



# Copyright Overview

## Introduction

Copyright law is complex and is a more pressing issue given technology that enables easy reproduction of text but also of software. If you have questions about your practice, it makes sense to consult a lawyer. What follows is a very brief introduction.

## What is Copyright?

U.S. copyright law was created to encourage creators of original works by providing them with the rights to:

1. reproduce the work
2. create derivatives.
3. distribute copies of the work.
4. display or perform publicly.
5. perform via digital transmission.

For materials created on or after January 1, 1978, these rights now extend for the life of the creator or owner plus seventy years.

You can assume that most work you encounter is copyrighted whether it is so designated or not. However, some work is not copyrightable. This work is said to be in the public domain. Material such as facts or ideas is not copyrightable. Material produced by the federal government is in the public domain. Thus, materials at US .gov sites are not copyrightable.

## Fair Use

In its Fair Use guidelines, the law also recognizes the need of individuals to have access to and use copyrighted material particularly for the purposes of comment, criticism, research, news reporting, teaching, and scholarship. It is under the provisions of fair use that copyrighted materials are reproduced for use in the college classroom.

Fair Use is a gray area of the law. One of the clearer concepts is that use of copyrighted materials cannot injure the potential of the creator to profit from his/her creation.

**Note:** You can link to any web resources you wish without violating copyright. You cannot, however, embed the work of others in your web pages without permission.

## TEACH Act

The Technology, Education and Copyright Harmonization Act (TEACH Act) of 2002 clarified copyright and fair use in the online environment somewhat. For a brief overview of the TEACH act, see <http://www.copyright.com/media/pdfs/CR-Teach-Act.pdf>.