

Practical Copyright Basics for Students

Created by the University Libraries' [Copyright and Intellectual Property Office](#)
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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://copyright.columbia.edu/copyright/fair-use/fair-use-checklist/>

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 Students Homepage:

<http://www.bsu.edu/library/collections/copyright/students/>

Link to the Copyright Office Homepage:

<http://www.bsu.edu/library/collections/copyright/>