Introduction

Copyright is an issue that reaches nearly everyone in our information-rich academic universe. We all must understand copyright to some extent, since failure to comply with copyright law can lead to substantial legal penalties for both the individual and the university.

The University Libraries website has an excellent guide to help you understand copyright law and how fair use can affect research and teaching at http://library.shu.edu/copyright. For copyright questions email: copyright@shu.edu.

Copyright Questions That You Need To Know The Answers to

It is on the web so that means I can use it, right? – The internet is not public domain. So, no you can’t. A common problem involves images. Just because someone posted an image doesn’t mean it is free for you to use. In many cases those images are protected by copyright.

It doesn't have the little © so that means it doesn't have copyright protection, right? – It doesn’t have to have the little © to be covered by copyright. So no, just because there isn’t the little © doesn’t mean it can be used.

No one will know that I downloaded the latest episode of Game of Thrones, will they? – If you are on the campus network the university will know and by law are required to report it. So, yes they will. If the university doesn’t see it first you can be guaranteed that the Recording Industry Association of America (RIAA) will find out and report it to the University.

Can I sample music and movies in my classwork? – As long as you are only using small pieces and for noncommercial use sampling is allowed. So yes, go for it!

If I correctly used someone else’s materials as part of my class work can I reuse it for anything? – If it is for commercial use then no, you can’t use other people’s work and make money on it even if it was originally part of your classwork. Don’t use someone else’s work, create your own.

I bought the book/DVD so I can do anything I want with it, right? – You purchased a copy of a protected work but do not own the copyright. So no, you can’t. You only have a license to use the material for the original intent!

What is Fair Use? – There is a lot to know on this one. See items below and ask a librarian or faculty member if you aren’t sure. You can also send questions to copyright@shu.edu.

What about Federal Government Materials? – Use them, they are not protected by copyright and are under public domain.

Copyright Law Defined

Copyright law, as defined in Title 17 of the United States Code, protects “original works of authorship fixed in a tangible medium of expression” for a limited period. Copyright protection includes, for instance, the legal right to publish and sell literary, artistic, or musical work, and copyright protects authors, publishers and producers, and the public. Copyright applies both to traditional media (books, records, etc.) and to digital media (electronic journals, web sites, etc.).

Copyright protects the following eight categories of works:

1. literary works
2. musical works
3. dramatic works
4. pantomimes and choreographic works
5. pictorial, graphic, and sculptural works
6. motion pictures and other audiovisual works
7. sound recordings
8. architectural works

Ownership of a copyrighted work includes the right to control the use of that work. Use of such work by others during the term of the copyright requires either permission from the author or reliance on the doctrine of fair use. Failure to do one or the other...
will expose the user to a claim of copyright infringement for which the law provides remedies including payment of money damages to the copyright owner.

**Basic Rules for Fair Use Copying**

1. If the copy is for educational purposes
   - multiple copies for classroom use is permitted if the material is an excerpt and doesn’t infringe on sales of the original materials
   - the copy is for scholarship or research is permitted if other guidelines are met
   - only one copy per student and faculty member
2. What is the nature of the work
   - more likely protected: fiction, original movies, creative works
   - less likely protected: factual works, compilations
3. How much can be copied
   - a limited portion of the work may be copied and it should be appropriate to the need
   - copies of the entire or significant portion of a publication that is under copyright in most cases must have the permission of the copyright holder

**What is Public Domain?**

A public domain work is a creative work that is not protected by copyright and which may be freely used by everyone.

**When is a work in the Public Domain?**

Works fall into the public domain for three main reasons:

1. the term of copyright for the work has expired
2. the author failed to satisfy statutory formalities to perfect the copyright
3. the work is a work of the U.S. Government

As a general rule, most works enter the public domain because of old age. This includes any work published in the United States before 1923. Another large block of works are in the public domain because they were published before 1964 and copyright was not renewed. (Renewal was a requirement for works published before 1978.) A smaller group of works fell into the public domain because they were published without copyright notice (copyright notice was necessary for works published in the United States before March 1, 1989).

**Concerning Copyright: Dissertations & Theses**

Now that dissertations and theses are available online, they are "virtual publications" and often viewed and/or downloaded by interested parties worldwide. For example, SHU School of Health & Medical Sciences dissertations have been downloaded over 20,000 (yes, that's twenty THOUSAND) times since we began placing them online in 2011.

The wide availability and interest in dissertations and theses means that we must be vigilant in observing copyright restrictions. Most published content (including material found on the internet) is subject to copyright unless it was created prior to 1923, is a US government publication, or is explicitly published as "open access".

We all know that we must cite all the sources that we use when writing a dissertation or theses (just as we would in a journal article or book) but did you know that images such as figures and tables must also be cited? Not only must they be cited, but some publishers require that you obtain their permission to use images that appear in journals or books that they publish. Publisher that require permission to use images include Elsevier, Wiley, Springer, Taylor & Francis, and Sage.

If you are not sure whether you need to obtain permission to re-use an image or a substantial portion of text, check the publisher's website or the Copyright Clearance Center's Obtaining Permission page (http://www.copyright.com/learn/media-download/copyright-on-campus/).

**Seton Hall University Copyright Policy**

If you are unsure if copyright applies to you – refer to the SHU Copyright Policy (https://www13.shu.edu/offices/policies-procedures/copyright.cfm).

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