

## UCO Copyright Compliance

As members of the UCO community, all faculty and staff members are expected to comply with federal copyright law. Unauthorized use of copyrighted material is illegal and may result in both civil and criminal penalties. This includes copyright infringement, which is using a work of another without permission or legal authority, including copying and/or distributing a copyrighted work.

Anyone found liable for copyright infringement may be ordered to pay either actual damages or “statutory” damages which range from \$750 to \$30,000 per work infringed. If the infringer knew he or she was infringing and did so anyway, a court may award up to \$150,000 per work infringed as well as court costs and attorneys fees. In these cases courts can also impose criminal penalties including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information contact: Dr. Jennifer Barger Johnson, Copyright Compliance Officer, University of Central Oklahoma, 100 N. University Drive, Edmond, OK 73034 [JBarger4@uco.edu](mailto:JBarger4@uco.edu)

### Starting Point for All Copyright Concerns:

#### 1. Is the work Copyrighted?

- a. If not, no further inquiry necessary you can use it.
- b. If so, proceed to the next question.
- c. If unsure, proceed to the next question.

#### 2. Is the class traditional or Online?

- a. If traditional delivery, as long as you are participating in an educational discussion which utilizes the copyrighted material, you can use it.
- b. If Online delivery, the same rules apply, but further the course is required to have protections or controls on the access point for the course. If it is contained within a D2L site at UCO, you can use it as long as you are participating in an educational discussion to utilize the copyrighted materials.

#### 3. How do you plan on using the work?

- a. If you are planning on merely using a copyrighted work to fill time, you cannot lawfully do so.
- b. If you are planning using a copyrighted work in the classroom, either traditional or Online, you must include an educational discussion related to the material whether it is a movie, video, paper, etcetera.

#### 4. Is the work covered by a license already obtained by the university and/or its library databases?

- a. If so, you are free to use the work in your classroom.
- b. If not, you need to find an applicable provision or obtain permission.

#### 5. Is there a provision in existing copyright law (Fair Use, Public Domain, etcetera) that allows for its use as intended?

- a. If so, you are free to use the work in your classroom.
- b. If not, you need to obtain permission.

## Frequently Asked Questions

### What is copyright?

A copyright is a form of intellectual property protection granted under U.S. copyright law and the U.S. Constitution. It gives protection for original works of authorship that are recorded in a tangible medium of expression such as writing, recording, and/or digitally. The protection covers both published and unpublished works.

### What is protected by copyright?

Copyright protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. Copyright does not protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed.

### Domain Names

Domain names are not protected by copyright law. The Internet Corporation for Assigned Names and Numbers (ICANN), a nonprofit organization that has assumed the responsibility for domain name system management, administers the assignment of domain names through accredited registers.

### Idea

Copyright does not protect ideas, concepts, systems, or methods of doing something. You may express your ideas in writing or drawings and claim copyright in your description, but be aware that copyright will not protect the idea itself as revealed in your written or artistic work. Publication is not necessary for copyright protection.

### Movies/Videos

If the movie is for entertainment purposes (which includes filling time if you are having a substitute cover), you need to get a clearance or license for its showing or performance, even if there is a cultural value or intellectual appeal. It is not necessary to obtain permission if you show the movie in the course of “face-to-face teaching activities” in a non-profit educational institution, or in a classroom or similar place devoted to instruction. However, the copy of the movie must always be a lawful copy – no pirated versions. Instructional activities must take place during the movie/video or immediately following, a meaningful instructor-lead discussion must take place.

### Names, Titles, Slogans, or Logos

Copyright does not protect names, titles, slogans, or short phrases. This would include band or group names for our music endeavors. In some cases, these things may be protected as trademarks. Contact the U.S. Patent & Trademark Office, 800-786-9199, for further information. However, copyright protection may be available for logo artwork that contains sufficient authorship. In some circumstances, an artistic logo may also be protected as a trademark.

### Peer-to-peer networks

Uploading or downloading works protected by copyright without the authority of the copyright owner is an infringement of the copyright owner's exclusive rights of reproduction and/or distribution. Anyone found to have infringed a copyrighted work may be liable for statutory damages up to \$30,000 for each work infringed and, if willful infringement is proven by the copyright owner, that amount may be increased up to \$150,000 for each work infringed. In addition, an infringer of a work may also be liable for the attorney's fees incurred by the copyright owner to enforce his or her rights. Whether or not a particular work is being made available under the authority of the copyright owner is a question of fact. But since any original work of authorship fixed in a tangible medium (including a computer file) is protected by federal

copyright law upon creation, in the absence of clear information to the contrary, most works may be assumed to be protected by federal copyright law.

### **Photographs**

Copyright law does will protect your photo (or other depiction) as long as it is a result of your original effort. Copyright law protects the original photograph, not the subject of the photograph. This also means that if you as an educator want to use a photograph or other depiction which is owned by another, you must get permission unless certain exceptions apply.

### **Websites**

Original works appearing on a website may be protected by copyright law. This includes writings, artwork, photographs, and other forms of authorship protected by copyright. There are specific requirements which apply to registration of website materials.

### **Who is entitled to copyright protection?**

Copyright protection is the right of the author of the work, or the author's heirs or assignees, not of the one who only owns or possesses the physical work itself. Under the copyright law, the creator of the original expression in a work is its author. The author is also the owner of copyright unless there is a written agreement by which the author assigns the copyright to another person or entity, such as a publisher. In cases of works made for hire, the employer or commissioning party is considered to be the author.

### **When does copyright protection begin?**

Copyright protection begins when the work is created and is in a tangible form. The author or creator does not have to register the work to receive protection. Protection is automatic.

### **If copyright protection is automatic, why should I register my work with the government?**

Many authors choose to register their works because they wish to have the facts of their copyright on the public record and have a certificate of registration. Registered works may be eligible for statutory damages and attorney's fees in successful litigation. Finally, if registration occurs within 5 years of publication, it is considered *prima facie* evidence in a court of law. Some authors will try to bypass formal registration by mailing yourself a copy of your own work sealed so the post mark creates a timeline. This method would work as evidence of creation date, but since the copyright law does not formally recognize this as a substitute for registration, it is unclear if it would be successful.

### **How long does a copyright last?**

The length of the copyright protection for a particular work depends on several factors, including whether it has been published, and, if so, the date of first publication. As a general rule, for works created after January 1, 1978, copyright protection lasts for the life of the author plus an additional 70 years. For an anonymous work, a pseudonymous work, or a work made for hire, the copyright endures for a term of 95 years from the year of its first publication or a term of 120 years from the year of its creation, whichever expires first. For works first published prior to 1978, the term will vary depending on several factors.

### **If I want to use someone else's work, how do I get permission?**

You can ask for it. If you know who the copyright owner is, you may contact the owner directly. If you are not certain about the ownership or have other related questions, you may wish to request that the Copyright Office conduct a search of its records or you may search yourself. See the next question for more details.

## Can I use an entire piece of someone else's work?

If you want to use an entire article, you can do so in your classrooms but you must have an educational discussion related to the article. You do not need permission, but it might be a good idea to ask the author anyway. Some authors will provide you with

If you want to use an entire movie or video, you can do so in your classrooms but you must have an educational discussion related to the article.

If you want to use an entire work of any kind (musical work, piece of artwork, ect.), you can do so in your classrooms but you must have an educational discussion related to the article.

## How can I find out who owns a copyright?

A search of registrations, renewals, and recorded transfers of ownership made before 1978 requires a manual search of our files. Copyright registrations made and documents recorded from 1978 to date are available for searching online.

## How much of someone else's work can I use without getting permission?

Under the *fair use* doctrine of the U.S. copyright law, it is permissible to use limited portions of a work including quotes, for purposes such as commentary, criticism, news reporting, and scholarly reports. There are no legal rules permitting the use of a specific number of words, a certain number of musical notes, or percentage of a work. Whether a particular use qualifies as fair use depends on all the circumstances. An easy rule is that if use of the work circumvents your (or your students) purchase of the work where available, then you cannot use it.

## How much do I have to change to claim copyright in someone else's work?

Only the owner of copyright in a work has the right to prepare, or to authorize someone else to create, a new version of that work. Accordingly, you cannot claim copyright to another's work, no matter how much you change it, unless you have the owner's consent.

## What is copyright infringement?

As a general matter, copyright infringement occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed, or made into a derivative work without the permission of the copyright owner. A party may seek to protect his or her copyrights against unauthorized use by filing a civil lawsuit in federal district court. If you believe that your copyright has been infringed, consult an attorney. In cases of willful infringement for profit, the U.S. Attorney may initiate a criminal investigation.

## Could I be sued for using somebody else's work?

If you use a copyrighted work without authorization, the owner may be entitled to bring an infringement action against you. There are circumstances under the fair use doctrine where a quote or a sample may be used without permission. However, in cases of doubt, the Copyright Office recommends that permission be obtained.

## Does my copyright protection apply in other countries?

The United States has copyright relations with *most* countries throughout the world, and as a result of these agreements, we honor each other's citizens' copyrights. However, not all countries are included in that group.

## How do I put a copyright notice on my work?

A copyright notice is an identifier placed on copies of the work to inform the world of copyright ownership. The copyright notice generally consists of the symbol or word "copyright (or copr.)," the name of the copyright owner, and the year of first publication, e.g., ©2014 John Doe. While use of a copyright notice was once required as a condition of copyright protection, it is now optional.

### **Where is the public domain?**

The public domain is not a place. A work of authorship is in the “public domain” if it is no longer under copyright protection or if it failed to meet the requirements for copyright protection. Works in the public domain may be used freely without the permission of the former copyright owner.

### **What is a work made for hire?**

Although the general rule is that the person who creates the work is its author, there is an exception to that principle. The exception is a work made for hire, which is a work prepared by an employee within the scope of his or her employment or a work specially ordered or commissioned in certain specified circumstances. When a work qualifies as a work made for hire, the employer, or commissioning party, is considered to be the author. UCO Faculty members who have developed an Online course through CeCE shares an equal ownership of the course content along with UCO who paid for development.