

Student Name: _____

Copyright Notes II

Public domain: The _____ owns the copyright but has the option to sell, rent, lease, give or abandon his rights. Authors or owners of intellectual property often sign their rights over to a publisher in exchange for _____ or royalties. Prior to the Berne Convention, authors had the option of donating rights to the _____ domain where there are absolutely no restrictions on work. Now that works are automatically protected (a benefit of Berne), authors must sign a form to release rights. Determining if items are part of the public domain usually requires research. A good starting point is to check pubdomain.com.

Exceptions: Title 17 of the United States Code, Public Law 94-553, 90 Stat. 2541, as amended, provides exceptions, called _____ for schools. Specifically, these exceptions are intended to advance _____ and scholarship.

Exceptions are listed in Section 107 of the law and include the following four tests of “fair use” –

1. The purpose and character of the use, including whether such is of a commercial nature, or is for nonprofit educational purposes;
 2. The _____ of the copyrighted work;
 3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
 4. The _____ of the use upon the potential market for or value of the copyrighted work.
- As you can see, the four tests are confusing, at best. To help translate this into more manageable terminology, fair use guidelines, also called _____ guidelines, were formed as the result of hearing held by the Senate and House of Representatives. Fair use guidelines are not to be mistaken for law – they are instead an interpretation of the law that will help steer usage of another’s intellectual property. We will look at some online articles about these guidelines. You will need to be able to answer the following questions:
 - 1. Can you copy music CDs?
 - 2. Can you copy computer software?
 - 3. Can you copy information out of your textbook?
 - 4. Can you copy articles out of a newspaper or from a database, or internet?

Ignoring Copyright: If you choose to ignore copyright, you may face stiff penalties. Statutory fines can be as much as \$30,000 per infringement. For issues that become civil suits, copyright becomes a _____ and carries fines of up to \$250,000. In other words, stealing someone’s work may be much more costly than actually paying for the right to read, view, or listen to it! Don’t copy CDs, videos, books, etc. – it isn’t worth it!

Giving Credit Where Credit is Due: Always remember, fair use doesn’t mean that it is alright to borrow materials according to the exceptions provided without _____ _____ is _____. You must always include citations according to an acceptable format such as MLA, APA, or Chicago Style. We will go over these styles and practice citing sources including parenthetical citations, works cited, bibliographies, mediographies, disclaimers, and symbols in both a print and electronic environment.