

# Copyright Presentation

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An in depth look at copyright from the creators' side, as well as the consumer side, and how it all relates to our economy.

How to copyright and register your works.

Gaining a better understanding of why copyright is important and why we need to support it so that our culture doesn't stagnate by failing to maintain an *incentive* for society to continually grow and prosper with new ideas.

# Copyright

## <sup>1</sup>*Intellectual Property*

Copyright law is a *category* of intellectual property law, which establishes how and when a person and society as a whole can benefit and profit from someone's intellectual creation. Intellectual property is any product created through intellectual or mental labor.

- **Trade Secrets**

They cover *information* used in trade that provides a *commercial advantage*, such as the formula for Coca-Cola. Disclosure of a trade secret to the public at any time will likely destroy any previously enjoyed protection.

- **Copyrights**

Protect a *tangible expression of ideas*, such as books, paintings, movies, and sound recordings. Copyright protection attaches when the creator puts pen to paper and creates a tangible expression of the idea. This basic protection *may be registered* by filing an application for federal copyright registration at the Library of Congress in Washington, DC. All that's required is a simple form, a modest fee, and a copy of the work you want to protect. Federal copyrights for works created after 1978 generally last for seventy-five years *after the author's death*. If someone infringes your federally registered copyright, the statute provides for substantial damages as well as attorneys' fees. Not all use of copyrighted material is unlawful; the public is allowed to make "fair use" – loosely defined as selective use or quotation for educational and literary purposes.

- **Trademarks**

Protect the product identifiers – the names, logos, and general visual attributes that distinguish a business from its competitors. The primary purpose of trademarking is to prevent consumer confusion over the origin of a product such as the "golden arches" at McDonalds.

- **Patents**

Are by far the most technically demanding branch of intellectual property. In basic terms, a patent is given to an inventor of some novel machine, process, or product that has utility to the public. Once the patent is granted, you can use it to preclude others who seek to copy or otherwise use your invention and license the technology for fees.

## **What are the elements of an original work?**

- *Ideas and facts*
- *Expressions*

Copyright law protects the expression of an idea but not the ideas or facts themselves.

## **What is copyright?**

Copyright is a form of legal protection for authors of original works, whether they are published or unpublished. The word author refers to any creator of a copyrighted work.

## **Why is copyright important?**

Copyright law exists to ensure that authors get rewarded for their work and can control the conditions over how their work can be used. It stimulates innovation and encourages the development of new knowledge by providing a financial incentive for those who create and share knowledge.

## **What are the current issues of copyright?**

- *Technical*

Technology has been outpacing current copyright laws. Copyright owners are concerned that their right to their work is at risk, and that new technologies, such as file sharing software, make it easier to violate copyright, ultimately, limiting the availability of creative works because creators would no longer be motivated to create.

- *Ethical*

Who cares...?

## What exactly does a copyright holder own?

As the author of a protected work, you have *exclusive rights* that control how your work can be used. Collectively, these are known as a “**bundle of rights**” and consist of the following:



### \*\* Hit Song \*\*

- **Reproduction** Manufacture CD's
- **Creation of derivative works** Music Video
- **Distribution** to the public Sell CD's
- **Public performance** of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works  
Concert Tours
- **Public Display** of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works  
Concert T-Shirts
- **Public Performance** by digital audio transmission of sound recordings  
Podcast and Streaming Video

## **Piracy—how does it affect our economy?**

- Directly steals from everyone
- How does file sharing differ from piracy?
- How does filesharing differ from shopping at the grocery store or any other business that sells goods and services?

## **How do I protect my own work?**

Although copyright protection begins as soon as the work is created in a fixed, tangible medium, *your strongest legal position is established when you officially register your work with the Copyright Office.* Because...

- Registration becomes a part of public record and clearly states that you are the copyright owner.
- Registration is necessary before you can file a suit for damages *or* be awarded statutory damages and attorney's fees.
- Registration is necessary to protect against pirated copies.

### **The format of a copyright notice is as follows:**

- Copyright symbol or word
- The year of the first publication of the work
- The name of the copyright holder

*Thus, proper notification would be:*

**© 2008 Buddy Wannabe**

## How do I register my work?

†Every year, the Library of Congress claims it will receive over 100,000 copyright applications, in which it's estimated that 4 out of 5 will be filled out incorrectly.

You can hire a company to register your copyright for you for around \$70.00 – \$250.00, including the filing fee, *or* you can do it yourself.

[www.copyright.gov](http://www.copyright.gov)

- **Form VA** (Visual Arts)

*Nature of Authorship*

3-Dimensional sculpture, 2-Dimensional artwork, Reproduction of work of art, Map, Photograph, Jewelry design, Technical drawing, Text, and Architectural work

- **Form PA** (Performing Arts)

*Nature of Authorship*

Music and/or lyrics

1. Once you choose which form best describes your application, fill it out paying particular attention to the term “*work made for hire*”. Typically, you will be the author, but the biggest exception to creator-as-author is when the creator is employed under a “work made for hire” contract. In this case, the creator is not considered the author of the work and is ***not*** entitled to copyright protection. In a work for hire agreement, the copyright advantage is to the employer, plain and simple. Make sure you understand your arrangement very clearly.
2. Submit the three elements in the same envelope (application form, fee, and a copy of the work to be registered) to the Library of Congress.

Copyright registration is considered effective the day the Copyright Office receives all the materials required for registration. Online registration at a reduced fee, [www.copyright.gov](http://www.copyright.gov) is also available for a quick and convenient way to register your works.

## Final Thought

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Intellectual Property Industries are a great business! Its resources are an unlimited flow of mental creations. It doesn't deplete natural resources or pollute the environment. It creates jobs and motivates our minds, but in order to see the benefit, the system has to work. Basically we have to... **govern** ourselves.

Technology has put our society on the honor system and that boils down to our integrity. Why is integrity important? Because it forms our character and ultimately, determines our future.

Hopefully, in closing, we have a better understanding of the importance of copyright and how to properly protect your rights as a creator.

In addition, we can see how the Intellectual Properties Industries create jobs and is an integral part of our economy and that we need to contribute and support the system in order for it to work. Because ultimately, we all want to **thrive** and leave this planet a better place when we go.

### *PLEASE NOTE:*

This article is intended to be a general summary of basic copyright concepts and should not be relied upon as a substitute for legal advice. If you have a legal matter involving copyright issues you should consult an attorney regarding the specific facts of your case.

References include:

### **Copyright on the Internet**

Barbara M.Waxer • Marsha L. Baum

### **Lawyers.com**

<sup>1</sup> Protecting Intellectual Property

By Eric Vance

† **Copyright Registration Forms**

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