

1: Copyright Basics FAQ - Copyright Overview by Rich Stim - Stanford Copyright and Fair Use Center

A key component of freedom of political association is the ability to do so with privacy if one chooses. We protect privacy at the ballot because of the concern that failing to do so would chill people's voting their true conscience.

Law and the Rule of Law What is a Law? How often do you have to stop yourself from doing what you want, because you know that this action is prohibited or wrong? In the United States, it seems like we have laws, rules, and regulations to oversee just about everything. Yet to live in a civil society, we must have some rules to follow. Who gets to make these rules? Where do they come from? What happens when we break them? These are the questions this page will seek to answer for you. **LAW** Laws are rules that bind all people living in a community. Laws protect our general safety, and ensure our rights as citizens against abuses by other people, by organizations, and by the government itself. We have laws to help provide for our general safety. These exist at the local, state and national levels, and include things like: Laws about food safety. At the national level, the Department of Agriculture and other federal agencies inspect food production plants to be sure that the food that shows up in your supermarket is safe to eat. Speed limits and traffic laws exist so that we drive in a safe manner. Licensing for doctors and nurses ensures proper training of the people who look after us, and who often have our lives in their hands. We also have laws that protect our rights as citizens, and which include things like: Laws that come from the Bill of Rights in the U. Constitution, that guarantee our basic freedoms like freedom of speech, religion, and the press. Laws that protect us from discrimination because of our race, gender, age, or because of a disability. Where do Laws come from? In the United States, the Constitution is the ultimate source of the law. However, it was never designed to address every specific legal question. Within the boundaries of the Constitution, there are two primary sources of law, common law and statutory law. **Statutory Law** This law comes from the legislative branch. Though the courts do not pass laws, they do interpret them. This means that the judiciary bases their legal decisions on what is written in the Constitution, and on previous court rulings in similar cases. Statutes are written, discussed, argued and voted on in Congress or in the legislature of a state. The courts then apply and interpret these statutes on a case by case basis. **Laws Over Time** The thing about living in a democracy is that the laws change over time. The laws needed in when the Constitution was born, and in , , or , are different from the laws needed today. The legislative branch of government must seek to update laws as needed, and the judicial branch has to interpret the laws so that they apply fairly to society at the time. For example, laws about bullying or stalking have had to be updated to consider social networking sites, cyber bullying and cyber stalking. **More About Laws** The laws of our nation generally arise out of our shared values and morals. In our nation we have laws at both the national and state levels. As citizens, we tend to be most familiar with state and local laws, since these are the laws we encounter most in our daily lives. These laws protect us against crimes like murder, robbery, rape, and assault. In the United States, we also have a national government which makes laws. On the national level, we have laws about internet crime, narcotics, treason, as well as things like copyright and patents. Laws are sometimes controversial, and citizens do not always agree on what should be illegal. Though laws tend to come out of our shared values as a society, not everything that is immoral is illegal. Narcotics are illegal in most cases, yet some people would like them to be legal for everyone, while others find them to be a threat to public safety and support current laws. Should a state be able to limit the sale of large, 40 ounce sodas in the name of supporting good health? Should teachers be able to use Facebook? Should a city be able to limit the number of fast food restaurants in a neighborhood, to try to make residents make healthier food choices? **The Rule of Law** President Theodore Roosevelt once said, "Ours is a government of liberty, by, through and under the law. No man is above it, and no man is below it. **Rule of Law 3** As citizens we respect the laws because they are clearly communicated and fairly enforced. Everyone is held accountable to the same laws, and those laws protect our fundamental rights. This is the foundation of the rule of law in the United States. **Rule of Law 5** In the United States, we have written laws in place to help us settle disagreements peacefully through a fair system of justice. It is the job of the courts to interpret the laws. It is up to judges and juries to decide if we have indeed broken the law. **Law and the Rule of Law Directions: Start Congratulations** - you have completed

LAW: WHY COPYRIGHT AND PRIVACY MATTER SO MUCH pdf

Law and the Rule of Law. Question 1 Read the statements below, and decide which one is a good example of the principle of the rule of law. A You wait for the walk signal at the crosswalk. As you step into the street a car speeds through the red light and nearly runs you over. A policeman nearby ignores the situation. B The police seize your personal belongings. They give you no warning and no explanation. When you tell the local judge, she orders you to keep quiet. C Murder is against the law, yet the police refuse to arrest a powerful government official who shoots and kills his neighbor in front of several eye-witnesses. D Your neighbor is accused of a crime. She has an attorney who will represent her at a trial. A jury of her peers will make the final decision. The entire trial is open to the public. E You have to go to civil court because a customer slipped in your store. The judge rules against you because the judge and the customer are cousins. Once you are finished, click the button below. Any items you have not completed will be marked incorrect. Get Results There is 1 question to complete.

2: The state of privacy in America

To protect our privacy, we need a better understanding of its purpose and why it is valuable. That's where Georgetown University law professor Julie E. Cohen comes in.

Background[edit] Copyright came about with the invention of the printing press and with wider literacy. Copyright laws allow products of creative human activities, such as literary and artistic production, to be preferentially exploited and thus incentivized. Different cultural attitudes, social organizations, economic models and legal frameworks are seen to account for why copyright emerged in Europe and not, for example, in Asia. In the Middle Ages in Europe, there was generally a lack of any concept of literary property due to the general relations of production, the specific organization of literary production and the role of culture in society. The latter refers to the tendency of oral societies, such as that of Europe in the medieval period, to view knowledge as the product and expression of the collective, rather than to see it as individual property. However, with copyright laws, intellectual production comes to be seen as a product of an individual, with attendant rights. The most significant point is that patent and copyright laws support the expansion of the range of creative human activities that can be commodified. Often seen as the first real copyright law, the British Statute of Anne gave the publishers rights for a fixed period, after which the copyright expired. Books, and other Writings, without the Consent of the Authors A right to profit from the work has been the philosophical underpinning for much legislation extending the duration of copyright, to the life of the creator and beyond, to their heirs. International copyright agreements and List of parties to international copyright agreements The Pirate Publisherâ€™ An International Burlesque that has the Longest Run on Record, from Puck , , satirizes the then-existing situation where a publisher could profit by simply stealing newly published works from one country, and publishing them in another, and vice versa. The Berne Convention first established recognition of copyrights among sovereign nations , rather than merely bilaterally. Under the Berne Convention, copyrights for creative works do not have to be asserted or declared, as they are automatically in force at creation: The Berne Convention also resulted in foreign authors being treated equivalently to domestic authors, in any country signed onto the Convention. Specially, for educational and scientific research purposes, the Berne Convention provides the developing countries issue compulsory licenses for the translation or reproduction of copyrighted works within the limits prescribed by the Convention. This was a special provision that had been added at the time of revision of the Convention, because of the strong demands of the developing countries. The United States did not sign the Berne Convention until In , this organization was succeeded by the founding of the World Intellectual Property Organization , which launched the WIPO Performances and Phonograms Treaty and the WIPO Copyright Treaty , which enacted greater restrictions on the use of technology to copy works in the nations that ratified it. Copyright laws are standardized somewhat through these international conventions such as the Berne Convention and Universal Copyright Convention. These multilateral treaties have been ratified by nearly all countries, and international organizations such as the European Union or World Trade Organization require their member states to comply with them. Ownership[edit] The original holder of the copyright may be the employer of the author rather than the author himself if the work is a " work for hire ". Typically, the first owner of a copyright is the person who created the work i. Copyright may apply to a wide range of creative, intellectual, or artistic forms, or "works". Specifics vary by jurisdiction , but these can include poems , theses , fictional characters plays and other literary works , motion pictures , choreography , musical compositions , sound recordings , paintings , drawings , sculptures , photographs , computer software , radio and television broadcasts , and industrial designs. Graphic designs and industrial designs may have separate or overlapping laws applied to them in some jurisdictions. Threshold of originality Typically, a work must meet minimal standards of originality in order to qualify for copyright, and the copyright expires after a set period of time some jurisdictions may allow this to be extended. Different countries impose different tests, although generally the requirements are low; in the United Kingdom there has to be some "skill, labour, and judgment" that has gone into it. However, single words or a short string of words can sometimes be registered as a

trademark instead. Copyright law recognizes the right of an author based on whether the work actually is an original creation, rather than based on whether it is unique; two authors may own copyright on two substantially identical works, if it is determined that the duplication was coincidental, and neither was copied from the other. In all countries where the Berne Convention standards apply, copyright is automatic, and need not be obtained through official registration with any government office. Once an idea has been reduced to tangible form, for example by securing it in a fixed medium such as a drawing, sheet music, photograph, a videotape, or a computer file, the copyright holder is entitled to enforce his or her exclusive rights. It proposes that the creator send the work to himself in a sealed envelope by registered mail, using the postmark to establish the date. This technique has not been recognized in any published opinions of the United States courts. The United States Copyright Office says the technique is not a substitute for actual registration. Article 2, Section 2 of the Berne Convention states: For instance, Spain, France, and Australia do not require fixation for copyright protection. The United States and Canada, on the other hand, require that most works must be "fixed in a tangible medium of expression" to obtain copyright protection. In addition, the phrase All rights reserved was once required to assert copyright, but that phrase is now legally obsolete. Almost everything on the Internet has some sort of copyright attached to it. Whether these things are watermarked, signed, or have any other sort of indication of the copyright is a different story however. As a result, the use of copyright notices has become optional to claim copyright, because the Berne Convention makes copyright automatic. While central registries are kept in some countries which aid in proving claims of ownership, registering does not necessarily prove ownership, nor does the fact of copying even without permission necessarily prove that copyright was infringed. Criminal sanctions are generally aimed at serious counterfeiting activity, but are now becoming more commonplace as copyright collectives such as the RIAA are increasingly targeting the file sharing home Internet user. Thus far, however, most such cases against file sharers have been settled out of court. Legal aspects of file sharing In most jurisdictions the copyright holder must bear the cost of enforcing copyright. This will usually involve engaging legal representation, administrative or court costs. In light of this, many copyright disputes are settled by a direct approach to the infringing party in order to settle the dispute out of court. Copyright infringement For a work to be considered to infringe upon copyright, its use must have occurred in a nation that has domestic copyright laws or adheres to a bilateral treaty or established international convention such as the Berne Convention or WIPO Copyright Treaty. Improper use of materials outside of legislation is deemed "unauthorized edition", not copyright infringement. However, infringement upon books and other text works remains common, especially for educational reasons. Statistics regarding the effects of copyright infringement are difficult to determine. Studies have attempted to determine whether there is a monetary loss for industries affected by copyright infringement by predicting what portion of pirated works would have been formally purchased if they had not been freely available.

3: Why is Privacy Important?

About Pew Research Center Pew Research Center is a nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping the world. It conducts public opinion polling, demographic research, media content analysis and other empirical social science research.

What types of creative work does copyright protect? Copyright protects works such as poetry, movies, CD-ROMs, video games, videos, plays, paintings, sheet music, recorded music performances, novels, software code, sculptures, photographs, choreography and architectural designs. In addition, the work must be original – that is, independently created by the author. So long as the author toils without copying from someone else, the results are protected by copyright. Finally, to receive copyright protection, a work must be the result of at least some creative effort on the part of its author. There is no hard and fast rule as to how much creativity is enough. Copyright shelters only fixed, original and creative expression, not the ideas or facts upon which the expression is based. For example, copyright may protect a particular song, novel or computer game about a romance in space, but it cannot protect the underlying idea of having a love affair among the stars. Allowing authors to monopolize their ideas would thwart the underlying purpose of copyright law, which is to encourage people to create new work. For similar reasons, copyright does not protect facts – whether scientific, historical, biographical or news of the day. Any facts that an author discovers in the course of research are in the public domain, free to all. For instance, anyone is free to use information included in a book about how the brain works, an article about the life and times of Neanderthals or a TV documentary about the childhood of President Clinton – provided that they express the information in their own words. Facts are not protected even if the author spends considerable time and effort discovering things that were previously unknown. For example, the author of the book on Neanderthals takes ten years to gather all the necessary materials and information for her work. At great expense, she travels to hundreds of museums and excavations around the world. But after the book is published, any reader is free to use the results of this ten year research project to write his or her own book on Neanderthals – without paying the original author. How long does a copyright last? For works published after 1977, the copyright lasts for the life of the author plus 70 years. However, if the work is a work for hire that is, the work is done in the course of employment or has been specifically commissioned or is published anonymously or under a pseudonym, the copyright lasts between 95 and 120 years, depending on the date the work is published. All works published in the United States before 1978 are in the public domain. Works published after 1977, but before 1989 are protected for 95 years from the date of publication. If the work was created, but not published, before 1978, the copyright lasts for the life of the author plus 70 years. However, even if the author died over 70 years ago, the copyright in an unpublished work lasts until December 31, 2011. And if such a work is published before December 31, 2011, the copyright will last until December 31, 2047. Is the Work Published? In the complicated scheme of copyright laws, which law applies to a particular work depends on when that work is published. A work is considered published when the author makes it available to the public on an unrestricted basis. This means that it is possible to distribute or display a work without publishing it if there are significant restrictions placed on what can be done with the work and when it can be shown to others. If Miczslova authorizes posting of the essay on the Internet, however, it would likely be considered published.

4: Copyright Law of the United States | U.S. Copyright Office

There are two general reasons why privacy is important. The first is that privacy helps individuals maintain their autonomy and individuality. People define themselves by exercising power over information about themselves and a free country does not ask people to answer for the choices they make about what information is shared and what is held.

It protects your video and every individual piece of that video. The protection occurs automatically and immediately when the video is fixed in a tangible medium. The penalty is greater if the court finds the infringement willful. Releases It will do more harm to not have a signed photo release when you need one, than to have one that you do not need. Always have anyone appearing on camera in your video sign a release form prior to shooting. The release form will protect you against legal issues and gives you permission to use the video of the person for commercial and non-commercial purposes. A release is not needed if a person is part of a crowd recorded in a public place, as long as the person is not a focus of the video. Recording Location Generally, you have the right to video at or from public places such as public streets, parks, and public events. However, your subjects also have privacy rights. If you cannot create your own audio, such as music and sound effects, you can hire someone to create it for you. If you use audio that you have not created, you must obtain a license to use the audio prior to incorporating it into your video. Another option is to use buyout music , which requires a one-time fee for unlimited use. Stills and Images If you use stills or images in your video , create them yourself. If you use video clips or photos that have been created by others, you should obtain permission from the owner and also obtain permission from anyone contributing to the work, such as actors. Fair Use Some works are covered under the Fair Use provision of the Copyright Law, which is a set of guidelines used to determine if a work can be used without permission. Examples of fair use are works used for news reporting, criticism, comment, scientific research, teaching, and parody. Be aware that if the copyright owner disagrees with your use, you may be facing a lawsuit and damages. Copyright Notice Be sure to place a copyright notice on your video: This gives notice to the public that you own your video. The notice should be seen at or close to the beginning of the video or at the end. You should also include the notice on DVD labels or packaging that contains your video. Registration Register your final work in the U. Registration is a simple and relatively inexpensive process. For your works created after January 1, , copyright protection lasts for your life plus an additional 70 years. If the work is anonymous, the term is the shorter of 95 years from publication or years from creation. To determine the duration of copyright protection for a particular work, see chapter 3 of the Copyright Act title 17 of the United States Code. The last thing that you need to worry about while creating a video is copyright infringement and the penalties associated with it. Avoid all of the legal issues by having releases ready to be signed before recording any video, audio or still photos, and by buying, obtaining permission to use, or creating your own pieces to use in the video images, sound effects, music, etc. When your video is finished, protect your creation by using a copyright notice and registering your work with the U. Attorney Mark Levy specializes in intellectual property law.

5: Matter | Definition of Matter by Merriam-Webster

What is privacy? Your personal information is more than your name, address and Social Security number. It includes your shopping habits, driving record, medical diagnoses, work history, credit score and much more.

Not everything is protected by copyright law. The following are categories of things not protected: Back to top

Who Owns the Copyright in a Work? The copyright in a work of authorship immediately becomes the property of the author who created it at the moment it is put into fixed form. Usually, you can tell who the author of a work is -- the person who created it. But sometimes, it is not quite that easy. Works made for hire

Works made for hire a work "made for hire" by an employee and certain kinds of commissioned works are considered to be authored by the employer or the commissioning party. So if your boss asks you to write a report as part of your job, the company you work for gets all the copyright protection that would otherwise have been available to you.

Two or more authors When two or more people create a work together, each of them is an author: For instance is your class paints a big painting or mural together, each of the students who painted part of it is a joint author and a copyright owner. Back to top

What is Copyright Infringement? If a lawsuit is brought in a court, the infringer will have to pay the copyright owner the amount of money the infringer made from using the work or that the owner would have made if the infringement had not happened. If the copyright is registered with the U. In addition, an infringer may be found guilty on criminal charges and have to pay criminal penalties. Moreover, the infringer will also be stopped from making any further use of the work.

Proving Infringement In order for a court to determine that a copyright in a work has been infringed upon it must find that: There are no clear rules for deciding when "substantial similarity" exists between two works. Courts look for similarities in appearance, sound, words, format, layout, sequence, and other elements of the works.

Fair Use The exclusive rights of the copyright owner are not unlimited. The copyright law establishes some limitations on these rights. One of the most important limitations on the exclusive rights is the doctrine of "Fair Use. The copyright law provides that reproduction "for purposes such as criticism, news reporting, teaching including multiple copies for classroom use , scholarship, or research" is not an infringement of copyright. The law lists the following factors, which courts must consider together in determining whether a particular use of a copyrighted work is a permitted "Fair Use," or is instead an infringement of the copyright: No case will be decided on just one of these factors. Courts are supposed to look at all of the factors and balance them together to see whether more factors weigh in favor of finding fair use. Courts may consider some factors more important than others in a particular case. Unless you are absolutely sure, relying on the doctrine of "Fair Use " to avoid seeking Permission to copy a work is risky. Despite what you may have heard, there are no set rules about what kind of use is "fair" and what is "infringing. Thus, it is often impossible to predict whether or not a court would find any given unauthorized use to be "fair. To obtain permission, you must determine who is the copyright owner of the material you intend to use, contact the owner, obtain permission to use the work in the territory and format you intend, and -- in some cases -- pay the owner a fee. Permission fees are negotiable and will vary depending on the amount and nature of the material you intend to use. If the use is not commercial -- meaning no one is trying to make money from it such as a school play , then you may be able to get the rights for free. The publisher or distributor should be able to provide you with ownership information or even obtain and provide the permission. The records of the Copyright Office, if kept up to date, should tell you who owns the copyright. These records are open to the public, and the Copyright Office will search its records on request for an hourly fee. Beyond creating a copyrightable work, an author need do little else to gain copyright protection. Neither publication, nor registration with the Copyright Office, is required today to secure copyright.

Copyright Exists Automatically Upon Creation Copyright exists immediately and automatically when the work is created, that is, when it is fixed in a tangible copy for the first time. A "copy" is a material objects from which a work can be read or visually perceived either directly or with the aid of a machine or device, such as books, manuscripts, sheet music, film, videotape, or microfilm. A song can be fixed in sheet music a "copy" or in a CD, or both.

Notice of Copyright The use of a copyright notice has not been required under U. Prior to that

date, U. Use of notice is still important, however, because it informs the public that the work is protected by copyright, identifies the copyright owner, and shows the year that it was first sold or distributed to the public. Form of Notice The notice for visually perceptible copies like books and posters should contain all of these items: Registration of a copyright with the Copyright Office creates a public record of the basic facts of a particular copyright. Registration may be made any time before the term of copyright expires. Registration is not needed for copyright protection, but there are many good reasons to do so. Please see the Registration page for information on how to register a copyright. Effective Date Of Registration A copyright registration is effective on the date the Copyright Office receives all the required items in acceptable form, no matter how long it the office takes to process the application and mail the certificate of registration. Copyrights do not last forever, but they do last a pretty long time. Under the current laws, copyright protection starts from the moment of creation of the work and continues until 70 years after the death of the author or artist. That means that if someone who is 15 in the year writes a story that year and dies when he is 85 in the year , the copyright will not expire until 70 years after -- in the year , which is years away. This is why you can copy artists like Leonardo da Vinci and writers like Shakespeare and music writers like Mozart all you want. Works created when prior copyright laws were in effect had shorter terms. Under the law in effect before , copyright was secured either on the date a work was publicly distributed or on the date of registration if the work was not publicly distributed. In either case, the copyright lasted for a first term of 28 years. During the last 28th year of the first term, the copyright was eligible for renewal for another 28 years by filing with the Copyright Office. The terms of many earlier copyrights were extended by later laws, and you cannot assume that any work is in the public domain unless it was first published before

6: 9 Copyright Laws Every Video Producer Should Know - Videomaker

Thus, as Westin has observed, "Just as a social balance favoring disclosure and surveillance over privacy is a functional necessity for totalitarian systems, so a balance that ensures strong citadels of individual and group privacy and limits both disclosure and surveillance is a prerequisite for liberal democratic societies.

Can Someone Else Use Mine? You can ask for it. If you know who the copyright owner is, you may contact the owner directly. If you are not certain about the ownership or have other related questions, you may wish to request that the Copyright Office conduct a search of its records or you may search yourself. See the next question for more details. How can I find out who owns a copyright? We can provide you with the information available in our records. A search of registrations, renewals, and recorded transfers of ownership made before requires a manual search of our files. Upon request, our staff will search our records, see Circular 4 Copyright Office fees. There is no fee if you conduct a search in person at the Copyright Office. Copyright registrations made and documents recorded from to date are available for searching online. In the latter case, a litigation statement is required. A certificate of registration for any registered work can be obtained see Circular 4 Copyright Office fees , for this and other records and services. Under the fair use doctrine of the U. There are no legal rules permitting the use of a specific number of words, a certain number of musical notes, or percentage of a work. Whether a particular use qualifies as fair use depends on all the circumstances. Only the owner of copyright in a work has the right to prepare, or to authorize someone else to create, a new version of that work. Somebody infringed my copyright. What can I do? A party may seek to protect his or her copyrights against unauthorized use by filing a civil lawsuit in federal district court. If you believe that your copyright has been infringed, consult an attorney. In cases of willful infringement for profit, the U. Attorney may initiate a criminal investigation. How about quotes or samples? If you use a copyrighted work without authorization, the owner may be entitled to bring an infringement action against you. There are circumstances under the fair use doctrine where a quote or a sample may be used without permission. However, in cases of doubt, the Copyright Office recommends that permission be obtained. Do you have a list of songs or movies in the public domain? No, we neither compile nor maintain such a list. A search of our records, however, may reveal whether a particular work is no longer under copyright protection. Upon request, our staff will search our records see Circular 4 Copyright Office Fees , for this and other records and services. You may also search the records in person without paying a fee. I saw an image on the Library of Congress website that I would like to use. Do I need to obtain permission? With few exceptions, the Library of Congress does not own copyright in the materials in its collections and does not grant or deny permission to use the content mounted on its website. To the greatest extent possible, the Library attempts to provide any known rights information about its collections. If the image is not part of the American Memory collections, contact the Library custodial division to which the image is credited. Bibliographic records and finding aids available in each custodial division include information that may assist in assessing the copyright status. Is it legal to download works from peer-to-peer networks and if not, what is the penalty for doing so? Whether or not a particular work is being made available under the authority of the copyright owner is a question of fact. But since any original work of authorship fixed in a tangible medium including a computer file is protected by federal copyright law upon creation, in the absence of clear information to the contrary, most works may be assumed to be protected by federal copyright law. Since the files distributed over peer-to-peer networks are primarily copyrighted works, there is a risk of liability for downloading material from these networks. To avoid these risks, there are currently many "authorized" services on the Internet that allow consumers to purchase copyrighted works online, whether music, ebooks, or motion pictures. By purchasing works through authorized services, consumers can avoid the risks of infringement liability and can limit their exposure to other potential risks, e. Can a school show a movie without obtaining permission from the copyright owner? If the movie is for entertainment purposes, you need to get a clearance or license for its performance. This exemption encompasses instructional activities relating to a wide variety of subjects, but it does not include performances for recreation or entertainment purposes, even if there is cultural value or intellectual appeal.

Questions regarding this provision of the copyright law should be made to the legal counsel of the school or school system. My local copying store will not make reproductions of old family photographs. Photocopying shops, photography stores and other photo developing stores are often reluctant to make reproductions of old photographs for fear of violating the copyright law and being sued. These fears are not unreasonable, because copy shops have been sued for reproducing copyrighted works and have been required to pay substantial damages for infringing copyrighted works. The policy established by a shop is a business decision and risk assessment that the business is entitled to make, because the business may face liability if they reproduce a work even if they did not know the work was copyrighted. In the case of photographs, it is sometimes difficult to determine who owns the copyright and there may be little or no information about the owner on individual copies. Even if a person hires a photographer to take pictures of a wedding, for example, the photographer will own the copyright in the photographs unless the copyright in the photographs is transferred, in writing and signed by the copyright owner, to another person. The subject of the photograph generally has nothing to do with the ownership of the copyright in the photograph. Information about fair use may be found at Fair Use Index. Ultimately, only a federal court can determine whether a particular use is, in fact, a fair use under the law.

7: Copyright Notice: Is the Year Really Necessary?

Releases. It will do more harm to not have a signed photo release when you need one, than to have one that you do not need. Always have anyone appearing on camera in your video sign a release form prior to shooting.

Our report earlier this year about how Americans think about privacy and sharing personal information was a capstone of this two-and-a-half-year effort that examined how people viewed not only government surveillance but also commercial transactions involving the capture of personal information. Soon after the Snowden leaks surfaced, Americans were almost equally divided in a survey over whether the leaks had served or harmed the public interest. And, at that time, a majority of Americans believed Snowden should be prosecuted. A campaign, led by the American Civil Liberties Union, has since been organized to seek a pardon for him. Our research also has explored that subject in depth. Here are some of the important findings that emerged from this work: Those who followed the news about the Snowden leaks and the ensuing debates were more anxious about privacy policy and their own privacy than those who did not. The public generally believes it is acceptable for the government to monitor many others, including foreign citizens, foreign leaders and American leaders. The actions that users have taken range from clearing cookies to encrypting their email, from avoiding using their name to using virtual networks that mask their internet protocol IP address. At the same time, many express a desire to take additional steps to protect their data online. And they exhibited a deep lack of faith in organizations of all kinds, public or private, in protecting the personal information they collect. Personal control matters a lot to people. When it comes to their own role in managing their personal information, most adults are not sure what information is being collected or how it is being used. Half of internet users said they worry about the amount of information available about them online, and most said they knew about key pieces of their personal information that could be found on the internet. Rather, they asserted that it was becoming a commodity to be purchased. Indeed, most Americans assign different degrees of value to different pieces of information. Younger adults are more likely to know that personal information about them is available online and to have experienced privacy problems. By the same token, our surveys have found that those ages 18 to 29 are more likely than older adults to say they have paid attention to privacy issues, tried to protect their privacy and reported some kind of harm because of privacy problems. They are more likely to have limited the amount of personal information available about them online, changed privacy settings, deleted unwanted comments on social media, removed their name from photos in which they were tagged, and taken steps to mask their identities while online. It is also true that younger adults are more likely to have shared personal information online. In the midst of all this uncertainty and angst about privacy, Americans are generally in favor of additional legal protections against abuses of their data. Most expect at least some limits on retention policies by data collections. This is an update of a post originally published Jan.

8: Copyright law of the United States - Wikipedia

Under current Australian law, although it is still a breach of copyright to copy, reproduce or adapt copyright material for personal or private use without permission from the copyright owner, owners of a legitimate copy are permitted to "format shift" that work from one medium to another for personal, private use, or to "time shift" a.

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Alternatively, one may remove unlicensed third party content contained in compiled work. Many institutions of higher learning, in particular public institutions, have an obligation to make academic content accessible to students with disabilities. In order to comply with this obligation, the institution may need to modify the original work. Accordingly, if an institution is licensing a copyrighted work from a third party, the institution should check to ensure that the copyright license permits the institution to make a derivative work and complies with any terms of the license regarding the modified version of the work. How long does a copyright last? Generally speaking, a copyright expires after the life of the author plus 70 years. A work made for hire expires 95 years from the date of publication or years from the date of creation, whichever expires first. Prior versions of the Copyright Act had different lengths of time for copyright protection so a user must check the rules to verify whether the copyright has expired. What is the public domain? Copyright holders may also place their works into the public domain before the copyright expires. Most materials found on the Internet, even if publicly available for free, are not in the public domain and are subject to copyright protection. If a work is not in the public domain, someone who wishes to use the work generally needs a license to copy and distribute the work to students, unless the use falls within the doctrine of fair use. See Section below regarding fair use. Faculty and staff should assume that every work is protected by copyright unless the user can establish that it is not protected by a valid copyright. It is unlikely that the absence of a copyright notice would affect the validity of the copyright. What is a copyright license? 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This type of CC license can be problematic if an institution wishes to modify a work in order to make it accessible to students with disabilities. The Share-Alike provision provides that if a user shares the original work or a version of the work that the used modified, the user is required to allow the person s with whom the user shared the work to be able to use the work under the same terms and conditions as it was licensed. Simply put, the user has to license the work using the exact CC license that the copyright holder used. The Non-Commercial provision provides that if a user can use and share the work for

non-commercial purposes. Creative Commons has stated that not all educational uses are non-commercial; however, it is not well-settled exactly which educational uses would be considered non-commercial. Some CC licenses have multiple of these terms added. For more information, visit the Creative Commons website. What is fair use? There are no set guidelines that are universally accepted in making a fair use determination. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; The nature of the copyrighted work; The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and The effect of the use upon the potential market for or value of the copyrighted work.

Factor 1 – The Purpose and Character of the Use While using a copyrighted work for a non-profit educational purpose is more likely to be found to be a fair use, it is important to note that not all educational uses are covered by fair use. Factor 1 focuses on whether a use is transformative. This Factor asks if the new work does something more than repackage or republish the original copyrighted work and adds something new, with a further purpose or different character, altering the original work with new expression, meaning or message. This Factor assesses whether the new work serves a new and different function from the original work and is not a substitute for the original work. Functions that may be considered transformative include criticism, comments, news reporting, scholarship, research, or parody. To be transformative, the use must do more than merely recast an original work into a new mode of presentation. For example, recasting a novel as an e-book, audiobook or translation into another language is likely to be found to be a derivative work that is protected by copyright and not a transformative use and would weigh against a finding of fair use. If an individual or entity simply uses a verbatim copy of the work or portion of the work, it is not likely to be considered fair use. Generally speaking, courts find that there greater need to distribute factual works than fiction and thus, provide more protection for fictional works.

Factor 3 – The Amount and Substantiality of the Portion Used Factor 3 focuses on whether the use employs more of the copyrighted work than necessary and measures how much of the original work was copied. Generally speaking, the greater amount of the work is used, the less likely it will be considered fair use.

9: Why Do We Need Laws? | The Judicial Learning Center

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Idea-expression dichotomy[edit] Copyright law protects the "expression" of an idea, but copyright does not protect the "idea" itself. This distinction is called the idea-expression dichotomy. From the Copyright Act of 17 U. In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work. For example, a paper describing a political theory is copyrightable. But the theory itself is just an idea, and is not copyrightable. Reasonable people can disagree about where the unprotectable "idea" ends and the protectable "expression" begins. However, compilations of facts are treated differently, and may be copyrightable material. Copyright protection in compilations is limited to the selection and arrangement of facts, not to the facts themselves. Rural Telephone Service Co. The Feist case denied copyright protection to a "white pages" phone book a compilation of telephone numbers, listed alphabetically. In making this ruling, the Supreme Court rejected the "sweat of the brow" doctrine. That is, copyright protection requires creativity, and no amount of hard work "sweat of the brow" can transform a non-creative list like an alphabetical listing of phone numbers into copyrightable subject matter. A mechanical, non-selective collection of facts e. Copyright does not protect useful articles, or objects with some useful functionality. The Copyright Act states: Under these circumstances, Copyright Law only protects the artistic expression of such a work, and only to the extent that the artistic expression can be separated from its utilitarian function. Supreme Court granted certiorari in the case *Star Athletica, L.* First, one can identify the decorations as features having pictorial, graphic, or sculptural qualities. And imaginatively removing the surface decorations from the uniforms and applying them in another medium would not replicate the uniform itself. Indeed, respondents have applied the designs in this case to other media of expression—different types of clothing—without replicating the uniform. The decorations are therefore separable from the uniforms and eligible for copyright protection. Copyright status of work by the U. This restriction on copyright applies to publications produced by the United States Government, and its agents or employees within the scope of their employment. The specific language is as follows: Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise. A "work of the United States Government" is defined in 17 U. Note that government contractors are generally not considered employees, and their works may be subject to copyright. Likewise, the US government can purchase and hold the copyright to works created by third parties. The government may restrict access to works it has produced through other mechanisms. For instance, confidential or secret materials are not protected by copyright, but are restricted by other applicable laws. However, even in case of non-secret materials there are specific prohibitions against automatic access to work otherwise covered under 17 U. Edict of government Federal statutes are in the public domain and no copyright attaches to them. The same is true of court decisions. It is not difficult to see the motivations behind this: The citizens are the authors of the law, and therefore its owners, regardless of who actually drafts the provisions, because the law derives its authority from the consent of the public, expressed through the democratic process. Copyright Office will not register a government edict that has been issued by any state, local, or territorial government, including legislative enactments, judicial decisions, administrative rulings, public ordinances, or similar types of official legal materials. Likewise, the Office will not register a government edict issued by any foreign government or any translation prepared by a government employee acting within the course of his or her official duties. Org , in Federal court in Atlanta for copyright infringement. Malamud had posted the Official Code of Georgia Annotated on his website. To reproduce the work in copies or phonorecords; To prepare derivative works based upon the work; To distribute copies or phonorecords of the work to the public

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Transfers of copyright always involve one or more of the exclusive rights of copyright. For instance, a license may provide a right to perform a work, but not to reproduce it or to prepare a derivative work adaptation right. This right to terminate the transfer is absolute and cannot be waived. Registration is not necessary. Registration is required before a lawsuit can be filed, and registration creates the possibility for enhanced "statutory" damages. The Copyright Office reviews applications for obvious errors or lack of copyrightable subject matter, and then issues a certificate of registration. The Copyright Office does not compare the authors new work against a collection of existing works or otherwise check for infringement. Deposit requirement[edit] The United States Copyright Office requires a deposit copy of the work for which copyright registration is sought. This deposit requirement serves two purposes. First, if a copyright infringement lawsuit arises, the owner may prove that the material that is infringed is exactly the same material for which the owner has secured a registration. Second, this requirement helps the Library of Congress build its collection of works. Failure to comply with the deposit requirement, as modified by Copyright Office regulations, is punishable by fine, but does not result in forfeiture of copyright. Copyright notice The use of copyright notices is optional. The Berne Convention , amending US copyright law in , makes copyright automatic. If the work was a "work for hire", then copyright persists for years after creation or 95 years after publication, whichever is shorter. For works created before , the copyright duration rules are complicated. However, works created before have made their way into the public domain. 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Before , sound recordings were not subject to federal copyright, but copying was nonetheless regulated under various state torts and statutes, some of which had no duration limit. The Sound Recording Amendment of extended federal copyright to recordings fixed on or after February 15, , and declared that recordings fixed before that date would remain subject to state or common law copyright. Subsequent amendments had extended this latter provision until Although these could have entered the public domain as a result of government authorship or formal grant by the owner, the practical effect has been to render public

domain audio virtually nonexistent. Under the Act, the first sound recordings to enter the public domain will be those fixed before , which will enter the public domain on January 1, Recordings fixed between and February 14, will be phased into the public domain in the following decades. Some of the most important include: Copyright applies only to certain copyrightable subject matter, codified within 17 U. Works that are not "original works of authorship fixed in any tangible medium of expression" are not subject to copyright. Facts may not be copyrighted. Useful articles includes typeface designs Eltra Corp. Ringer , fashion designs, blank forms, titles, names, short phrases, slogans, lists of ingredients and contents, domain names and band names. The owner of a particular copy is entitled to "sell or otherwise dispose of the possession of that copy" and to "display the copy publicly Provisions for the Blind and Disabled. The Copyright Act, in 17 USC and 17 USC 8 , includes specific statutory exceptions for reproduction of material for the blind or other persons with disabilities. Section the "Chafee Amendment" permits the reproduction of copyright works in Braille , audio, electronic, Web-Braille , or other necessary formats. Fair use Fair use is the use of limited amounts of copyrighted material in such a way as to not be an infringement. It is codified at 17 U. There are no bright-line rules regarding fair use and each determination is made on an individualized case-by-case basis. Nonprofit educational and noncommercial uses are more likely to be fair use. This does not mean that all nonprofit education and noncommercial uses are fair use or that all commercial uses are not fair.

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