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## Know Your Copyrights [An Exhibit from November 2011 through March 2012]

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# ARCHIVAL MANAGEMENT PROJECT -- COPYRIGHT & OPEN ACCESS DIGITAL REPOSITORIES

Kelsey Adams



# KNOW YOUR COPYRIGHTS

## ▶ Brief Overview of Origin

- ▶ As a legal concept, copyright originated in Britain with the Statute of Anne (1709) -- gave publishers rights for a set period, after which copyright expired
- ▶ U.S. Constitution, Article I, Section 8, Clause 8 -- “Copyright Clause” (1787)
  - ▶ Congress has the power “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.”
- ▶ 1976 Copyright Act
  - ▶ Outlined in title 17, *U.S. Code*



# EXCLUSIVE RIGHTS?

- ▶ To reproduce the work in copies or phonorecords;
- ▶ To prepare derivative works based upon the work;
- ▶ To distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- ▶ To publicly perform the work, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, and sound recordings by means of digital audio transmission;
- ▶ To publicly display the work, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work



# WHAT IS PROTECTED?

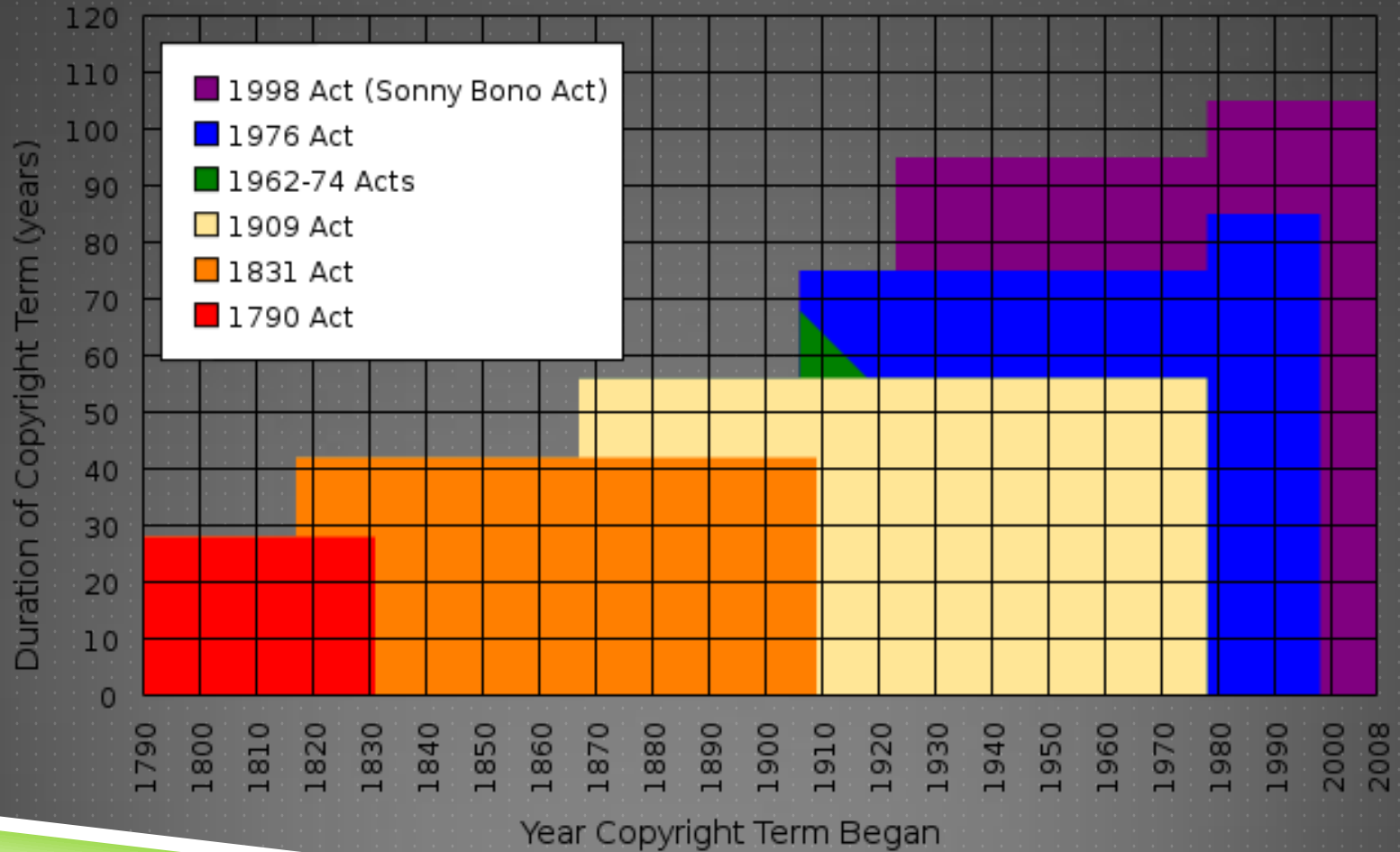
## Copyrightable Works

- ▶ Literary works
- ▶ Musical works, including any accompanying words
- ▶ Dramatic works, including any accompanying music
- ▶ Pantomimes and choreographic works
- ▶ Pictorial, graphic, and sculptural works
- ▶ Motion pictures and other audiovisual works
- ▶ Sound recordings
- ▶ Architectural works

## Not Protected by Copyright:

- ▶ Works that have not been fixed in a tangible form
- ▶ Titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents
- ▶ Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration
- ▶ Works consisting entirely of information that is common property and containing no original authorship

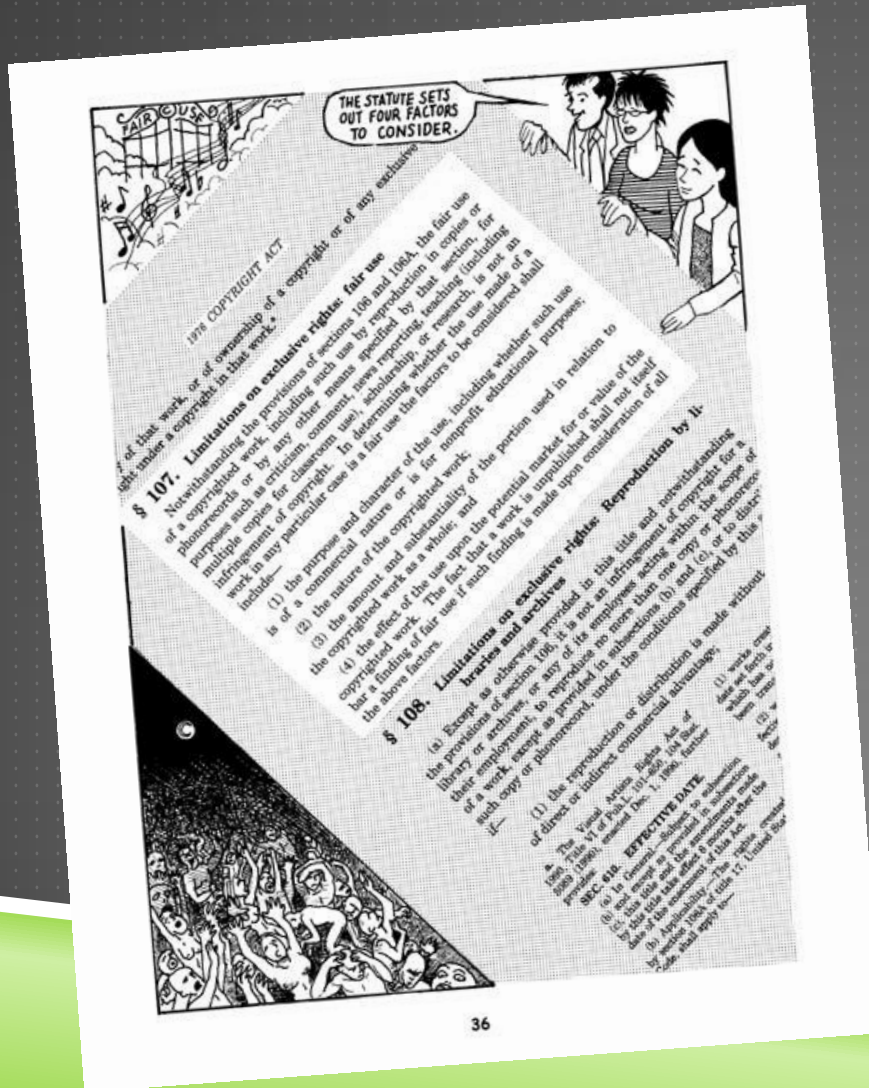
# LIMITED TIMES?!



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# LIMITATIONS TO COPYRIGHT

- ▶ 17 U.S.C. § 107-112
  - ▶ §107: Fair Use
  - ▶ §108: Reproduction by libraries and archives
  - ▶ §109: Effect of transfer of particular copy or phonorecord
  - ▶ §110: Exemption of certain performances and displays
  - ▶ §111: Secondary transmissions of broadcast programming by cable
  - ▶ §112: Ephemeral recordings



# COPYRIGHT & FACULTY PUBLICATIONS

- ▶ Who owns the copyright?
  - ▶ \*Any of all of the copyright owner's exclusive rights or any subdivision of those rights may be transferred
  - ▶ \*Copyright may be bequeathed by will or pass as personal property by the applicable laws of intestate succession
  - ▶ <http://www.sherpa.ac.uk/romeo/>

