phrase for the purpose of selling products or services. Subsequent chapters explain how this rule applies to specific types of works. For more information on trademarks, see Chapter Facts and Theories A fact or a theoryâ€”for example, the fact that a comet will pass by the Earth in â€”is not protected by copyright. If a scientist discovered this fact, anyone would be free to use it without asking for permission from the scientist. Similarly, if someone creates a theory that the comet can be destroyed by a nuclear device, anyone could use that theory to create a book or movie. However, the unique manner in which a fact is expressed may be protected. Therefore, if a filmmaker created a movie about destroying a comet with a nuclear device, the specific way he presented the ideas in the movie would be protected by copyright. You are free to use the facts surrounding the shooting, but you may not copy Mr. In some cases, you are not free to copy a collection of facts because the collection of facts may be protectable as a compilation. For more information on how copyright applies to facts, refer to Chapter 2. I wrote a nonfiction book and it turns out that one of the chapters has the same title as a book on a similar subject. The person who wrote that book also has seminars and a DVD using the same title. Trademark law with rare exceptions only protects book titles when used on a series of books. Even if the author could prove trademark rights, she would have to show a likelihood that purchasers would be confused or misled. Are Local Laws in the Public Domain? For decades, publishers of model codesâ€”sample laws that a city or state could adoptâ€”have

claimed copyright. In a significant victory for public domain proponents, a federal appellate court found that model codes enter the public domain when they are enacted into law by local governments. The case came about when Peter Veeck posted the local building codes of Anna and Savoy, two small towns in north Texas, on his website. Although the software licensing agreement and copyright notice indicated that the codes could not be copied and distributed, Veeck cut and pasted their text onto his website. Veeck lost in the trial court, but ultimately won on appeal. The court held that: The law is always in the public domain, whether it consists of government statutes, ordinances, regulations, or judicial decisions. When a model code is enacted into law, it becomes a factâ€"the law of a particular local government. Indeed, the particular wording of a law is itself a fact, and that wording cannot be expressed in any other way. A fact itself is not copyrightable, nor is the way that the fact is expressed if there is only one way to express it. Since the legal code of a local government cannot be expressed in any way but as it is actually written, the fact and expression merge, and the law is uncopyrightable. Any person may reproduce such a code, as adopted, for any purpose, including placing it on a website. However, model codes that have not been adopted by any government body are protected by copyright. Loss of Copyright From Lack of Copyright Notice Under copyright laws that were in effect before , a work that was published without copyright notice fell into the public domain. This rule was repealed; copyright notice is not required for works first published after March 1, although works first published prior to that date must still include notice. It is also possible that the author followed a copyright law procedure for correcting the error. Either type of notice will prevent the work from falling into the public domain. Copyright law does not protect ideas; it only protects the particular way an idea is expressed. In the case of a story or movie, the idea is really the plot in its most basic form. Many paintings, photographs, and songs contain similar ideas. You can always use the underlying idea or themeâ€"such as communicating with aliens for the improvement of the worldâ€"but you cannot copy the unique manner in which the author expresses the idea. This unique expression may include literary devices such as dialog, characters, and subplots. The court found that this genre of television show was an unprotectable idea, as is any genre. Celebrity would infringe on Survivor only if it copied a substantial amount of the specific details of Survivor, which it did not do. There were many differences between the two showsâ€"for example, the way the contestants were eliminatedâ€"and Celebrity had an audience participation element and a comedic tone, unlike the serious Survivor. Borrowing a Plot Line Dear Rich: I was going to write a book that partially borrows the plot of another book. My book will give credit to the original author and will refer to characters in the original book by name. Is this okay or forbidden? And not only that, what if the person who copied your stuff credits youâ€"as if you endorsed the whole thing. Our guess is that you would be so mad that you would file a lawsuit. Who will publish your book? So even if you win the lawsuitâ€"or you settleâ€"you probably will have given up most of your royalties to pay the attorneys. And if you lose the lawsuit then you pay the attorneys, and your book goes unpublished. Can you win the lawsuit? Okay, now for the fine print. Is it legally permissible to borrow? In other cases, the author may create something transformative that qualifies as a fair use. Keep in mind these are issues raised at trial, so the attorney is billing as you prove your point. There are many cases on the subject of borrowing plot and characters, and you may want to peruse a copyright treatise before penning your opus. And of course, as always, disregard all of the legal blather, above, if the book or character you are copyingâ€"for example, Sherlock Holmesâ€"is in the public domain. The Merger Doctrine There is an exception to the principle that you cannot copy the unique expression of a fact or idea. If there are a limited number of ways to express the fact or idea, you are permitted to copy the expression. For example, in the case of a map, there may be very few ways to express the symbol for an airport other than by using a small image of an airplane. In that case, you are free to use the airport symbol. As you can imagine, this is a heavily litigated area, and many companies have butted heads to determine the boundaries of the merger doctrine. For example, Microsoft and Apple litigated over the right to use the trash pail icon as a symbol for deleting computer materials. Government Works In the U. The words from the speech were in the public domain so the songwriter did not need permission from Ronald Reagan. Keep in mind that this rule applies only to works created by federal employees and not to works created by state or local government employees. However, state and local laws and court decisions are in the public domain. Some federal publications or portions of them are protected

under copyright law, which is usually indicated on the title page or in the copyright notice. For example, the IRS may acquire permission to use a copyrighted chart in a federal tax booklet. Publishing Legal Cases and Pagination As noted above, federal, state, and local laws and court decisions are in the public domain. However, legal publishers have attempted to get around the public domain status by claiming that unique page numbering systems are copyrightable.

Chapter 4 : How To Copyright And Protect Your Ideas

A copyright is a form of protection given to authors of original works. Original works can include music, literature, movies, photographs and other artistic endeavors.

Additionally, this website provides information on the rights of academic users of copyrighted materials for educational purposes. Links are provided throughout the site to more expansive resource documents in the area of copyright and fair use. Information presented through this web site does not constitute legal counsel. Copyright Copyright insures that owners of original materials have exclusive rights PDF of ownership and control over the use of that material by others. A copyright gives the owner the exclusive right to: Protectable works represented in fixed media include, for example: Performed works are also copyrighted if the live or extemporaneous performance is recorded or documented in a fixed medium such as video or audio recordings. Copyright protection vests automatically upon creation of any protectable work. Placing a copyright notice on the work and registering it with the U. Copyright Office are no longer required. These steps, however, are still good practice and provide some legal benefits in the unlikely event of a lawsuit. You may also use a copyright notice as an opportunity to clarify how you prefer to share your work with others. Ownership of copyright means both the right to protection and the responsibility to exercise that protection. That is, one cannot just own the assets; the liabilities belong to the owner, too. Exceptions to the Copyright Law: Some materials are not protected by copyright. However, copyright law provides several important exceptions to this rule. For purposes such as criticism, comment, news reporting, teaching, scholarship, or research, the use made of copyrighted work is a fair use and is not an infringement of copyright. For more information see U. Copyright Office - Fair Use and Limitations on exclusive rights:

Chapter 5 : An Overview Of Copyright Protection In Nigeria (Part 1) - Intellectual Property - Nigeria

University at Buffalo Libraries provide resources for students, faculty and the public.

You do NOT own that idea. You own only your execution. Two things you need to understand: You have the copyright already: It only protects the specific expression or execution of your ideas. That your execution and their execution are identical or similar enough to suggest actual theft. And in order to prove those things, you need evidence, which is what copyrights, WGA registration, and sealed envelopes all offer. Not protectionâ€¦ just potential pieces of evidence. In other words, one folder with all of the evidence. If something does happen where you are a victim of theft, clear records of who sent what material to whom and when can help. This is most important as part of your meeting strategy to sell your work, but in the event something happens, these records can be useful. You can also pre-register certain works in progress. This registration is required to sue for copyright infringement in federal court. See the website for more details. While there are certain cases where this would make sense, in general, this is not common practice. It makes you look like a rookie. This is what amateurs do. The most you should leave is a business card with your contact information although if they ask you for your script, then by all means give it to them and make a note of when, where, and to whom you gave the material. Keep your email, backup your computer, keep records of meetings, mail an archive to a friend, and register the final draft of your project with the WGA and US Copyright Office. Do send the following informal email when you give someone a hard copy of your script. Do come up with a lot of ideas. A person with a fertile imagination, hard-core work ethic, and the commitment to succeed is worth a lot. The best way to protect your ideas is to be a person with whom people want to work. Do consider working with an attorney. Often, ideas are in the air, and many writers are working on variations of the same thing, developing in parallel, completely unaware of each other. Sometimes, the version of an idea that lives is the one that gets to market first. The best protection for your ideas and your career is to get feedback, adapt, and constantly improve. Thanks to entertainment attorney Adam Kagan for his help. Can you do better? She has helped many writers get agents and managersâ€¦.

Chapter 6 : Copyright Reversions | Wixen Music Publishing, Inc.

LawInfo provides free copyright legal information. Learn more about An Overview of Copyrights.

Educational Fair Use Guidelines Since the current copyright law was adopted, various organizations and scholars have established guidelines for educational uses. These guidelines are not part of the Copyright Act and are summarized in Chapter 7, which deals with academic and educational permissions. The Purpose and Character of Your Use In a case, the Supreme Court emphasized this first factor as being an important indicator of fair use. At issue is whether the material has been used to help create something new or merely copied verbatim into another work. When taking portions of copyrighted work, ask yourself the following questions: Has the material you have taken from the original work been transformed by adding new expression or meaning? Was value added to the original by creating new information, new aesthetics, new insights, and understandings? In a parody, for example, the parodist transforms the original by holding it up to ridicule. At the same time, a work does not become a parody simply because the author models characters after those found in a famous work. Purposes such as scholarship, research, or education may also qualify as transformative uses because the work is the subject of review or commentary. Roger prints these quotes under photos of old-growth redwoods in his environmental newsletter. By juxtaposing the quotes with the photos of endangered trees, Roger has transformed the remarks from their original purpose and used them to create a new insight. The copying would probably be permitted as a fair use. Determining what is transformativeâ€”and the degree of transformationâ€”is often challenging. RDR Books, F. The Nature of the Copyrighted Work Because the dissemination of facts or information benefits the public, you have more leeway to copy from factual works such as biographies than you do from fictional works such as plays or novels. In addition, you will have a stronger case of fair use if you copy the material from a published work than an unpublished work. The scope of fair use is narrower for unpublished works because an author has the right to control the first public appearance of his or her expression. The Amount and Substantiality of the Portion Taken The less you take, the more likely that your copying will be excused as a fair use. In other words, you are more likely to run into problems if you take the most memorable aspect of a work. A parodist is permitted to borrow quite a bit, even the heart of the original work, in order to conjure up the original work. Acuff-Rose Music, U. The Effect of the Use Upon the Potential Market Another important fair use factor is whether your use deprives the copyright owner of income or undermines a new or potential market for the copyrighted work. Depriving a copyright owner of income is very likely to trigger a lawsuit. This is true even if you are not competing directly with the original work. For example, in one case an artist used a copyrighted photograph without permission as the basis for wood sculptures, copying all elements of the photo. The artist earned several hundred thousand dollars selling the sculptures. When the photographer sued, the artist claimed his sculptures were a fair use because the photographer would never have considered making sculptures. The court disagreed, stating that it did not matter whether the photographer had considered making sculptures; what mattered was that a potential market for sculptures of the photograph existed. Again, parody is given a slightly different fair use analysis with regard to the impact on the market. That is, the parody may be so good that the public can never take the original work seriously again. Too Small for Fair Use: For example, in the motion picture Seven, several copyrighted photographs appeared in the film, prompting the copyright owner of the photographs to sue the producer of the movie. New Line Cinema Corp. As with fair use, there is no bright line test for determining a de minimis use. For example, in another case, a court determined that the use of a copyrighted poster for a total of 27 seconds in the background of the TV show Roc was not de minimis. What distinguished the use of the poster from the use of the photographs in the Seven case? Black Entertainment Television, Inc. Are You Good or Bad? When you review fair use cases, you may find that they sometimes contradict one another or conflict with the rules expressed in this chapter. Despite the fact that the Supreme Court has indicated that offensiveness is not a fair use factor, you should be aware that a morally offended judge or jury may rationalize its decision against fair use. The parody card series was entitled the Garbage Pail Kids and used gruesome and grotesque names and characters to poke fun at the wholesome

Cabbage Patch image. Some copyright experts were surprised when a federal court considered the parody an infringement, not a fair use. Original Appalachian Artworks, Inc. Topps Chewing Gum, Inc. This is not true. Acknowledgment of the source material such as citing the photographer may be a consideration in a fair use determination, but it will not protect against a claim of infringement. In some cases, such as advertisements, acknowledgments can backfire and create additional legal claims, such as a violation of the right of publicity. When in doubt as to the right to use or acknowledge a source, the most prudent course may be to seek the permission of the copyright owner. What is the best thing to write to prevent getting sued? Only a court can determine that. So what do you say? If you believe material has been used in an unauthorized manner, please contact the poster. Does It Help to Use a Disclaimer? In close cases where the court is having a difficult time making a fair use determination, a prominently placed disclaimer may have a positive effect on the way the court perceives your use. However, generally a disclaimer by itself will not help. Fair Use Measuring Fair Use:

Chapter 7 : Copyright Issues

In general, when an author dies during the initial term of copyright, an assignee of the author such as a music publishing company may not rightfully claim the copyright during the renewal term unless (i) the author's heirs were party to an initial grant of renewal term rights, or (ii) the author's heirs subsequently assign the copyright.

Sign in What is Copyright? The following is provided for informational purposes only and should not be construed as legal advice. If you need legal advice, contact a lawyer. Copyright law protects original creative works, such as software, video games, books, music, images, and videos. Copyright law varies by country. Copyright owners generally have the right to control certain unauthorized uses of their work including the right to sue people who use their copyrighted work without permission. As a result, certain images and other copyrighted content may require permissions or licenses, especially if you use the work in a commercial setting. For example, even if you have permission to use an image, you may need additional permission to use what is in the image e. You are responsible for obtaining all of the permissions and licenses necessary to use the content in your specific context. However, even copyright-protected works can be lawfully used without permission from the copyright holder in certain circumstances. The Wikipedia entry on copyright law contains a useful overview of copyright law, including fair use and other exceptions to copyright law. Are all creative works protected by copyright? Not all creative works are protected by copyright. There are many exceptions to and limits on copyright protection. For example, copyright only protects creative works for limited periods of time. After the period of protection expires, the copyrighted work enters the public domain. If a work is in the public domain, the work may be freely used without permission from the creator of the work. You can read more about the public domain on Wikipedia. What about "fair use"? The copyright laws of many countries have specific exceptions and limitations to copyright protection. For example, in the United States, "fair use" allows you to use a copyrighted work without permission in certain circumstances e. What happens if I upload copyrighted materials to a Microsoft site or service without permission from the copyright owner? However, we are generally required by law to disable access to copyrighted content including videos, music, photographs, or other content you upload onto a Microsoft website if the copyright holder claims that the use of the copyrighted work is infringing. You can let us know if you believe that a copyright holder wrongly requested that we disable access to content you uploaded e. Note that if you repeatedly use your Microsoft account to infringe, we may terminate your account. What if my stuff is on a Microsoft site or service without my permission? If you believe that content hosted by Microsoft infringes your copyright, let us know. How can I find content to use? Some content available online, such as public domain content, is free to use because it is not subject to copyright protection. Other content might be subject to copyright but the copyright holder licenses content with certain restrictions, such as under the Creative Commons license. Other copyrighted content may be used without permission because a limitation or exception to copyright applies see above discussion of fair use. Of course, some online content is not free to use, is not licensed by the copyright holder, and your use will not qualify as fair use. Do I have to disclose where I got content from? It depends, but it is generally a good practice to credit the original creator of the content. Some content creators require that you give them credit when you use their work as a condition of use. You should carefully review any license requirements for any content you plan to use prior to using any content.

Chapter 8 : Frequently Asked Questions about Copyright | U.S. Copyright Office

Which Form Should I Use? Which form should I use? How do I copyright my business name? Which form do I use?

A series of notes and chords? A musical composition may mean different things to different people, but according to United States copyright law a musical composition is an original work of authorship fixed in a tangible medium of expression. Copyright protection extends to the musical work, including both music and lyrics, but not to the idea that gives rise to or is expressed by the composition. A copyright in a musical composition vests in the owner a myriad of privileges and protections codified in the copyright laws of individual countries as well as international treaties and conventions. United States copyright law can be extremely complex; however it is important that those with an interest in a musical composition, including authors, heirs, music publishers, and administrators, have a basic understanding of the key aspects of the law in order to effectively protect and exploit their musical property. This handbook sets forth fundamental guidelines for the safeguarding of your copyrights from creation until the date each composition enters the public domain. The handbook is intended as an overview. For a specific understanding of the application of the principles contained herein to your own catalogue, you should consult with a copyright attorney and review the more detailed information available from the Copyright Office. Pre-February 15, sound recordings are typically protected under state statutes and common law. Sound recordings fixed on or after February 15, are protected under the Copyright Act. These sound recordings enjoy copyright protection that is distinct from the protection accorded to the individual compositions embodied in the sound recording. A transfer of rights in a sound recording does not convey rights in the compositions or other copyrighted works embodied in the sound recording. Copyright Ownership Copyright ownership of a work vests in the author or authors of the work upon its creation. Authors of works contributed to collective works own the copyright only in their contribution, which is distinct from the copyright in the collective work as a whole. In the case of a work made for hire, absent an agreement to the contrary, the employer will own all rights in the work. Each author of a joint work is free to enter into a nonexclusive license for the entire work, provided that the author issuing the license accounts to his or her co-author s. In some cases, co-authors enter into an agreement among themselves, agreeing to work cooperatively in issuing licenses. As a practical matter, licensees of music publishing rights often insist on obtaining approval on behalf of each author of a work even if the grant of rights is non-exclusive. Scope of Copyright Ownership Section of the Copyright Act 9 lists six exclusive rights of the copyright owner, which include the rights: Works made for hire are works of authorship that are deemed to be created by an employer who may be an individual or an entity although the actual act of creation is done by one or more other individuals. According to case law, pre works made for hire are works prepared by an employee within the scope of his or her employment. The work made for hire status of works created on or after January 1, is determined based on the two-prong test outlined in the Copyright Act. Works Prepared by An Employee Within the Scope of Employment The first prong of the work made for hire test has been the subject of judicial review. Works Specially Ordered or Commissioned Under the second prong of the work made for hire test, a work specially commissioned for one of the following uses will be deemed a work made for hire provided that the parties agree in writing that the work is being prepared as such: As a contribution to a collective work; As part of a motion picture or other audiovisual work; As a translation;.

Chapter 9 : Microsoft Copyright

An Overview The dictionary defines copyright as "a person's exclusive right to reproduce, publish, or sell his or her original work of authorship (as a literary, musical, dramatic, artistic, or architectural work).".