

Unlocking Copyright

Understanding the Law to Meet
Our Educational Mission

Agenda

1. Copyright: Purpose & Strategy
2. Three Questions to Answer
3. Case Studies
4. Open Discussion



“Promote the Progress of Science and the Useful Arts”

US Constitution, Article 8, Clause 8

Kirtsaeng v. John Wiley & Sons, 136 S. CT. 1979, 1986 (2016)

[C]opyright law ultimately serves the purpose of enriching the general public through access to creative works. . . . The statute achieves that end by striking a balance between two subsidiary aims: encouraging and rewarding authors' creations while also enabling others to build on that work.”

How to Answer Any Copyright Question



Example

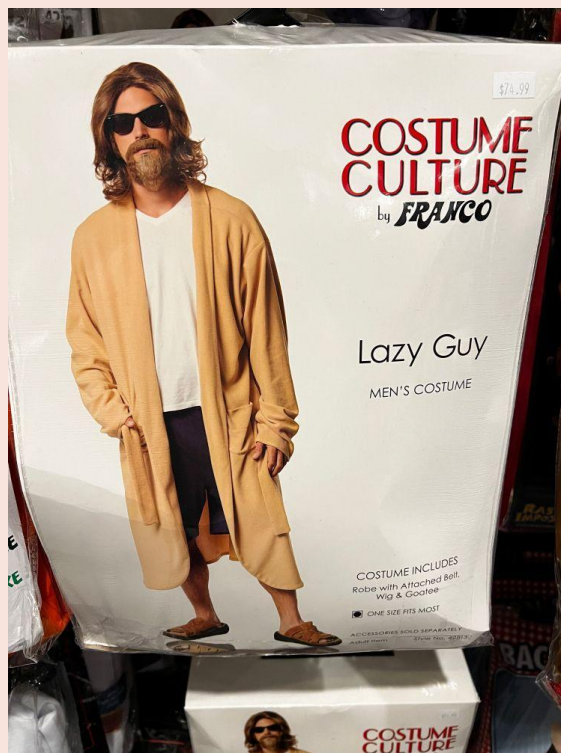


**Is the Work
Protected by
Copyright?**

Copyright

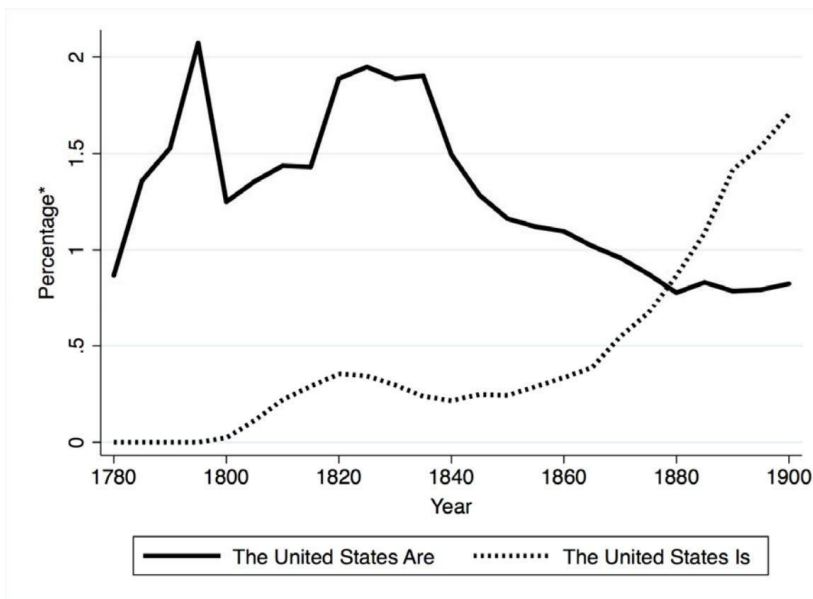
- **The right to make copies (natch!)**
- **Follows the pen**
- **Original, creative, and “fixed”**
- **An author’s right to “exclude”**
- **A bundle of rights**

Idea/ Expression



Idea/ Expression

Figure 1: Google Ngram Visualization Comparing Frequency of “The United States is” to “The United States are”⁷



Scenes a Faire

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Caper Crew

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Just like the good guys have a [Command Roster](#), when your [Villain Protagonists](#) are involved in a [Caper](#) (or your everyman protagonists in a [Heist Episode](#)), characters tend to fall into a number of roles. Unlike the [Command Roster](#), however, some of the roles really depend on what kind of heist is going on, so the actual number of members and which jobs are included in the [Badass Crew](#), are somewhat more variable than in the military example. Characters are also more likely to have more than one specialization, or some of the more specialized roles are farmed out to [Satellite Characters](#) who aren't really part of the main crew.



Show SpoilersNight VisionSticky HeaderWide Load

IMPORTANT LINKS

Ask The TropersTrove FinderMedia FinderTrove Launch PadTech WishlistReviewsGo Ad Free!Crucial BrowsingResources

Public Domain



Life + 70 | Before 1931 | The Purpose of ©

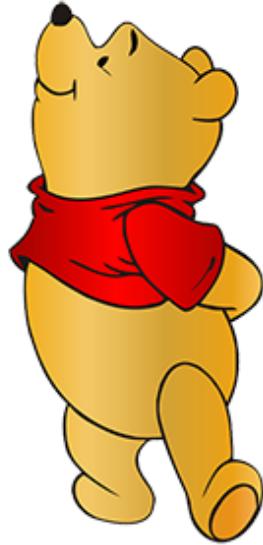
Duration Can Get Complicated

Works Registered or First Published in the U.S.

Date of Publication ⁶	Conditions ⁷	Copyright Term ³
Before 1926	None	None. In the public domain due to copyright expiration
1926 through 1977	Published without a copyright notice	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, and without subsequent registration within 5 years	None. In the public domain due to failure to comply with required formalities
1978 to 1 March 1989	Published without notice, but with subsequent registration within 5 years	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
1926 through 1963	Published with notice but copyright was not renewed ⁸	None. In the public domain due to copyright expiration
1926 through 1963	Published with notice and the copyright was renewed ⁹	95 years after publication date
1964 through 1977	Published with notice	95 years after publication date
1978 to 1 March 1989	Created after 1977 and published with notice	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
1978 to 1 March 1989	Created before 1978 and first published with notice in the specified period	The greater of the term specified in the previous entry or 31 December 2047
From 1 March 1989 through 2002	Created after 1977	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
From 1 March 1989 through 2002	Created before 1978 and first published in this period	The greater of the term specified in the previous entry or 31 December 2047
After 2002	None	70 years after the death of author. If a work of corporate authorship, 95 years from publication or 120 years from creation, whichever expires first
Anytime	Works prepared by an officer or employee of the United States Government as part of their official duties	None. In the public domain in the United States, unless the employee was a civilian member of the faculty of a federal government-owned educational institution

<https://copyright.cornell.edu/publicdomain>

Duration Can Get Weird!



Red shirt on the bear,
artists beware

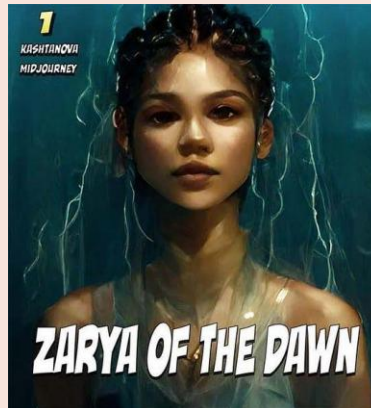
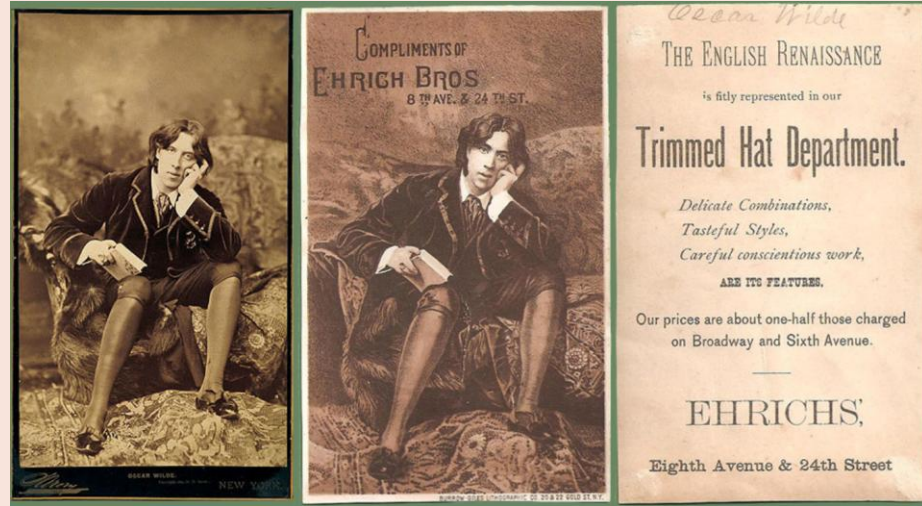


If nude he be,
your Pooh is free

Human Authorship



Human Authorship



Example



**Is Your Use
Permitted By
the Law?**

Exception S

Perform or display

A legal copy

As part of classroom*
instruction

Fair Use



Four Factors



Purpose and Character



Nature of the Original



Amount and Substantiality



Market Harm



Fair Use?

Law School Problems

Just another Law Student riding the cruel beast that is Law School and holding on for dear life



When you accidentally yawn while making direct eye contact with the professor



JANUARY 20, 2015 (8:55 PM) 95 NOTES #LAW SCHOOL

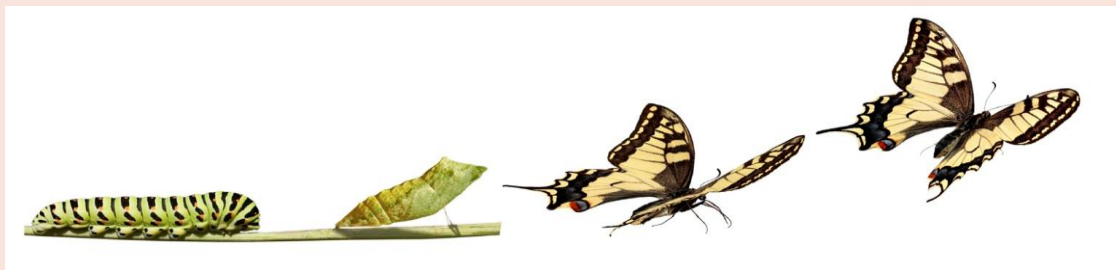
#LAW SCHOOL PROBLEMS #1L #2L #3L #3LOL #FUNNY #GIF

#GIFS #ZOOEY DESCHANEL #BUT THE SHITS YOU GIVE ARE APROX 0

 [lawtinator](#) likes this



Transformation

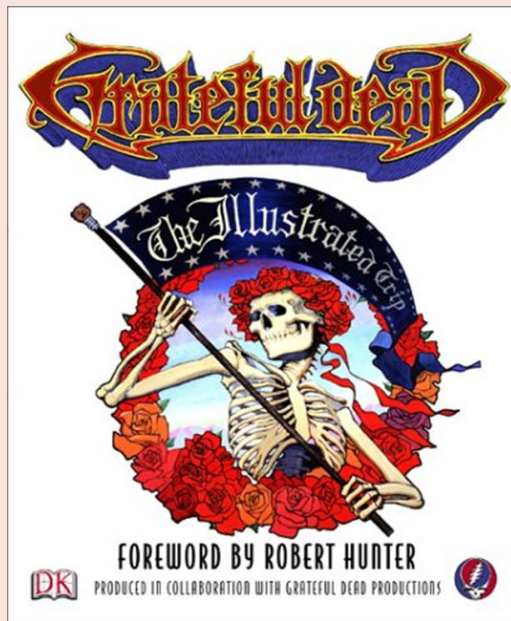


“whether the new work merely supersedes the original creation, or instead **adds something new**, altering the first with new **expression, meaning, or message**”

+

“quantity and value of the materials used are **reasonable in relation to the purpose** of the copying”

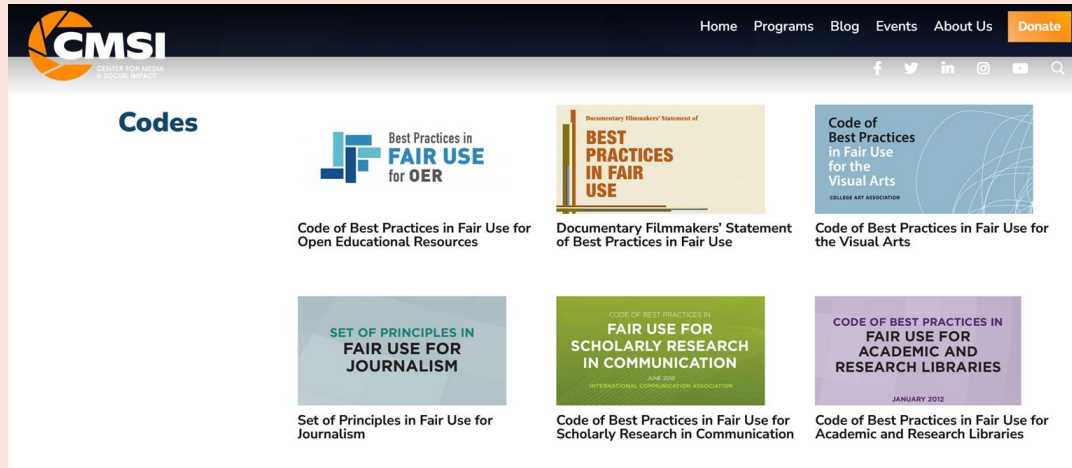
Transformative Use



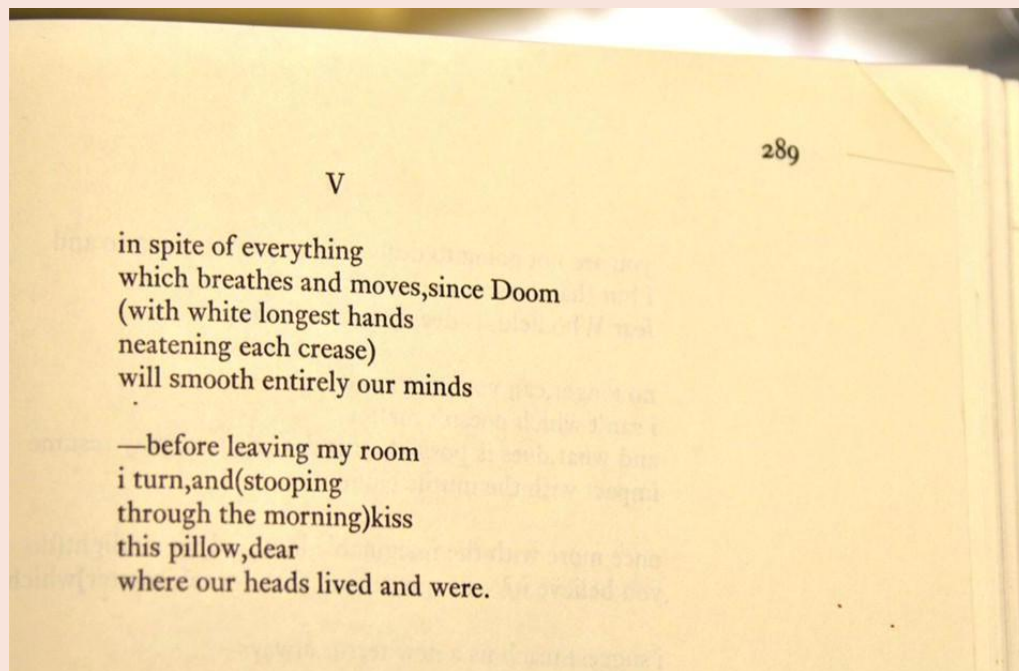
Bill Graham Archives v. Dorling Kindersley, Ltd., 448 F.3d 605
(2d Cir. 2006)



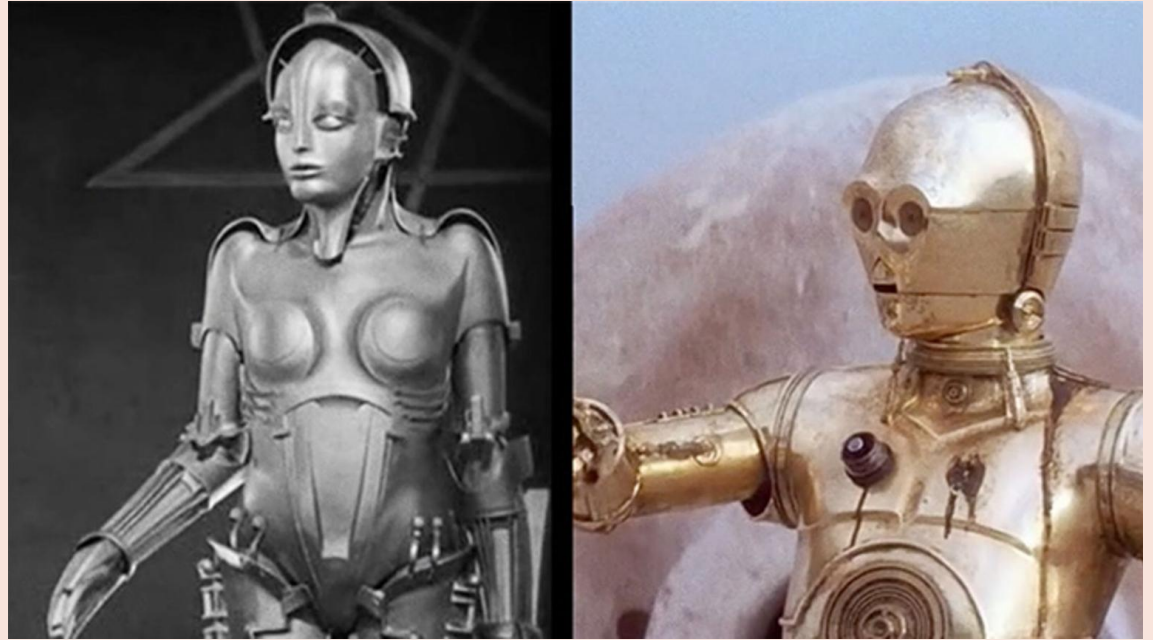
Codes of Best Practice



Criticism & Commentary

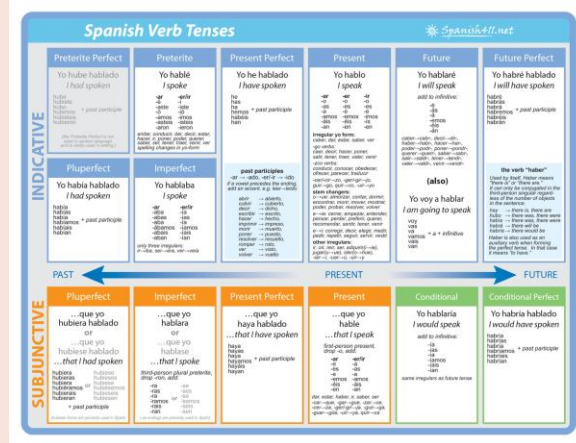


Illustration



Real-World Content



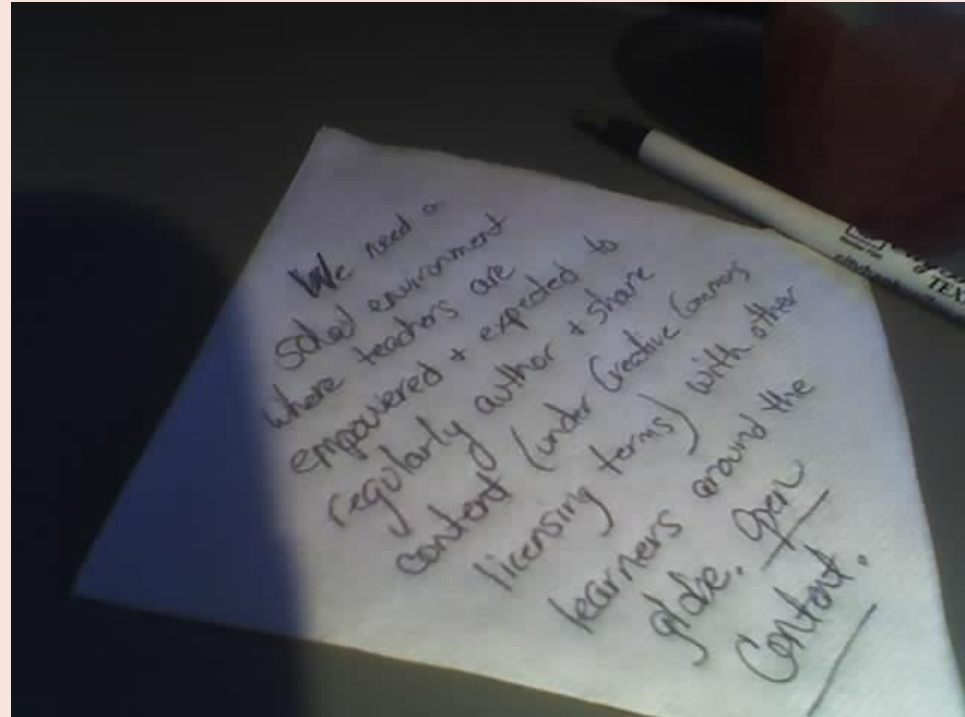


Example

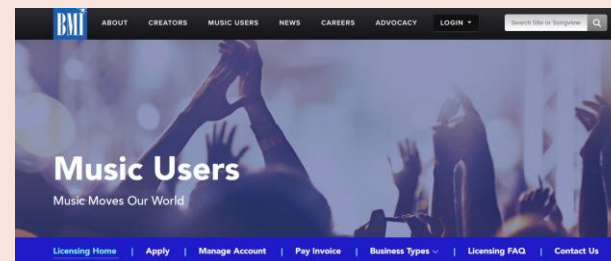
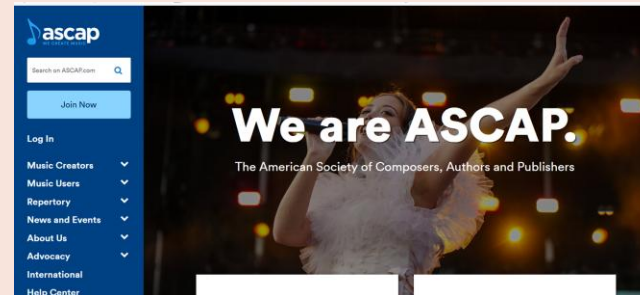


**Do You Have (Or
Can You Get)
Permission?**

Requesting Permission



PRO's and Intermediaries



General Permission



Attribution



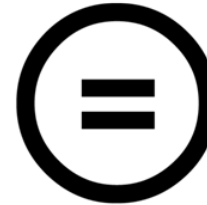
Compulsory - Must
always **credit** me.

Noncommercial



Use it but don't
make **money**

Non- Derivatives



Your version must
equal mine - no
changes

Share alike



If I allow you to
change it, **repeat**
my CC **licence**

by @EduWells more info at EduWells.com

Open Resources



Attribution



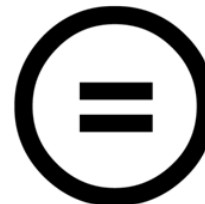
Compulsory - Must always **credit** me.

Noncommercial



Use it but don't make **money**

Non- Derivatives



Your version must **equal** mine - no changes

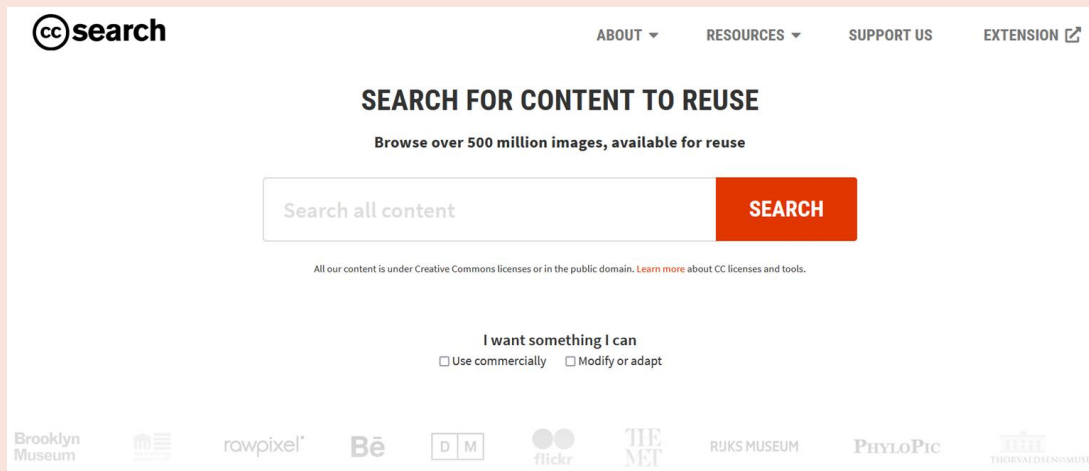
Share alike

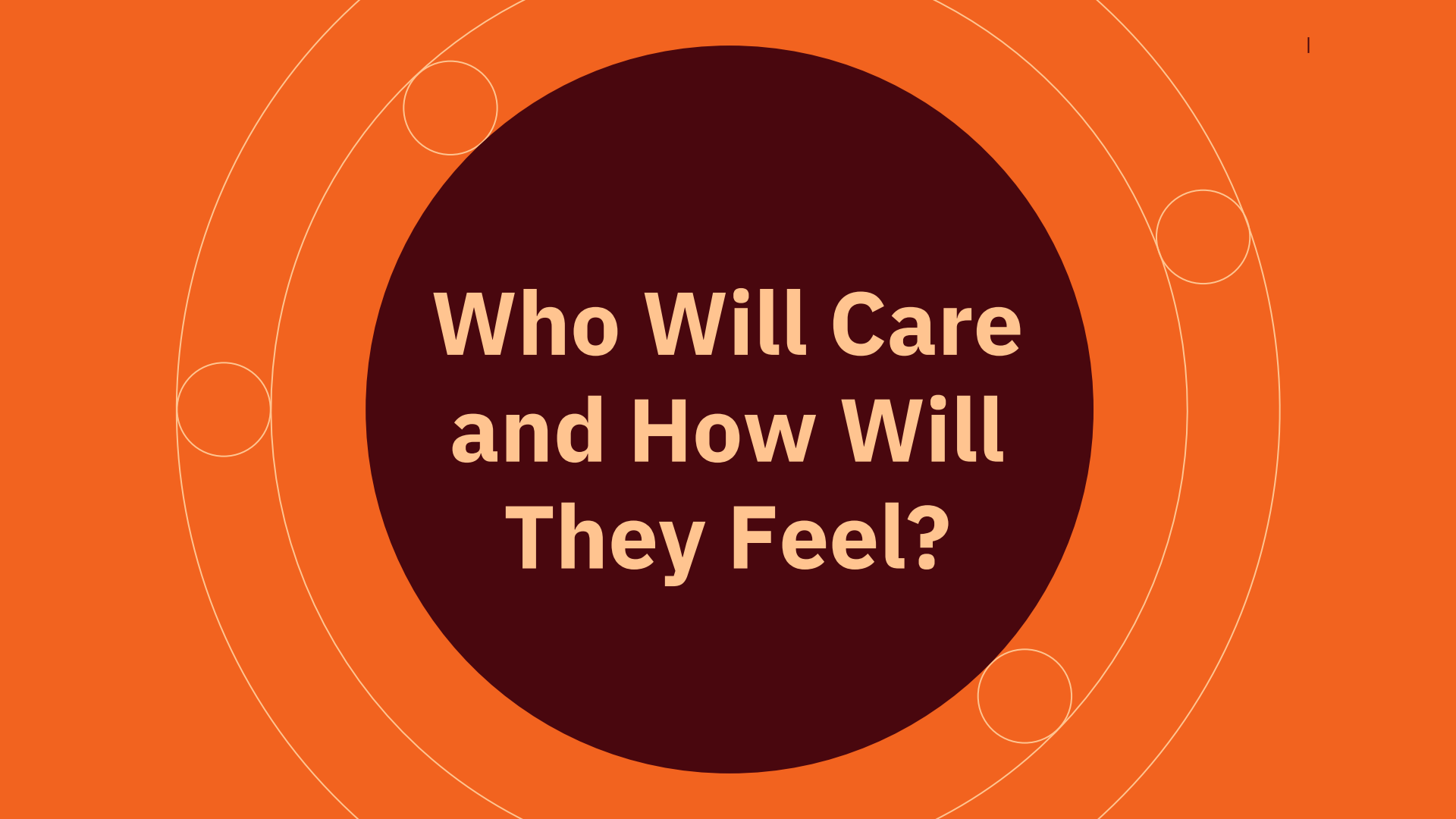


If I allow you to change it, **repeat** my CC **licence**

by @EduWells more info at EduWells.com

Open Resources



The background is a solid orange color. It features a large, dark brown circle in the center. Surrounding this central circle are several concentric white circles of varying radii. Four small white circles are positioned at the intersections of these concentric circles, creating a cross-like pattern. The text is centered within the dark brown circle.

**Who Will Care
and How Will
They Feel?**

Example

“Infringement is illegal, plagiarism is bad manners - which is much worse!”



Questions and Discussion

Thank you!

Contact
wmcross@ncsu.edu