

What Is Copyright?

Copyright is a form of protection provided for original works of authorship, including literary, dramatic, musical, architectural, maps, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations.

“Copyright” literally means the right to copy.

Copyright is a set of rights granted to authors, by law, for protection of the works they have created. The owner of a copyright has the exclusive right to reproduce, distribute, to prepare derivative works; in the case of sound recordings, to perform the work publicly by means of a digital audio transmission; or to license others to engage in the same acts under specific terms and conditions. Copyright also gives the owner of copyright the exclusive right to authorize others to do the following:

- * To reproduce the work:
- * To prepare derivative works based upon the work;
- * To distribute copies of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- * To perform the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;
- * To display 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; and
- * In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

In addition, authors of works of visual art have the right to have their works attributed to them and to not have those works distorted, or to have their names associated with any such distorted work.

Who Can Claim Copyright Ownership?

Copyright protection begins in the US at the time the work is created in a fixed form. The copyright in the work initially belongs to the author who created the work. Only the author, or those deriving their rights through the author can rightfully claim copyright. In the case of works made for hire, the employer and not the employee is considered to be the author. A *“work made for hire”* is: (1) a

work prepared by an employee within the scope of his/her employment; or (2) a work specially ordered or commissioned for use as:

- a contribution to a collective work
- a part of a motion picture or other audiovisual work
- a translation
- a supplementary work
- a compilation
- an instructional text
- a test
- answer material for a test
- an atlas

The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary. Copyright in each separate contribution to a periodical or other collective work is distinct from copyright in the collective work as a whole and vests initially with the author of the contribution.

Two General Principles:

Ownership of a book, manuscript, painting, photograph, or any other copy or recording does not give the owner any rights in the copyright. The law provides that transfer of ownership of any material object that embodies a protected work does not of itself convey any rights in the copyright.

Who is an author?

Under the copyright law, the creator of the original expression in a work is its author. The author is also the owner of copyright, unless there is a written agreement by which the author assigns the copyright to another person or entity, such as a publisher. In cases of works made for hire, the employer or commissioning party is considered to be the author.

What Works are Protected by Copyright?

Copyright protects “original works of authorship” that are fixed in a tangible form of expression.

Copyrightable works include:

- 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 works

What is Not Protected by Copyright?

Several categories of material that are not eligible for copyright protection include:

- Works that have not been fixed in a tangible form of expression (for example, 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 listings of ingredients or contents
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices
- Works consisting entirely of information that is common property and containing no original authorship (for example: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents)