

# BARTON

## LIBRARY

### Copyright and Creative Commons Basics

#### What is Copyright?

Copyright is a form of protections provided by the laws of the United States to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works.

Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- 🐾 reproduce the work in copies or phonorecords
- 🐾 prepare derivative works based upon the work
- 🐾 distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending
- 🐾 perform the work publicly, 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
- 🐾 perform the work publicly (in the case of sound recordings) by means of a digital audio transmission

#### What Works Are Protected?

Copyright protects “original works of authorship” that are fixed in a tangible form of expression. The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device.

Copyrightable works include the following categories:

- 🐾 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 work

#### What Is Not Protected by Copyright?

Several categories of material are generally not eligible for federal copyright protection.

These include among others:

- 🐾 works that have not been fixed in a tangible form of expression (choreographic works that have not been notated or recorded, or improvisational speeches or performances that have not been written or recorded)
- 🐾 titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listing of ingredients or contents
- 🐾 ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from descriptions, explanation or illustration
- 🐾 works consisting entirely of information that is common property and containing no original authorship (standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources)

**It is illegal for anyone to violate any of the rights provided by copyright law to the owner of the copyright.**

## Fair Use

Fair Use allows for the reproduction of creative works for criticism, comment, news reporting, scholarship, research and teaching.


There are four factors that determine if the use of copyrighted material qualifies as fair use:

- What purpose does using the copyrighted material serve? (Educational, reporting, parody, commercial)
- In what nature will the material be presented? (published, unpublished, non-fiction material, imaginative use)
- How much of the copyright material will be used? (small or large quantities)
- What effect will the use of the copyrighted material have on the original work or its permissions? (is the use of the work transformative, is the original work out of print, is the work under password protection, does the re-purposed use of the work compete with the original work)

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