Copyright, Fair Use Free Use

Intellectual Property Overview
for Television and Video students
2022

Imagine you made this:

http://www.youtube.com/watch?v=sdUUx5FdySs

KIWI!
KIWI !

How would you feel...

https://www.youtube.com/watch?v=T2SnDB_orz

KIWI!
KIWI !

Flattered?
Amused?

Angry?
Frustrated?

COPR

Ownership vs. Collective Good

From the US Constitution:

Congress is empowered:

“To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”

Intellectual Property law grows from this clause in the Constitution

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- How does copyright affect you as a creator?

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- What does royalty free mean?
- What is Creative Commons?
- What do you need to know as a creator?

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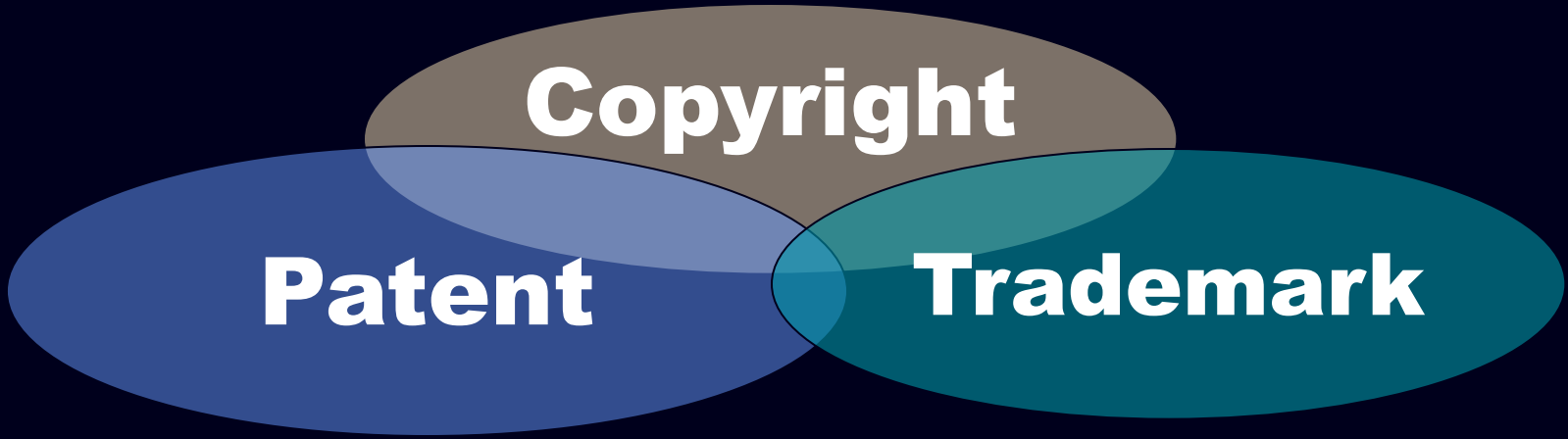
Fair Use

- What is it?
- How do you prove Fair Use?

What do you already know?

What do these words have in common?



These rights protect intellectual properties; however, they focus on different areas.

© **Copyright**

- literary works
- musical works
- dramatic works
- pantomimed and choreographed works
- pictorial, graphics, and sculptural works
- motion pictures and audiovisual works
- sound recordings
- software

- **Patents**
  - to make, sell, or use an invention or process.

™ **Trademark**

- A name, symbol, or other device identifying a product, officially registered and legally restricted to the use of the owner or manufacturer.

© **Copyright**

- literary works
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- sound recordings
- software

Engineering

- **Patents**
  - to make, sell, or use an invention or process.

™ **Trademark**

Marketing

- A name, symbol, or other device identifying a product, officially registered and legally restricted to the use of the owner or manufacturer.

01

Copyright

01 COPYRIGH

What is Copyright?

- **A right granted by US law that gives an author or creator sole control over how their work is used**
- This includes allowing others to:
  - Reproduce all or part of the work
  - Distribute copies
  - Prepare new (derivative) versions based on the original work
  - Perform and display the work publicly

COPR

What is Copyright?

- Copyright protection for anything created after 1/1/1978 lasts for **70 years after the death of the author** → After this, it falls into **public domain**
- Copyright protection begins the moment the work is created, but legal action can only be taken against copyright infringement if the copyright has been registered at the Copyright Office in Washington, D.C.

COPR

Copyright Violations

- Copyright infringement is **when someone uses a copyrighted work without permission from whoever holds the copyright.**
- If the copyright holder decides to take legal action possible outcomes could include having hefty fines or even jail time.
  - Infringer pays the damages and lost profits.
  - The Court can assign an additional financial penalty from $200 to $150,000 for each work infringed.
  - Infringer pays for all attorneys fees and court costs—both his own and those of the copyright holder.
  - The Court can issue an injunction to stop the infringing acts.
  - The Court can impound the illegal works.
  - The infringer can go to jail.

COPR

02

Public Domain

02

PUBLIC DOMAIN

Public Domain

- **Public domain refers to materials that are not protected by copyright.**
- Anyone can use a public domain work without permission, but no one can ever own it.
- Generally, **all works published in the US prior to 1927** fall into Public Domain.
  https://web.law.duke.edu/cspd/publicdomainday/2022/

Public Domain

Items that are in the Public Domain include:

- Works that are prepared by an employee of the federal government as part of his or her official duties.
- In the US, other works are protected by copyright for the duration of the creator's life plus 70 years.
- Expired Copyright
- Copyright owner fails to follow renewal laws
- Deliberately placed into public domain by author
- The type of work is not covered by copyright law.

Comparisons

Public Domain

No restrictions. No copyright claim to the work. Use it as you see fit.

It is wise to cite the item and its creator in order to demonstrate that this is a work in the public domain.

Royalty Free

Significant restrictions. User will purchase a license to use the item. "Royalty Free" indicates that you don't need to pay an additional fee each time you use the item each time. Although, in some cases, you would need to get another license for use in an additional project.

Creative Commons

(More on this in a minute)

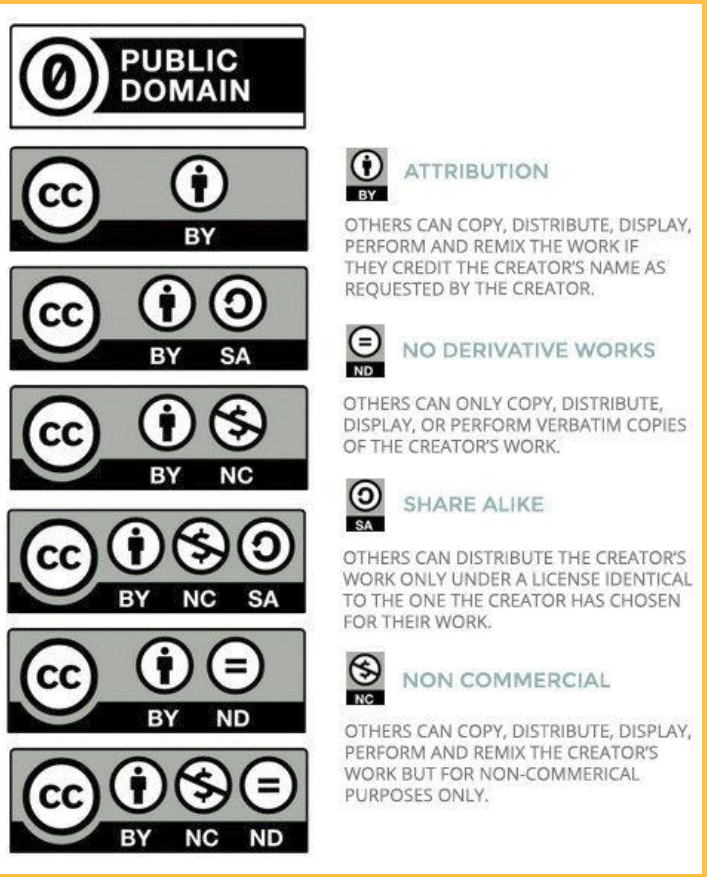
Creator has released their work with a license that clarifies how other users may use the work in their own creations.

COPR

03
CREATIVE COMM

Creative Commons 03

Creative Commons Options



Four options for a CC license, the author can mix and match one or more together.

- **Attribution**
- **No Derivative Works**
- **Share Alike**
- **Non Commercial**

Creative Commons Options

Music:

- Mixter: http://www.ccmixter.org
- Jamendo: http://www.jamendo.com/en/

Images:

- Wikimedia Commons: http://commons.wikimedia.org/wiki/Main_Page

04

FAIR USE

04 Fair Use

“Everything is a Remix” -- Kirby Ferguson (6:13) -- https://www.youtube.com/watch?v=vTLQ4h4yKSk

Fair Use

- **Fair Use is a part of US Copyright law that provides limited use of copyrighted work, without requiring permission from the right holders as long as the use is “transformative”**
  - **Criticism & Commentary**
  - **News Reporting**
  - **Research**
  - **Nonprofit Educational Use**
  - **Parody**

“Fair Use” allows use of copyrighted materials to be used for certain purposes.

There are six Best Practices, developed by the Center for Social Media of American University, to be used to determine use of intellectual property for video production.

Thanks!

Does anyone have any questions?

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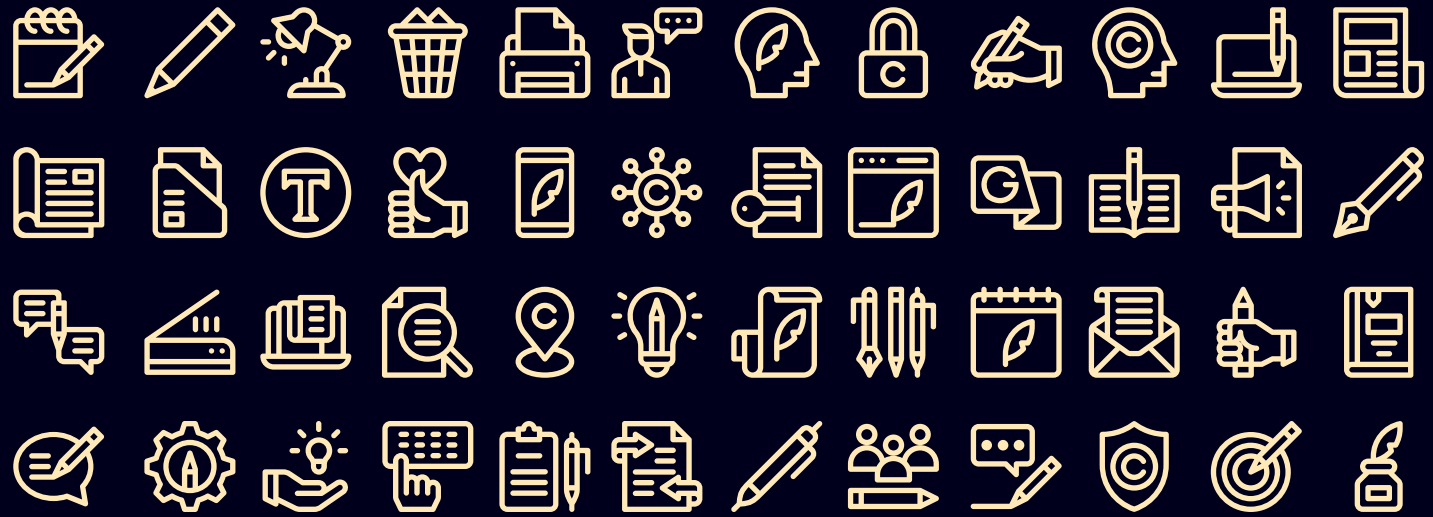
ICON

Icon

COPR



Alternative resources

Vector

- Annual report banner
- Annual report poster
- Annual report instagram post
- Annual report instagram
- Annual report flyer template

COPR

Resources

Vector

- Annual report landing page

Photo

- Close-up girl holding stack of books
- Copy-space playful teenage girl with book on head

Icon

- Copywriting Icon Pack

WORLD BOOK

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#ffe9b9

Storyset

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Pana

Amico

Bro

Rafiki

Cuate

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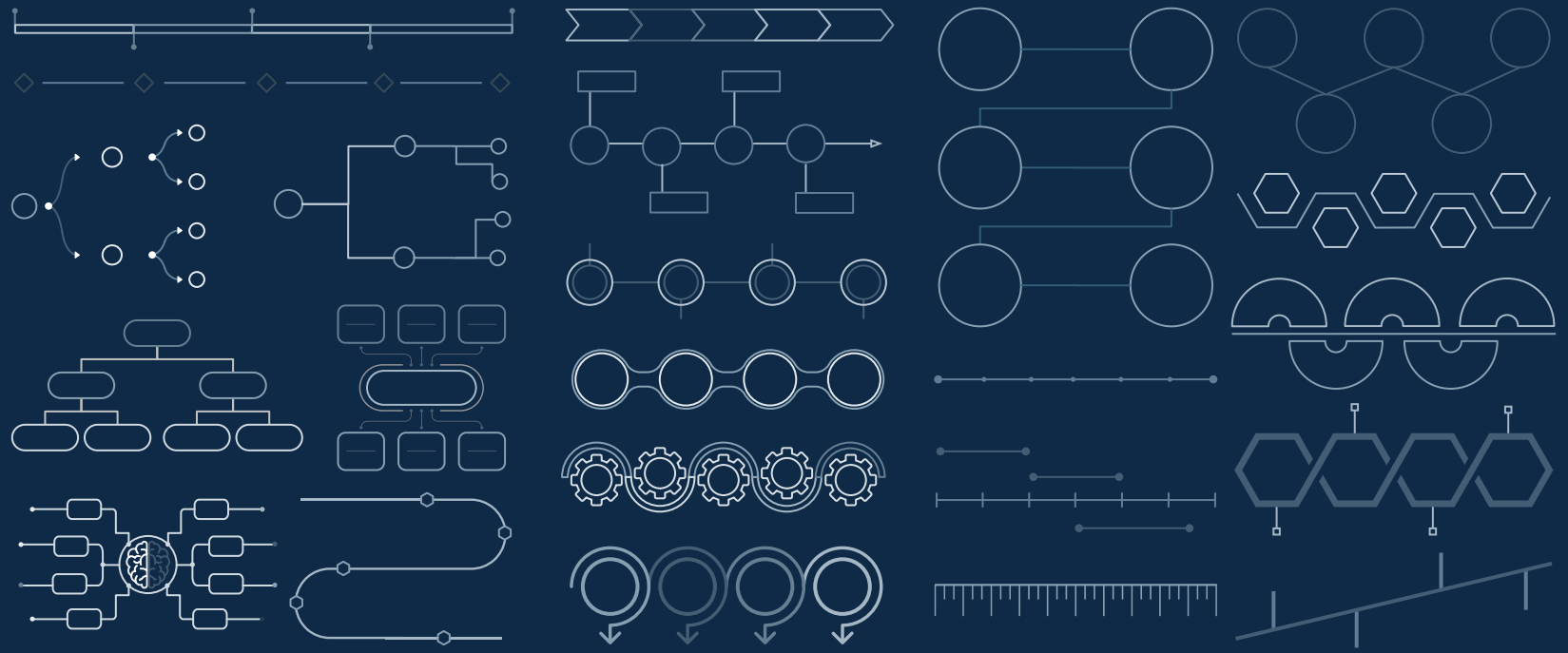

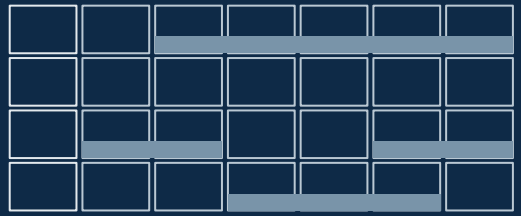

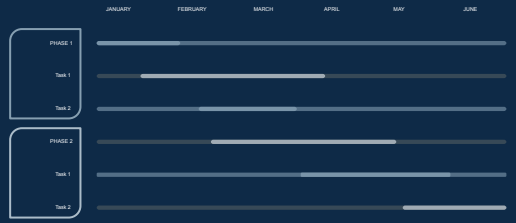
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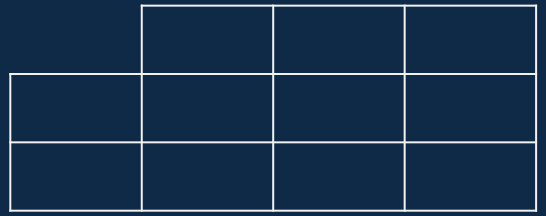

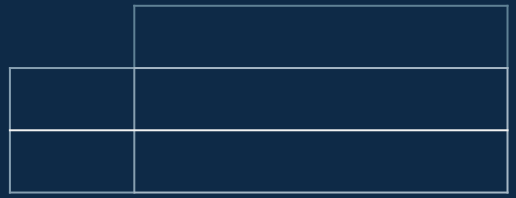

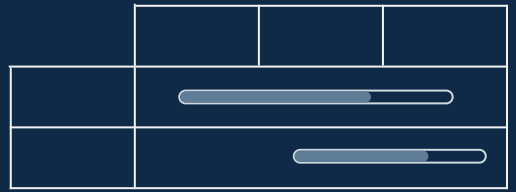

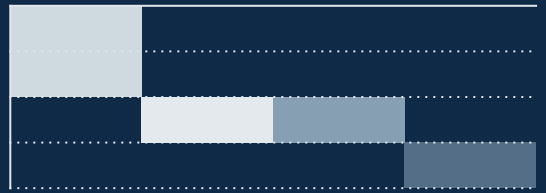

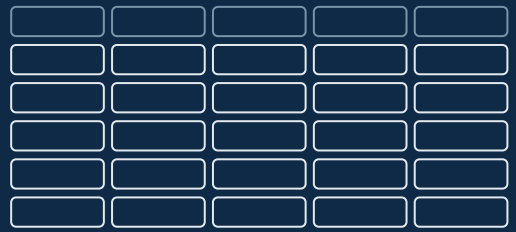

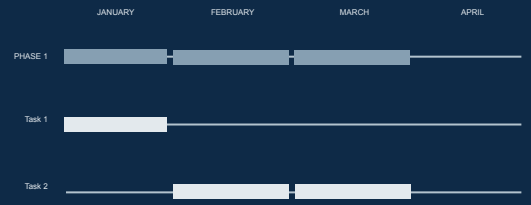
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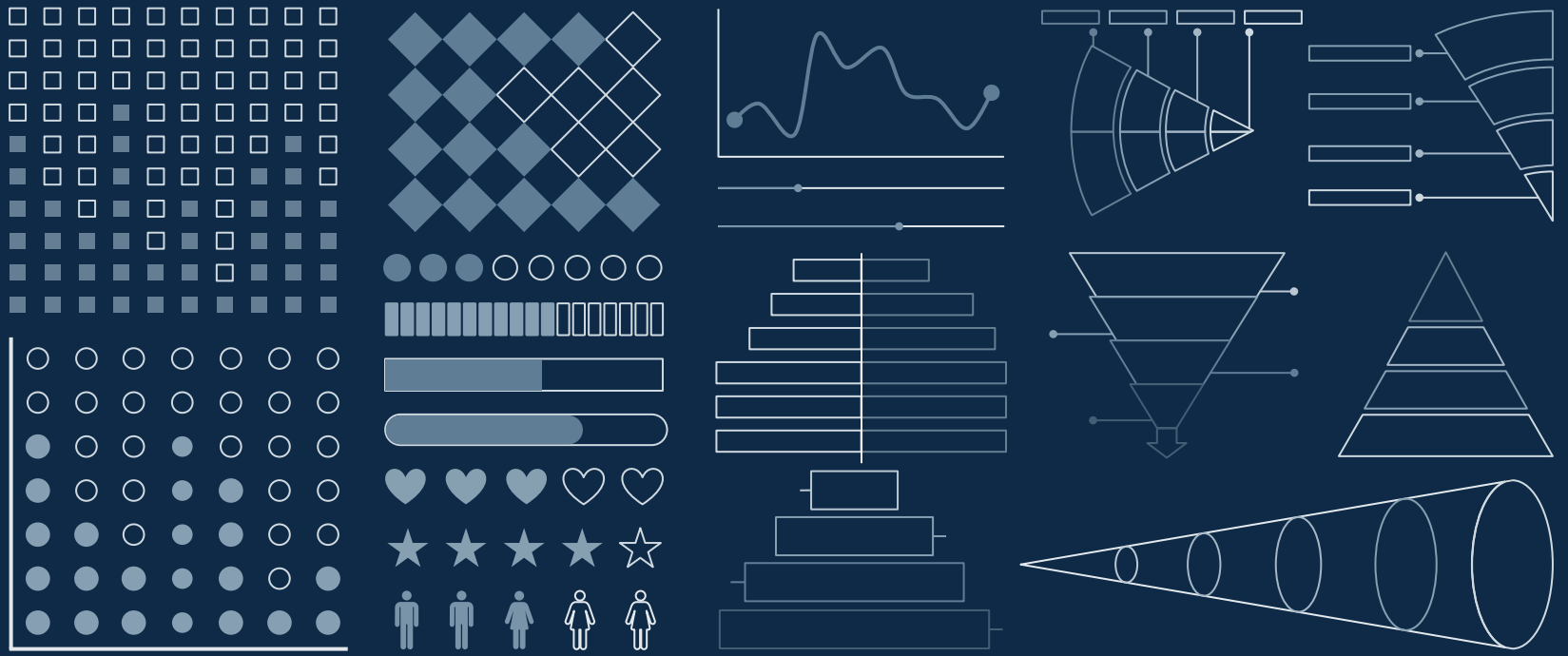

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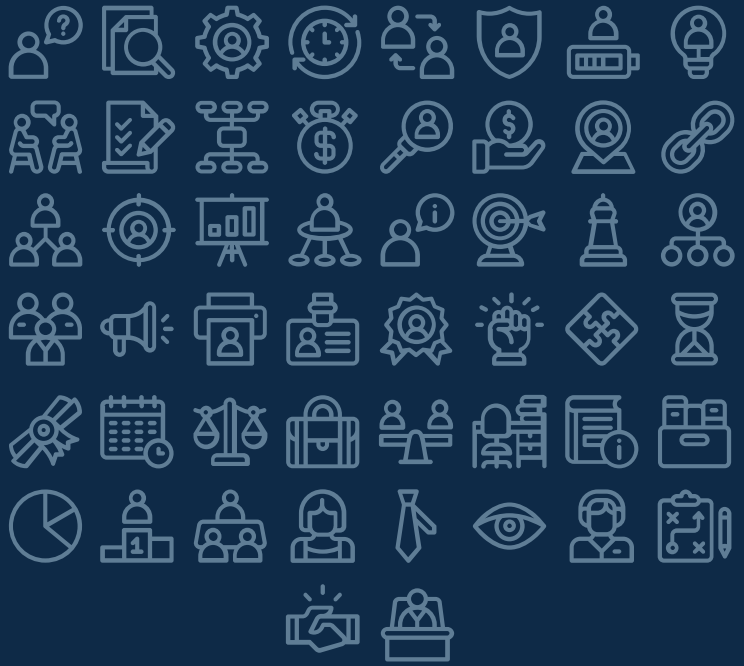

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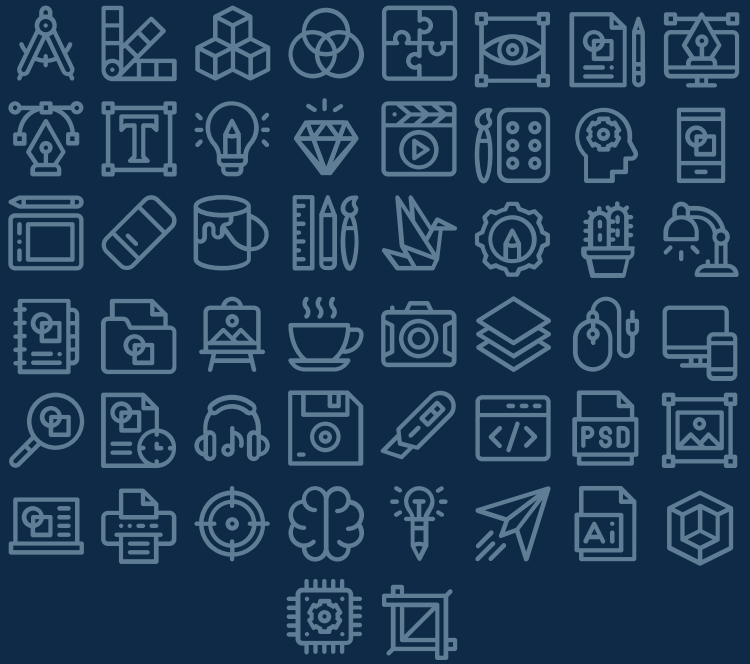

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