

# Practical Copyright Basics for Faculty

Created by the University Libraries' Copyright and Intellectual Property Office [<http://tinyurl.com/cpw9j6k>]

Questions? Please contact: [copyright@bsu.edu](mailto:copyright@bsu.edu)

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**Why do we have copyright?** It's in our Constitution: Article 1, sec. 8, clause 8, which states, Congress is: "[T]o promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries."

**How do you get something copyrighted?** It's automatic protection. All you have to do is to satisfy two conditions:

- It has to be an original work of authorship, and
- It has to be fixed in a tangible form

**How Long Is Copyright?** It is the life of the author plus 70 years!

**What are the rights of the copyright holder?** Section 106 of the Copyright Law provides six Exclusive Rights of the copyright owner. The copyright owner controls these exclusive rights:

- Reproduction rights
- Distribution rights
- Public performance rights
- Public display rights
- The right to allow derivative works
- Moral rights [for visual arts]

**Who Owns the Copyright?** There are several possibilities:

- The original creator
- Work-made-for-hire doctrine may apply: someone is paid to create intellectual property
- Institutional policies may apply: some exclusive rights can be shared by the creator and the institution
- A copyright can be transferred to someone else [in whole or in part]
- *N.B.: Students own their works*

**What is Fair Use?** Fair Use allows for the educational use of someone else's copyrighted material without having to get their permission to use it. The Law allows a "limited use" and these limitations are defined by the Four the Four Factors of Fair Use [Section 107 of the Copyright Law]:

1. *Purpose: why are you using someone else's stuff?*
2. *Nature: what kind of stuff is it?*
3. *Amount: how much of that stuff are you using?*
4. *Effect: By using that stuff, are you taking any money away from the copyright owner*

Fair Use requires the making of proper copyright attributions and/or bibliographic citations. For additional assistance, please use the Columbia University Fair Use Checklist: <http://tinyurl.com/2ur5kjr>

If you do NOT provide proper copyright attributions or bibliographic citations, your use of someone else's intellectual property can be [and usually is] construed as being plagiarism.

**Link to the Copyright for Distance Educators Homepage:**

<http://tinyurl.com/movj3jq>

**Link to the Copyright for Students Homepage:**

<http://tinyurl.com/lkguk6v>

**Copyright & Intellectual Property Office:**



**Copyright for Distance Educators:**



**Copyright for Students:**



**TEACH Act Compliance Form**

