Copyright Law
Why should YOU care?

- You could get fined
- You could go to jail
- You have rights
What Is Copyright?
Copyright protects property

- Your work is your property much like your car or your computer
Purpose

What’s the point of copyright?

“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.”

— U.S. Constitution, Art. 1, Sec. 8, Clause 8
General Copyright Rule

- If you didn’t create the work and/or own the copyright to it, you **must** get permission to use it

- Just giving credit is not enough
Requirements for copyright

- **Originality**
  - Small spark of creativity

- **Fixation**
  - “Fixed in any tangible medium of expression”

- **Expression**
  - No protection for thoughts and ideas with nothing further
Which of these can be copyrighted?

- An idea for a TV show that is a spinoff of *Friends*
- A cartoon that runs with an editorial
- A list of ingredients for your grandma’s famous apple pie
- The words “Just Do it”
Which of these can be copyrighted?

- An idea for a TV show that is a spinoff of *Friends*  
- **A cartoon that runs with an editorial**  
- A list of ingredients for your grandma’s famous apple pie  
- The words “Just do it”
Things that CANNOT be copyrighted:

- Ideas
- Facts
- Procedures
- Concepts
- Short phrases
- Titles (but these may be protected under trademark law)
- Ingredients
- Slogans
Federal works are not protected by copyright

New York, NY, September 25, 2001 — A rescue worker overlooks the rubble from the collapsed World Trade Center. Photo by Mike Rieger/ FEMA News Photo (www.photolibrary.fema.gov)

First Dog Bo (White House photo/Chuck Kennedy)

Source: NASA, Photo by Rodney Grubbs
Things that CAN be copyrighted

- Photos
- Stories
- Illustrations
- Cartoons
- Advertisements
- Sound recordings
- Works of art
- Musical compositions
- Computer programs
True or False?

A work that does not display a copyright notice is not protected by copyright and can be used freely.
For works created after March 1, 1989, a copyright notice is **optional** and does not affect the validity of copyright protection.
True or False?

A work must be registered with the U.S. Copyright Office in order to receive copyright protection.
Formal registration of a work is **not** required.
So, how is a work copyrighted?

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Copyright exists from the moment a work is created.

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How long does copyright last?

- It can be very complicated.
- One Simple Rule: In the U.S., as of 2019, works published before 1924 are in the public domain.
- Works created on or after Jan. 1, 1978 have copyright protection for the life of the author plus 70 years.
Who owns a copyright?

Generally, the creator of the work owns the copyright (including student journalists who work at campus publications.)
“Work for hire” exception

- Employer owns the works created by an employee when there is a formal employer/employee relationship.
- Most student journalists are likely independent contractors who own the works they create.
  - Generally, employer can only use your work once and you control all subsequent uses.
Copyright agreement

- Every staff member and contributor should sign
- Student retains copyright to their work
- Student grants limited license to the publication to use their work
True or False?

Adding a credit line on a copyrighted work is enough to avoid copyright problems.
The law requires **actual permission** from a copyright owner, *not just attribution.*
How do I get permission to use a copyrighted work?

- Locate the copyright holder
  - Copyright notice will tell you or contact Copyright Office in DC
- Submit a written request
  - Your contact information
  - Expected date of publication
  - Number of copies
  - Publication price (if any)
  - Non-profit status (if applicable)
  - Description of intended use
  - Response deadline
Using Online Photos
True or False?

I can take a photo of a celebrity from Google and photoshop my head onto the celebrity’s body and print it in my school publication.
FALSE

Alternating a work you are using without permission does not eliminate the copyright issue.
General Copyright Rule

- If you didn’t create the work and/or own the copyright to it, you **must** get permission to use it.

- Even if you find it via Google!
Technology can and will work against you

- Digital watermarks embedded within an image
- Auto generated copyright infringement notices
  - DO NOT ignore
  - Remove the infringing work
  - Do your research
  - Check statute of limitations
  - Respond in writing
  - Play the student media card
Purchasing Copyright Licenses
Alternative Copyright Licenses
You are free to:

**Share** — copy and redistribute the material in any medium or format

The licensor cannot revoke these freedoms as long as you follow the license terms.

Under the following terms:

**Attribution** — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

**NonCommercial** — You may not use the material for commercial purposes.

**NoDerivatives** — If you remix, transform, or build upon the material, you may not distribute the modified material.
Social Media
Instagram

- User retains right to photos and content
- Grants Instagram all the rights of an original owner of the content
  - Can even relicense your stuff without your permission
- Users can violate copyright law on their own account by posting material they do not own the copyright to
General Copyright Rule

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- Except ...

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Fair Use
What is Fair Use?

- An exception to our general copyright rule
- Using a limited amount of a copyright-protected work for news, educational, or informational purposes without consent
Four Factors of Fair Use

- Purpose/Character of the Use
- Nature of the copyrighted work
- How much of the original work is used
- The effect of the use on the potential market value of the original work
Purpose/Character of the Use

- Non-commercial uses for purposes such as news reporting, teaching, criticism, or commentary are more likely to be considered fair use

- Transforms the work’s purpose, character
Nature of the Copyrighted Work

- Uses of works containing mostly factual material like maps or biographies are more likely to be fair than uses of highly creative and original works like novels and cartoons.
Amount of the original work used

— —

- No more of the work than what is necessary may be used fairly
- Quantitative (how many words of a 200,000 word book are reproduced?)
- Qualitative (using the “core” of a work — no matter how small — is less likely to be a fair use)
Effect on the market for the original work

Would consumers be willing to buy the new use as a substitute for the original work?
Superman flies onto the big screen, again

You may have already had your share of movies with the man in blue, but he’s back, and critics are raving about the new look and attitude.

In the film, After a long visit to the lost remains of the planet Krypton, the Man of Steel returns to earth to become the peoples savior once again and reclaim the love of Lois Lane, according to IMDb.com, an online [Image]

Peanuts’ creator
Charles Schulz dies

Charles Monroe Schulz, an iconic American cartoonist best known worldwide for his Peanuts comic strip, died at age 77 on Feb. 12, 2000. He was born in Minneapolis, Minn., in 1922, where he began his cartoon career. After returning from service in World War II, Schulz sold his comic panel “Li’l Folks” to the St. Paul Pioneer Press in 1947. By 1950, he had syndicated what became the Peanuts strip across the nation. [Image]
Common Fair Use Examples: Right or Wrong?

- A professor makes copies of one article from a periodical for distribution to the class
- Using a popular song as background music for the intro on your school TV station
Copyright and Parody

- Parody of original must be obvious
- Creativity counts
- Only use as much of the original work as necessary
- Minimal impact on market value of original
Parody Real World Example

UNPRESIDENTED
ENDING CRISIS, TRUMP HASTILY DEPARTS WHITE HOUSE

On May 1, barely six months after the midterm elections, Donald Trump appears to have abandoned the White House and abandoned his role as president. He issued no formal statement, though four White House aides — who spoke on the condition of anonymity — claim they found a napkin on the president’s desk in the Oval Office on the evening of April 30, scrawled in red ink with the following message: “Blame Crooked Hillary & Hllor & the Fake News Media.”

By Lisa Chung • 2 hours ago

“Finally!” say women
From #MeToo to “You’re Fired”

Celebrations break out worldwide as Trump era ends

Worldwide, impromptu street parties popped up in major cities and small towns as people realized the American president had fled. As news spread of what appeared to be the first U.S. presidential resignation since Richard Nixon, crowds from Buenos Aires to Cape Town waved American flags, played American music, and congratulated the United States.

By Sara Gabriel Ramos
This copyright presentation was originally written and produced by the Student Press Law Center in 2006 thanks to a grant from the Newspaper Association of America Foundation (now the News Media Alliance.) The presentation has been updated several times over the years.

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