

# © Copyright protection means

*You can't use other people's stuff without their permission.*

**Stuff** includes words (from anywhere, including blogs, books, journals, and presentations), photos, graphs, tables, drawings.

Sometimes you can get permission for free. Sometimes you have to pay. **Always** you have to give credit to the source/owner of the copyright.

## Examples of Copyright Infringement and How to Avoid It

**Don't:** Copy an article from a journal and hand it out (or include it in packets) to attendees at a meeting.

**Do:** Provide the URL or the citation instead of a hard copy of the article.

**Don't:** Use a graphic that someone else created in a PowerPoint presentation.

**Do:** Create your own graphic, purchase graphics from a vendor (such as iStockphoto), or use a royalty-free image.

**Don't:** Copy a patient education booklet provided by a pharmaceutical company and give copies to patients.

**Do:** Purchase the booklets or a license to copy the booklets from the company.

## Ten Copyright Misconceptions

1. If you do not profit from the use of copyrighted material, it's OK to use it. – WRONG  
*Any use without permission, whether for profit or not, is infringement.*
2. Nonprofit institutions can freely use copyrighted material. – WRONG  
*The law applies exactly the same way to both for-profit and nonprofit institutions.*
3. If you change someone else's stuff, you can claim it as your own work. – WRONG  
*Adapting someone else's work is copyright infringement. You're creating a derived work.*
4. You can copy up to 10% of a work without getting into trouble. – WRONG  
*No set-in-stone percentage governs fair use. No specific number of words, lines, or notes can safely be taken without permission.*

5. Old stuff is no longer protected by copyright. – WRONG  
*Copyright protection can still apply to works dating back to the 1920s. The 1998 Copyright Term Extension Act extended copyright durations for works created early in the 20th century. Because of this law, no new works will fall into the public domain until 2019 when the copyright for works published in 1923 will expire.*
6. You can freely use anything that does not have a copyright notice. – WRONG  
*Displaying a copyright notice on a work is not a requirement for copyright protection. Copyright begins automatically as soon as the creator "fixes the work in a tangible medium" by printing it, recording it, photographing it, or storing it in computer memory.*
7. You can freely use stuff that is out of print. – WRONG  
*Trademark requires a continuous use, but copyright does not. Copyright protection remains in effect for the duration of the copyright term regardless of whether the work is in print or not.*
8. You can stay out of trouble by crediting the author. – WRONG  
*An author credit will not protect you from an infringement claim if you use a copyrighted work without the author's permission.*
9. Anything posted on the internet is available for free use. – WRONG  
*Unless specifically identified as public domain, free use, freeware, or shareware materials, works on the internet have just as much copyright protection as work published in a book or journal.*
10. You can freely use conference materials distributed in packets and/or posted online. – WRONG  
*Conference materials are provided for your personal use only. You are not allowed to appropriate, adapt, or share them without permission.*

### **Stuff That Isn't Protected by Copyright**

- Works that haven't been fixed in a tangible medium. An example is a speech that hasn't been written or recorded.
- Titles, names, short phrases, and slogans; familiar symbols or designs; variations of typographic ornamentation, lettering, or coloring; lists of ingredients or contents.
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices—as distinguished from a description, explanation, or illustration that would be protected.
- Works consisting entirely of information that is common property and contains no original authorship. Examples include standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources.

### **Public Domain – More Stuff That Isn't Protected by Copyright**

The term *public domain* refers to stuff available for free use because it isn't protected by copyright, trademark, or patent. You can use a public domain work without obtaining permission.

So what's in the public domain?

- All works published in the United States before January 1, 1923.

- Thousands of works published in the United States before 1964. These works fell into the public domain because the copyright was not renewed in time under the law in effect then. If you plan to use a work that was published after 1922 but before 1964, you must research the records of the US Copyright Office to find out if a renewal was filed.
- Works by the US Government or created by its employees as part of their job. This category does not apply to most works by federal grant recipients or contractors or to works of most other governments, including state and local governments.

### **Final Words**

Make sure you get permission, cite sources, and give credit! For answers to all your copyright questions, click to the US Copyright Office website: <http://www.copyright.gov>.