



Copyright 101

- What is a Copyright?
- How do I protect myself from Copyright Infringement claims?
- What is Fair Use?
- Is there value in Copyright?
- OU's Copyright Policy



What is a Copyright?

- A Copyright protects a literary, musical, dramatic, choreographic, pictorial or graphic, audiovisual, or architectural work, or a sound recording, from being reproduced without the permission of the copyright owner.
- **What may be copyrighted?**
In order to be copyrightable, a work must be
 1. fixed in a tangible medium of expression ; and
 2. original.
- **Examples of what can't be:**
 - Titles, names, short phrases and slogans; familiar symbols or designs



Who can get a Copyright?

- Copyright protection subsists from the time the work is created in fixed form. The copyright in the work of authorship immediately becomes the property of the author who created the work.
- In the case of works made for hire, the employer and not the employee is considered to be the author



How do you get a Copyright?

- No publication or registration or other action in the Copyright Office is required to secure copyright. Copyright is secured automatically when the work is created, and a work is “created” when it is fixed for the first time.
- Can use Copyright Notice without registering:
 - The symbol ©, or the word “Copyright” along with year and author



Federal Registration

- Registration establishes a public record
- Before an infringement suit may be filed in court, registration is necessary for works of U.S. origin.
- If made before or within five years of publication, registration will establish prima facie evidence in court of the validity of the copyright
- If registration is made within three months after publication of the work or prior to an infringement of the work, statutory damages and attorney's fees will be available to the copyright owner in court actions. Otherwise, only an award of actual damages and profits is available to the copyright owner.
- Registration allows the owner of the copyright to record the registration with the U.S. Customs Service for protection against the importation of infringing copies.



What Protection does Copyright offer

- The right to make copies of the work
- The right to sell or otherwise distribute copies of the work.
- The right to prepare new works based on the protected work.
- The right to perform the protected work in public
- Life of a Copyright:
 - Before 1923: Public Domain
 - After 1923 but before 1978: protected for 95 years from the date of publication
 - After 1978: General Rule life of author plus 70 years



How do I protect myself from an Infringement Claim?

- Remember this:

**It is Better to ask for
permission than to ask for
Forgiveness!**



Do's and Don't's of Copyright Use

- 1. Do seek permission
- 2. Do get the permission in writing
- 3. Do give credit where credit is due
- 4. Do look for free stock photo websites for images.
 - Many of these photographs are free from copyright restrictions or licensed under a CC public domain license. Note some will still require attribution.



Do's and Don't's of Copyright Use

- Do NOT use any picture you find in Google Search and post it on a website
- Do NOT copy someone's work and pretend it is your own
- Do NOT post/sell/ or otherwise make available to the public someone else's work of art or authorship without getting permission
- Do NOT use YouTube or other videos publicly without first getting permission and/or following YouTube's policies.



What about Fair Use?

- The purpose and character of the use
 - Is it educational or is it for profit?
- The nature of the copyrighted work
- The amount and substantiality of the portion used
- The effect of use on the potential market for the copyrighted work

Fair Use



Fair Use







Is there Value in Copyright?

- YES!
 - Copyrights are licensable just like any other IP.
 - Cost of protection is relatively low compared to other forms of IP



OU Copyright Policy 3.29.4 Norman Faculty Handbook/ Appendix D 13.1C HSC Handbook

- “The basic objectives of the University’s policy concerning copyright include the following:
- (1) To maintain the University’s academic policy of encouraging research and scholarship as such without regard to potential gain from royalties or other income.
- (2) To make copyrightable materials created pursuant to University objectives available in the public interest under conditions that will promote their effective utilization
- (3) To provide adequate incentive and recognition to faculty and staff through proceeds derived from their works.
- (4) To stimulate creativity across all media.”



OU Copyright Policy

- POLICY
- It is the policy of the Board of Regents of the University of Oklahoma that all rights in copyright shall remain with the creator of the work unless the work is created with substantial use of University resources, is specifically assigned or commissioned by the University, is subject to non-University contractual or legal obligations, or is a “work made for hire” as that term is defined by U.S. Copyright Law



OU Copyright Policy- Ownership

- (1) Scholarly/Aesthetic Works-Owned by the creator
 - ownership of copyrights to works of artistry or scholarship
 - Copyrighted courseware and/or software that are not associated with traditional works as described in the Policy under (C)(1) shall fall under and are subject to the Patent Policy.
- (2) Personal Works- Owned by the creator
- (3) Sponsored Works- determined by the agreement
- (4) Commissioned Works -University
- (5) University Works-University
 - Except as otherwise provided in this Policy, the University shall own all copyrights to works made by University employees in the course and scope of their employment and shall own all copyrights to works made with the substantial use of University resources
- (6) Student Works- Owned by the Student