
The Copyright Question

by Mrs. Donna Merritt

~your friendly school librarian~

According to the Merriam-Webster dictionary, **copyright** is “the exclusive legal right to reproduce, publish, sell, or distribute the matter and form of something (as a literary, musical, or artistic work).” It originated from a combination of the words “copy” and “right” somewhere around 1735. It was easier then. There was no internet.

It's simple when you think about it. When you were about five or so, you learned that if it's not yours, you shouldn't take it. If you want to borrow something, you should ask.

Maybe you see a great photo for your website or the perfect music for your YouTube video, but neither of these belongs to you. What to do? ASK. That goes for photos, music, film clips, clipart, blogs, magazine and newspaper articles, books, etc. Anything that is in tangible form (that is, it exists and you can see it, hear it, or touch it), is *automatically* protected by copyright.

COPYRIGHT INFRINGEMENT

Copyright infringement (using something that isn't yours without permission) is more than a legal matter. It involves ethics. Many artists (writers, painters, composers, photographers, and so on) make a living from their creations, so you are taking income from that person. More importantly, you are taking something that was created with time, talent, and trust. It's a personal reflection of the artist. You strive to create a unique identity for yourself, right? It's the same for any person.

Some other drawbacks to violating copyright? You can be sued. Your video or website can be taken down. Worst, you'll be seen as someone who takes other people's stuff and does not have the imagination or innovation to create something original.

PROTECTING YOUR OWN WORK

When you create something original, you are protected by copyright also! Add this to any completely original work: © 2020. Your name. All rights reserved. Material may not be copied or distributed without prior written permission.

There is a formal copyright process that costs money and gives you greater legal protection, but just adding the above statement to your ORIGINAL work lets people know that they cannot take your hard work without asking.

REQUESTING COPYRIGHT PERMISSION

Contact the person or company who owns the copyright. Depending on your reason for using it, you may be given permission, especially if 1) it's for an educational purpose, 2) you will not make money from it, 3) you will not alter the image/video/music, and 4) you will only use a little of it, for example, a short video clip rather than a whole movie. Get this permission in writing with a contact person's name on it.

Give yourself enough time for this process, especially if you're dealing with a big company. If someone requests payment for use (and they have a right to do this), you may decide using that particular thing is not worth it. Again, if you create something yourself, you won't have to worry about this. It's all yours!

FREE TO USE

If something clearly states that it is in the public domain, you are free to use it. **Public domain** means the copyright has expired or something is not copyrightable (facts, most titles, and such). In general, anything produced after 1977 has a copyright length of the artist's lifetime plus seventy years. After that (although there are exceptions), the work enters into the public domain (for example, Mother Goose nursery rhymes) and can never be protected by copyright again. It's free for all to use.

Similar are works on open-source or other sharing sites. If it clearly states that the work presented is free to use, you can use it but should credit the site where you found it.

Do not assume something is in the public domain or free to use. Did you know the "Happy Birthday" song is protected by copyright? If a film uses it, the producer must request permission first and pay a hefty fee. [This song is set, supposedly, to pass into the public domain around 2030.]

This information is based on copyright laws in the United States. Other countries have different copyright laws, so be careful if you are looking at something not created in the USA.

LEGALITY

I am not a lawyer. Copyright law is complicated. If you are not absolutely positive you can use something, then please do not use it. Respect the right of the artist.

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