



And Then There's Copyright



Copyright insures that the person who created something--whether a book or a piece of music--is reimbursed for his intellectual work. If there were no copyright protection, there would be no economic incentive to create these works.

A copyright is a set of legal rights that an author has over his work for a limited period of time. Copyright covers everything from using images or sound files from the Web to photocopying.

Most information is protected by copyright. The exception is work that is in the "public domain," which can be reproduced or used by anyone. However, you still must credit the author. Some examples of public domain sources:

Public Domain Sources	Examples
Publications of the U.S. Government	 U.S. laws and other publications of the Federal government, the U.S. Constitution
Copyright has been waived by the author	Software called freeware
Works on which the copyright has expired	 Works by William Shakespeare

Most printed works published prior to 1923 are in the public domain. A good place to check the rules for expiration is here: http://www.copyright.cornell.edu/public_domain/.

You can also use copyrighted works licensed by the Rutgers University Libraries for use in instruction and research. This includes digital resources licensed specifically for the Fordham Center and databases and other resources found on the Libraries website or in IRIS.

If the work you wish to use is protected by copyright but is not in the public domain or licensed by the Libraries, you can still use the work if your proposed use is a "fair use." The fair use section of U.S. copyright law allows copyrighted works to be reproduced for "purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research." To determine if your use is fair, you need to consider four factors:

1. Purpose and character of the use (non-profit education versus commercial use)
2. Nature of the material being used (factual or fictional in nature, degree of creativity, published or unpublished)
3. Amount and substantiality of the portion used in relation to the whole

4. Effect of the use on the potential market for or value of the copyrighted work

A handy checklist for considering the factors is available here:

<http://copyright.columbia.edu/fair-use-checklist.html>. Work through the checklist, and keep it for your records.

If you decide that your proposed use is not a fair use, you can ask the copyright owner for permission. You might also have to ask for permission if at a later time you want to use the new work you have created for a purpose beyond your course work. When you ask, explain precisely all the uses you wish to make of the copyrighted work and be sure that the person giving you permission is the rights holder. Get it in writing.

This notice is posted somewhere on the computer you are using:

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So, remember, a copyright violation is a violation of law with penalties attached. We will work with you to answer your questions, but in the end you are personally responsible for ensuring that the work that you produce does not violate copyright law. You may email your questions to: copyright@rutgers.edu.

When you are done with all of this, you will have created a new work to which you own the copyright!

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