

# Copyright Basics, Myths, and C&T

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## Goals

- 1) Why should copyright be important to me and my program?
- 2) What is copyright?
- 3) How practical is copyright for C&T?

Goal 1

## What's this got to do with me?

- Your original work is automatically copyrighted (even under most federal grants)
- Fair use is limited in scope
- In absence of fair use, seeking permission is required

Goal 1

## What are the benefits of my copyright?

- Protects your works from being misused
- Protects your investment

Goal 1

## What are the benefits of honoring another's copyright?

Will take extra effort, but . . .

- Extends professional courtesy to author
- Provides proper acknowledgement
- Points others using your works to the correct source in seeking permission
- Assures you're not in violation of U.S. Copyright law

Goal 2

## Copyright basics

- Works are automatically copyrighted when 'fixed'
- Works no longer require a copyright notice (effective March 1, 1989)
- Registration of copyright is not required --- but strengthens the rights/claims of the copyright holder

Goal 2

## Copyright basics continued

- Publication is no longer required
- Transference of ownership of an item does not transfer ownership of its copyright
- A copyright which is 'licensed' does not transfer copyright ownership --- only provides permission for use

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Goal 2

## Works for hire

- For works created as part of job duties, the employer is the copyright owner --- not the creator
- For commissioned works, the creator or creator's employer is the copyright owner --- not the commissioner of the work (unless expressly agreed to otherwise in writing)
- Covers grants, contracts, etc.

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Goal 2

## Fair use

- Includes: criticism, comment, news reporting, teaching, scholarship, or research
- Does not cover commercial uses
- Beyond short quotes --- the more source material used, the greater the need for obtaining copyright permission --- regardless of use
- Not as broad in practice as appears

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Goal 2

## Fair use continued

- All publicly produced items are copyrighted with the same 'Fair Use' limits as privately produced items
- Exception: no copyright on any work of the U.S. government
- Federal grants and contracts with non-federal creators are considered 'works for hire' --- creator or creator's employer holds the copyright

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Goal 2

## Copyright vs. . .

- Plagiarism
- Patents
- Trade secrets
- Trademarks
- Intellectual property rights

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Goal 3

## How practical is copyright for C&T?

- Copyright protection has been around long before PAT

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Goal 3

## Sharing is Survival

In the beginning . . .

- Not flush with material resources
- Didn't have the expertise
- Much (all?) material developed on EPA funds

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Goal 3

## Sharing is Survival

The transformation . . .

- Dwindling funding
- State programs expanded
- Materials became more comprehensive & complicated
  - ◆ CDs → web based
- Cost recovery more critical
- Fee generation

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Goal 3

## The Dilemma?

How do you do both of the following?

- Maintain mutually beneficial sharing of materials with other states
- Be fair to your applicators and protect your investment

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Goal 3

## Enforcing Copyright

- Print notice of copyright on materials
- Author has the power to say "nay" or "aye" to requests

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Goal 3

## Enforcing Copyright: New York Example

- Most training by private individuals
- Trainers requested materials
- NY CES produces and sells modules to trainers
- Trainers cannot reproduce, distribute, or sell modules
- Improve the caliber of training

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Goal 3

## Enforcing Copyright: Wisconsin Example

- Denied request to lawn care company for electronic file of our learning objectives
- Denied request to a nonprofit org to use excerpts from our manual
- Granted request to a private org to use one of our videotapes in their professional training

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Goal 3

## Enforcing Copyright: Minnesota Example

- U of MN Board of Regents holds copyright on Extension materials (employer of authors)
- Extension copyright clearing house office handles requests for use to ensure compliance
- Permission is on a case by case basis in consultation with author

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Goal 3

## Will copyright hinder the sharing of materials?

Ignoring copyright doesn't alleviate your legal responsibility.

- Seeking permission will take time
- Finding the author of the original work will take time
- Abiding by copyright permission or licensing agreement will take time

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