

Useful Copyright Information

When you write down a story, poem, song, lyrics, software, computer program or paint or sculpt something, you can create a copyright from your work.

Copyrights allow the owner of the work to keep others from using it without the owner's permission. Copyright protects the "expression of an idea", but not the idea itself. For example, a copyright can protect a specific story about a dog going to the moon, but can't copyright info about animals in space.

Copyrights must meet 3 criteria:

1. Must be original.
2. Must be expressed on paper, audio or videotape, computer, clay or canvas.
3. Must be creative to some degree – you can't copyright a static list.

Frequently asked questions about copyrights:

How can I protect my work?

1. Place a copyright notice on your work in this format: "copyright year name". This keeps people from saying, "I didn't know it was copyrighted" in case you have to file suit.
2. Register your work with the US Copyright office. Register within 3 months of the publication date at a nominal cost of \$30.

Does a copyright last forever?

No. If a work is published after 1-1-1978, then the copyright is good for the author's life plus 70 years. If the work was copyrighted as an anonymous work or it belongs to an employer, then the copyright lasts 95 years.

What is this about my employer owning my copyright?

Yes, that is correct. If you did work for an employer and it fits the "work made for hire" law, then your employer owns the copyright.

So, who really owns the copyright?

If you create the work while employed, then the employer owns the work. If you created the work as contract labor, then they most likely will own the copyright.

What can I do with my copyright?

You can display, print, distribute, or perform the work. Your main goal is to make money off the copyrighted material. Usually.

If I can't do anything with my copyright, can I sell it?

Sure – You can sell or transfer the copyright. You can also license the copyright, which allows limited uses. That could allow another company to publish or perform your work if you wanted to concentrate on working on other things. But, if you transfer unconditionally, then the new owner has all rights and it's called an "assignment." Be sure to record the transfer at the US Copyright office in case of an infringement.

What if someone uses my copyright without my permission?

You can file a lawsuit in federal court to keep them from using the work, get monetary damages and sometimes recover attorney fees.

What defense would they have?

- Did you sell or authorize its use?
- Their work was created independently – wasn't copied.
- Statue of limitations reached between their first use and filing the lawsuit
- They didn't know the work was protected
- Fair use defense

What is the "Fair Use Defense?"

If the copyright work is being used for journalism, criticism or research, then the court has to determine fair use by how much of the work was used, the effect on the copyright, and why it was used. It doesn't give free reign, only the court can decide for sure.

I hope this information proves helpful in your copyright search. This is a very condensed version of what copyrights are all about. Contact a lawyer for further details.

About the Author

Stuart Simpson has consolidated some information on copyrights, patents, and trade secrets at: <http://www.intellectual-property-help.com/>

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