



ODOT Library
Laura.e.wilt@odot.state.or.us
503-986-3280

Copyright

NAVIGATING THE MUDDY WATERS

What is copyright?

Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works.

What does copyright protect?

Copyright, a form of intellectual property law, protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. Copyright does not protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed.

From: US Copyright Office: <http://www.copyright.gov/help/faq/faq-general.html#what>

AN UNDERSTANDING OF COPYRIGHT IS IMPORTANT BECAUSE:

- It's the law.
- As public employees, we are held to a higher standard. We hold a public trust to act with integrity and honesty.
- We can't claim ignorance. We need to know what the law states and how it applies to us.

COPYRIGHT LAWS PROTECT THE CREATOR'S RIGHT TO CONTROL HOW THE MATERIAL IS:

- Reproduced
- Distributed
- Adapted
- Performed or displayed

JUST BECAUSE A CREATIVE WORK DOESN'T HAVE A COPYRIGHT SYMBOL ATTACHED TO IT, IT DOESN'T MEAN THAT THERE IS NO COPYRIGHT.

- Works created since 1989 are not required to include a copyright statement; we must assume that any publication, image, musical program, etc. is protected by copyright laws unless stated otherwise.





WHAT ABOUT THE INTERNET?

Most people understand that published books are subject to copyright—but what about things on the Internet? It’s tempting to assume if you can access and copy content, that you can legitimately use it. However, copyright laws also apply to material on the Internet.

- It’s illegal to download or transfer unauthorized copies of copyrighted music or videos.
- It’s illegal to circumvent technology put in place to control access and reproduction of digital material.
- We need to respect posted copyright statements (but remember that a lack of statement doesn’t mean the lack of copyright)

Generally speaking, under current US copyright laws, copyright statements on works created after 1923 are still in effect.

FOR MORE INFORMATION, TRY:

Columbia University Libraries
Copyright Quick Guide

<https://copyright.columbia.edu/basics/copyright-quick-guide.html>

Stanford University copyright
information:

<http://fairuse.stanford.edu/>

Stony Brook University Libraries
guide to copyright friendly re-
sources:

[http://
guides.library.stonybrook.edu/
copyrightfriendly/home](http://guides.library.stonybrook.edu/copyrightfriendly/home)

I JUST WANT TO PUT SOME HUMOR INTO MY PRESENTATION...

Many times, presentations and speeches can be dry and technical. Finding an appropriate cartoon or humorous picture to insert into a PowerPoint slide seems like a great way to add a splash of color and comedy. Or, perhaps you want to play a snip from a familiar movie score to evoke a particular mood.

Unfortunately, neither of these scenarios fall under Fair Use provisions; they would violate copyright laws, even if the presentation is being used for non-profit, educational or research use. Some may take the attitude of, “Well, we’ve always done things like that, and it’s never been a problem before!” While that may be, it’s likely in our current times that such materials will at some point be posted online, perhaps even without the creator’s knowledge. This increases the possibility of embarrassment to the agency, and even potential legal issues. It also goes back to the earlier notion that, as state employees, we are held to a higher ethical standard.

There is an informative article on this subject from the National Institutes of Health (NIH) newsletter, *The Catalyst*. In this article, authors Christopher Wanjek and Stephanie Cooperstein quoted Gary Larson (creator of the *Far Side* cartoon) with his response to the argument that the use of one of his cartoons would only be seen by a few people. “These cartoons are my ‘children’, of sorts,” Larson wrote, “and I’m concerned about where they go at night without telling me.”¹

There are ways of obtaining permission to use copyrighted materials; in fact, the copyright holder may allow use without charge in certain circumstances. Contact the library for information on requesting permissions.

1. Wanjek, C., & Cooperstein, S. (2008). Copyrighting Right. *NIH Catalyst*, 16(5). Retrieved from [https://
nihsearch.cit.nih.gov/catalyst/2008/08.09.01/page01_copyright.html](https://nihsearch.cit.nih.gov/catalyst/2008/08.09.01/page01_copyright.html)



OTHER TERMS AND DEFINITIONS

There are many terms that are used in connection with conversations on copyright and usage; it can be difficult to know the differences, and how they relate to one another. Here are a few examples.

Intellectual Property: Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce. (definition courtesy of World Intellectual Property Organization, <http://www.wipo.int/about-ip/en/>). Copyright, trademarks and patents are examples of IP works protected by law.

Open Access: This term generally refers to journals offering unrestricted access to their content. Such content is available free of charge and without an embargo period (some subscription journals offer non-subscription access to articles, but only after a period of 12-18 months). This does not mean that the publications are in the Public Domain; rather, they have used their rights as copyright owners to give permission for use and re-use of material. Such journals often make use of a Creative Commons license, which will be discussed in another section.

Open Source: This term refers to software for which the original source code is made available free of charge. Open source software can be shared and modified to meet the needs of the user.

Public Domain: Items in the Public Domain are not protected by copyright laws, and can be used without permissions. Works can enter the Public Domain because the copyright has expired, or because the author has expressly given up his/her copyright protection to make the item freely available to the public. US federal government publications are considered to be in the Public Domain, although there are cases where contractors working on a federal document may hold copyright on portions, or all, of the final work. State and local public agencies have the option of using copyright for their publications.

FAIR USE

Fair Use provisions allow limited use of copyrighted material for research, educational and library use. Because there are no hard and fast guidelines, each work must be examined based on general criteria:

- Purpose and character of use (commercial vs. non-profit or educational use)
- Nature of copyrighted material (factual vs. fiction; published vs. non-published)
- Amount of the portion being used (what percentage of the whole?)
- Potential effect on future market or value of material

For the most part, Interlibrary Loans obtained by the ODOT Library fall under Fair Use provisions.

Examples

Attribution
CC BY



Attribution-NoDerivs
CC BY-ND



Attribution-NonCommercial-ShareAlike
CC BY-NC-SA



CREATIVE COMMONS

For those willing to share their copyrighted work, Creative Commons licenses allow authors and others to clarify exactly how they are willing to have the content used. Creative Commons does not replace copyright; it merely provides a standardized platform for users to know exactly what they can do without requesting permission from the owner.

There are four features, or conditions, offered through Creative Commons. These features can be combined to create the license best fitting the needs of the creator.

Attribution: All CC licenses require that others who use your work in any way must give you credit the way you request, but not in a way that suggests you endorse them or their use. If they want to use your work without giving you credit or for endorsement purposes, they must get your permission first.

ShareAlike: You let others copy, distribute, display, perform and modify your work, as long as they distribute any modified work on the same terms. If they want to distribute modified works under other terms, they must get your permission first.

NoDerivs: You let others copy, distribute, display and perform only original copies of your work. If they want to modify your work, they must get your permission first.

NonCommercial: You let others copy, distribute, display, perform and (unless you have chose NoDerivs) modify and use your work for any purpose other than commercially unless they get your permission first.

Creative Commons also offers a symbol showing that the author has put the work into the Public Domain.

For more information, see: <http://creativecommons.org>

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Laura Wilt
555 13th St NE
Salem, OR 97301-4178
Phone: 503-986-3280
E-mail: Laura.e.wilt@odot.state.or.us

