Copyright Basics

Copyright is automatic and only two requirements need to be satisfied. First, the work needs to be an original work of authorship and secondly, the work needs to be in a tangible form (paper, diskette, web page, etc.)

Because copyright is automatic, the traditional four elements of copyright do not need to be present. However, it is helpful to add the four traditional elements. For example: Copyright © 2002, Tash’n’Gei Productions. After these elements, it also might be beneficial to add this as well: All Rights Reserved.

Because copyright is automatic, an original work of authorship does not need to be registered with the U. S. Copyright Office. However, registering and paying the registration fee provides benefits. If your registered work is illegally used and a court case ensues and you win, you will be reimbursed attorney’s fees by the infringer and receive much more monetary gain for the infringement.

Length of Copyright: Life of author plus 70 years.
Public domain materials: Anything copyrighted before and including 1922 is now in the public domain and can be used freely.

What is copyrightable?

- 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
- Software
- Semi-conductor chip products

Who owns the copyright?

The original creator or the work may have been a work made for hire. There may be institutional policies involved and because copyright is property, there can be a transfer or assignment of copyright (whole or in part) to individuals, institutions and corporations or a combination of these.

The Copyright Law mandates six exclusive rights to the copyright holder:

1. The right to reproduce the work
2. The right to distribute the work
3. The right to publicly perform the work
4. The right to publicly display the work
5. The right to make derivative works
6. The inclusion of moral rights [for visual arts]

The copyright owner has complete control over his/her work. Without legislated exemptions, education would not be able to use copyrighted materials. You can review one those exemptions by reading the section on this website dealing with educational fair use.

(Used with permission of Ball State University, Copyright and Intellectual Property Office © 2008)