

Introduction to Copyrights

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A copyright generally prevents reproduction of a copyrighted work for the life of the author, plus 50 years. A copyright owner can sue anyone who infringes his rights to stop illegal reproduction, impound infringing articles, collect lost profits, court costs and attorney's fees and, in extreme cases, invoke criminal penalties.

What is a copyright?

A copyright is the exclusive legal right to reproduce, publish and sell an original, creative work in some tangible form. Copyrights can be given for literary works; dramatic works; musical works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic and sculptural works; motion pictures and other audiovisual works; and sound recordings.

Two identical works can be copyrighted if they are independently conceived. A copyright, however, protects expressions, not ideas. A patentable idea expressed in a copyrighted text can be used by others.

Materials that cannot be copyrighted include standard calendars, height and weight charts, tape measures and rulers, schedules of events taken from common sources and other works of no original authorship that consist solely of common property information.

Unless original subject matter is included, the following also cannot be copyrighted: blank forms, account books, score cards, ideas, business methods, titles, names, slogans and ingredient lists.

What to do?

Step 1: Claim the copyright

A copyright is claimed with a copyright notice, which has three elements:

1. The copyright symbol ©, the word "copyright," the abbreviation "copr." or the symbol for photorecords (P in a circle).
2. The year of first publication. This may be omitted in some instances.
3. The name of the copyright owner.

For example: ©John Doe 1983.

"Publication" is defined in the 1976 Copyright Act as "the distribution of copies or photo records of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. A public performance or display of a work does not of itself constitute publication."

Unpublished works are also protected under the 1976 Copyright Act. They are not required to carry the copyright notice, but notices should be included in any works that leave an author's control.

A copyright notice can appear any place in or on the work as long as it can readily be seen. Inclusion of the copyright notice is now optional, but it prevents an infringer from claiming lack of knowledge of the copyright status of the work. Anyone who duplicates a copyrighted work is protected from liability for infringement if he was unaware of the copyright because the notice was omitted.

Step 2: Register

Copyright registration is not a condition for protection, but it is a prerequisite for an infringement suit. Subject to certain

exceptions, statutory damages and attorneys fees are not obtainable for infringement occurring before registration.

Copyrighted material is registered with the copyright office at the Library of Congress which requires one copy of unpublished work and two copies of published work, plus a \$10 fee for processing of registration forms. One procedure is followed for written materials, another for other forms such as photographic records.

For more information and registration forms, write to: Copyright Office, Library of Congress, Washington, D.C. 20559, or call (202) 707-3000 or (202) 707-9100.

To order, request BI0003, *Introduction to Copyrights* (25 cents).

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