



COPYRIGHT MYTHOLOGY

VERSUS FACT

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MYTH #1 : YOU CAN COPYRIGHT IDEAS, FACTS, LOGOS OR SLOGANS

**Copyright applies to creative expression in a fixed medium!
This means that an idea or concept alone can't be claimed
as copyright by any one person or entity. Short slogans or
phrases are also not eligible, nor are logos, though they
may be another kind of intellectual property.**



SOME WORKS ELIGIBLE FOR COPYRIGHT:

Literary Works

Articles and periodicals

Plays and Musicals

Choreography

Photos or images

Paintings, drawings, or sculpture

Movies or videos

Music and Lyrics

Architecture

Sound recordings



TYPES OF INTELLECTUAL PROPERTY:

Copyright:

Literature, music, art, digital works and other creative expression in fixed medium



Gives creators exclusive rights to copy, adapt, or perform their work

Patents:

Designs or concepts for original inventions or devices



Gives inventors a limited time monopoly on their inventions.

Trademark:

Logos, slogans, and brand names associated with a company or organization

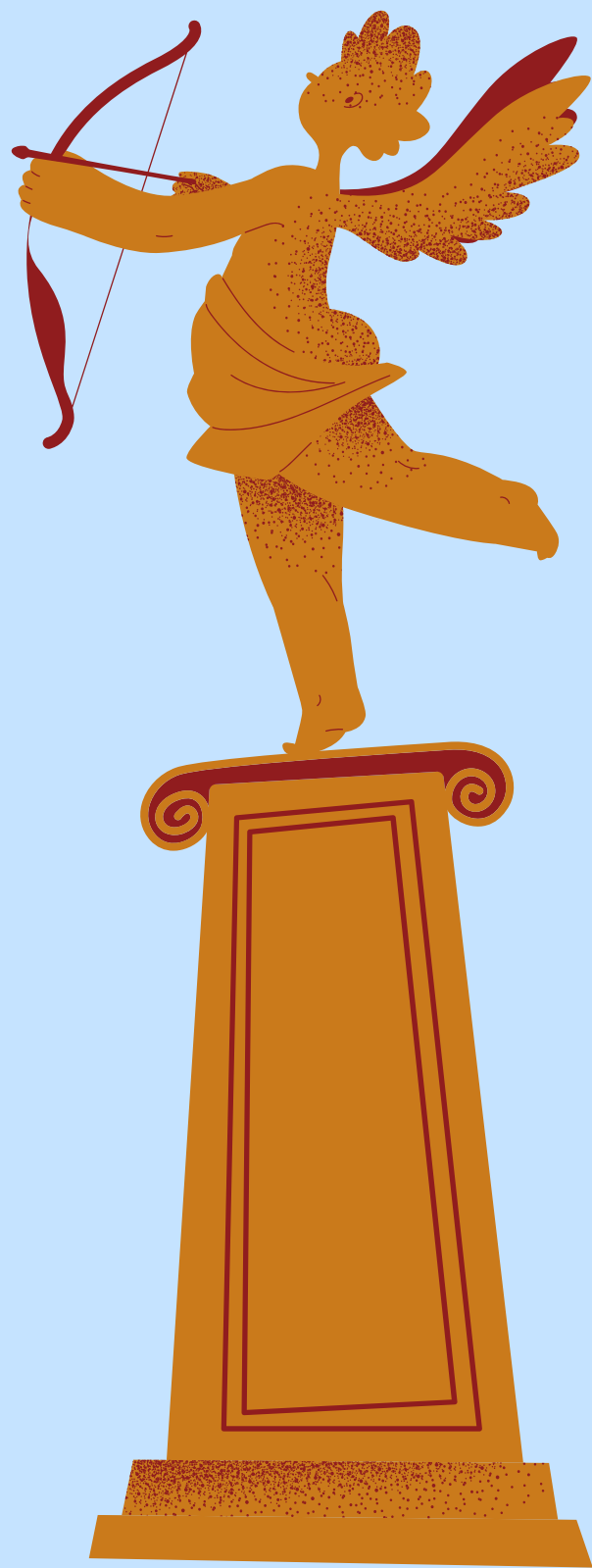


Prevents others from using logos or slogans in a way that would misrepresent the company/organization

**MYTH #2: COPYRIGHT EXISTS
TO KEEP ANYONE FROM
EVER USING OR COPYING A
WORK FOR ANY REASON**

The purpose of copyright law as stated in the US Constitution is actually to “promote progress... by securing for limited times... exclusive right(s)” for creators. There are also some important exceptions to copyright (which are covered in the next myth)!





WHERE DID THE IDEA FOR COPYRIGHT COME FROM?

The first copyright laws were made over 300 years ago! Globally and historically these laws have had two main rationales:

- The author's rights rationale argues that there is a bond between creator and what they create and that should be upheld by giving appropriate credit, at the minimum.
- The utilitarian rationale argues that giving creators exclusive rights to copy, adapt, or perform their work encourages progress by motivating creators to generate more works that they will have monopolies over.

MYTH #3: YOU CAN USE COPYRIGHT WORKS IF YOU CHANGE THEM BY A CERTAIN PERCENTAGE

This myth is a common misunderstanding of one of the exceptions to copyright known as FAIR USE. However, there is no clear cut percentage, type of use, or other factor alone that determines if use is fair use. Fair use must be judged on four factors balanced together:



1. Nature of the original work used (ie. more factual vs. more creative)
2. Purpose of the use (such as educational use)
3. Amount of the work used (or heart of the work)
4. Effect on the market for the work (ie. will it cost the copyright holder financially?)

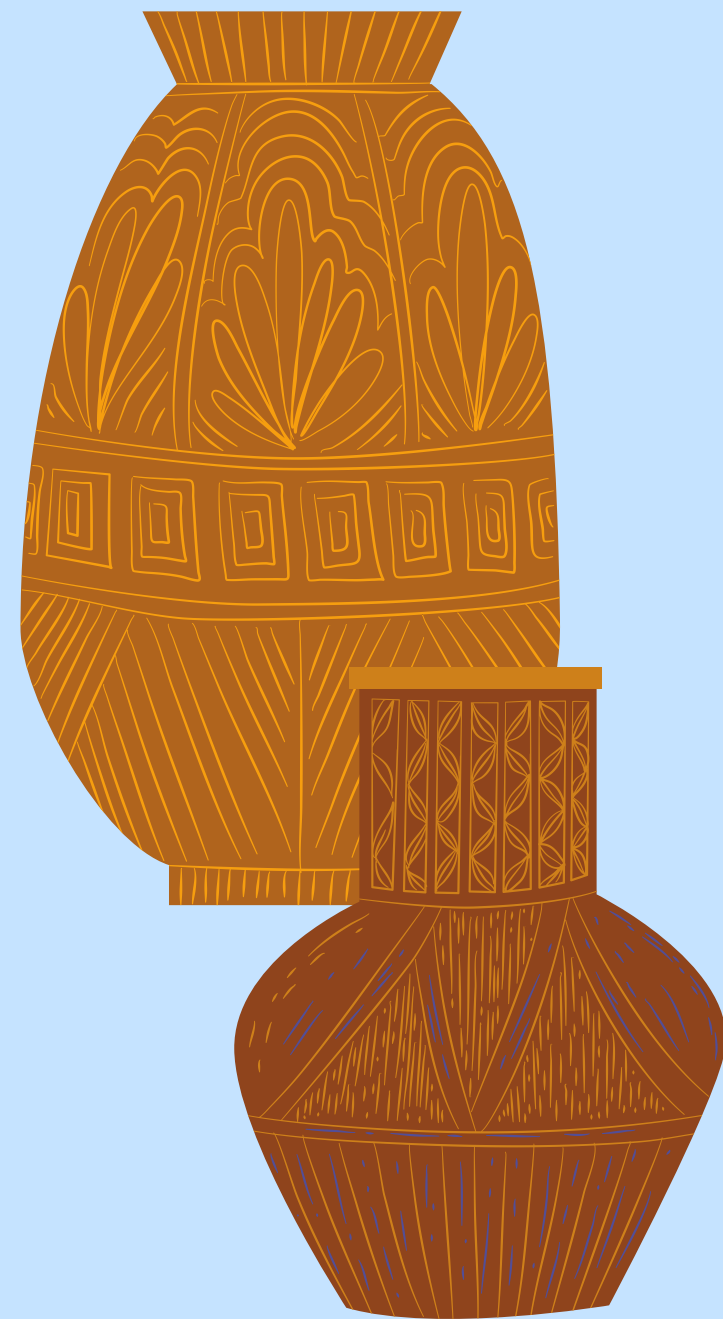
OTHER EXCEPTIONS TO COPYRIGHT INCLUDE:

- Right to quote works for criticism or parody
- Access for those with visual impairments or other disabilities
- Exceptions for libraries or public collections and education
- Allowance for those who have purchased a copy to sell, lend, or give it to others (sometimes known as “first sale doctrine”)






MYTH #4 : ONLY VERY OLD WORKS ARE IN THE PUBLIC DOMAIN



Public domain is where works go when copyright is expired, works are not eligible, or certain formalities are not followed. While this does include very old works, many recent works are included as well! More works are added to the public domain each year when their copyright term has expired.

Public domain also includes works not eligible for copyright, such as government documents. Individuals or entities may also dedicate works to the public domain.





MYTH #5: SOMEONE MUST REGISTER A COPYRIGHT TO OWN THE RIGHTS TO THEIR WORKS

In fact, copyright ownership begins when an expression is fixed in a tangible medium automatically! Certain benefits come with registering (such as a stronger case if you need to take legal action), and often copyrights change hands in the publishing agreements, but copyright is immediate upon creation of a work. Registering a copyright can be done online in the U.S. for a nominal fee.



REFERENCES AND FURTHER READING:

U.S. Copyright Legal code:

<https://www.copyright.gov/title17/92chap1.html>

Cornell Library Guide to Copyright Term and Public Domain

<http://copyright.cornell.edu/resources/publicdomain.cfm>

[Copyright Law](#) by Creative Commons

<https://certificates.creativecommons.org/cccertedu/chapter/2-copyright-law/>

