

Copyright considerations for digital projects

Knowledge Bank Brown Bag

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- Copyright – a little background
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Background: What is copyright?

- A limited monopoly
 - Monopoly because it controls what users can do with their property
 - Limited in duration and in scope
- Created to 'promote the process of science and useful arts' (U.S. Constitution, Article 1, Sec. 8)

Background: Duration of copyright

- Copyright is AUTOMATIC – registration and copyright statements are helpful, but not necessary
- How long does it last?
 - Original copyright term was 14 years
 - Current term is life of the author plus 70 years
 - Anonymous work or work made for hire is 95 years from publication or 120 years from creation

Background: Duration of copyright

- “Is this still protected by copyright?”
 - Published pre-1923: no
 - Otherwise: maybe
 - Determination of copyright often involves renewals and other formalities
- See: “When works pass into the public domain” by Laura Gasaway (<http://www.unc.edu/~unc1ng/public-d.htm>)

Background: What's covered

- Original works of authorship, fixed in a tangible medium of expression
- Includes:
 - Literature (creative, scientific, technical, etc.)
 - Music
 - Drama/Movies
 - Choreography
 - Art
 - Architecture

Background: What's not covered

- Works already in the public domain
 - Published before 1923, etc.
- Works of the US Government
- Works not fixed in a tangible medium
- Formulas (includes recipes)
- Ideas
- Facts
 - Example: White Pages v. Yellow Pages

Background: What rights does it grant

- Right to reproduce
- Right to prepare derivative works
- Right to distribute
- Right to display publicly (e.g. a painting)
- Right to perform publicly (e.g. a film)

- You also have the right to sell or give away your copyright, or grant limited rights (based on contracts)

Background: Rights of users

- Fair use (“The safety valve of copyright”)
 - Right to use limited portions of a work for the purpose of comment, criticism, or reporting
- First sale
 - The basis of libraries, bookstores, and rentals
- Library copying
 - Right to make a copy for a patron
- And many more

Copyright permissions in the KB

- Most works in the KB are protected by copyright
 - Academic papers, photographs, presentations, etc.
 - Most created after 1923
- Permission to submit based on licenses
 - Submitter signs a license in the system
 - Copyright owner signs a paper license
 - Creative Commons licenses

When you own the copyright

- E.g. your own papers and presentations
- You can submit it yourself
- You will agree to the system-supplied license...

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When someone else owns the copyright

- E.g. a library collection, faculty papers, etc.
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Allow commercial uses of your work? ([more info](#))

- Yes
 No

What if it's in the public domain?

- Whoever clicks through the license takes responsibility
 - If you feel confident no permission is required, you can submit
 - We can submit, but we will want to do our own investigation to be sure

What if it's fair use?

- Same as public domain - if you feel confident, you can submit
- If you aren't sure, contact the Copyright Help Center
 - We can give information and opinion, but not legal advice
 - We can work with OSU Legal to make a fair use determination

What kind of help is available?

- The Copyright Help Center can help with:
 - Determining whether permission is required
 - Requesting permission
- Help is also available for:
 - Digitization
 - E-reserves

Who should I contact?

The Copyright Help Center

688-5849

Libcopyright@osu.edu

004 SEL

<http://library.osu.edu/sites/copyright>

Copyright Management Office (OSUMC)

292-4891

Copyright@osumc.edu

216 Prior

<http://library.med.ohio-state.edu/4697.cfm>

Who should I contact?

You can also talk to

- Trisha Davis (davis.115@osu.edu)
- Shannon Baird (baird.144@osu.edu)
- Melanie Schlosser (schlosser.40@osu.edu)
- Anne Gilliland (OSUMC) (gilliland.125@osu.edu)



Questions?