

Copyright



Here are some useful facts about copyright law.



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 Copyright covers both published and unpublished works.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 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. The Copyright Act generally gives the owner of the copyright the exclusive right to do, and to authorize others to do, the following:

- reproduce the copyrighted work
- prepare derivative works based upon the copyrighted work
- distribute copies of the copyrighted work to the public
- display the copyrighted work publicly

It is illegal for anyone to violate any of the rights provided by the Act to the owner of the copyright.

A booklet on copyright law can be purchased from the U.S. Government Printing Office at <http://bookstore.gpo.gov>.



How is copyright different from a patent or a trademark?

Copyright protects original works of authorship, while a patent protects inventions or discoveries. Ideas and discoveries are not protected by the copyright law, although the way in which they are expressed may be. A trademark protects words, phrases, symbols, or designs identifying the source of the goods or services of one party and distinguishing them from those of others.

When is my work protected?

Your work is under copyright protection the moment it is created and fixed in a tangible form that is perceptible either directly or with the aid of a machine or device.

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Do I have to register with the copyright office to be protected?

No. In general, registration is voluntary. Copyright exists from the moment the work is created. You will have to register, however, if you wish to bring a lawsuit for infringement of a U.S. work.

How long does a copyright last?

As a general rule, for works created after January 1, 1978, copyright protection lasts for the life of the author plus an additional 70 years. For an anonymous work, a pseudonymous work, or a work made for hire, the copyright endures for a term of 95 years from the year of its first publication or a term of 120 years from the year of its creation, whichever expires first.

Can I transfer my rights to the copyrighted material?

Any or all of the exclusive rights of the copyright owner may be transferred, but the transfer of exclusive rights is not valid unless that transfer is in writing and signed by the owner of the rights conveyed. Transfer of a right on a

nonexclusive basis does not require a written agreement. However, it's a good idea to get all copyright transfers in writing. Copyright is a personal property right, and it is subject to the various state laws and regulations that govern the ownership, inheritance, or transfer of personal property as well as terms of contracts or conduct of business.

Where can I get legal advice on copyright law?

Panaprint and the Copyright Office are not permitted to give legal advice. If information or guidance is needed in matters such as disputes over ownership of a copyright, suits against possibly infringers, the procedure for getting a work published or the method of obtaining royalty payments, it may be necessary to consult an attorney.

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