

Copyright









Copyright happens automatically as soon as a copy of the work is created. Just because you don't see the copyright symbol doesn't mean the work is "public domain" (you have the right to use it freely). In fact, the opposite is usually true. The symbol itself can provide the reader with important information including who owns the copyright and the first year of publication. A person does not have to register their work with the Copyright Office for action to be taken against a person infringing on that work; however it will help. Copyright registration is a public record and puts other people on notice.

The copyright "owner" has the exclusive rights to:

- © reproduce the work
- © prepare "spin off" created from the work
- © distribute copies or phonorecords (cassette tapes, CD's LP's, 45 rpm's as well as other formats) by sale or transfer of ownership, rental, lease or lending
- © perform the work publicly (for plays, musicals, poetry, choreography, pantomimes, movies and other audiovisuals)
- © display the work publicly (poems, musicals, plays, choreography, pantomimes, pictorial, graphics, sculptures, individual images from movies and other audiovisual works)
- © perform publicly (by digital audio transmission) sound recordings

They can also give permission for others to do the same.

Copyrights can be obtained for the following types of works:

-  Literary (including computer programs)
-  Musical (including accompanying lyrics)
-  Dramatic (including accompanying music)
-  Pantomimes and choreographic
-  Pictorial, graphic and sculpted (including maps)
-  Motion picture and other audiovisual
-  Sound recordings
-  Architectural

Registration:

Registering a work is a simple process. Send the following three items together in the same envelope.

1. A completed application form. (This can be found on the Copyright Office Website at www.loc.gov/copyright.)
2. A \$30 non-refundable filing fee (effective through 6-30-02) for each application.
3. A non-returnable copy of the work to be registered.

All three items MUST be sent in the same package! Just because your work is copyrighted in the U.S. does not mean it is throughout the world. Most countries offer some protection to foreign works under certain conditions. If you would like to see which countries maintain copyright relations with the U.S. visit the Copyright Office Website mentioned above.

Length:

Once you have obtained copyright protection, how long will it be safe? Currently once a work is created it is protected until 70 years after the author has died. If there are co-authors, the copyright lasts until 70 years after the last surviving author passes away. For works that were commissioned and those written under pseudonyms or whose authors are unknown, the copyright is effective 95 years from first publication or 120 years from creation – whichever is shortest. The author can sell their copyrights to another party (as was the case of Michael Jackson purchasing a large number of Beatles songs) and can even leave them to someone in their will.

Fair Use

If a person wishes to use part of someone else’s work they have to obtain written permission from the author of that original work. Only in “fair use” cases do you not have to obtain this. The courts created fair use guidelines for teachers and students. This “policy” permits those of us working in the school setting to “borrow” parts of an original work without obtaining written permission from the author. There are four basic guidelines used for the fair use policy - purpose, nature, amount and effect. The Copyright Management Center at Indiana University has a great checklist for fair use. You can view this whole document by going to their website at www.iupui.edu/%7Ecopyinfo/fuchecklist.html. Below are some of the acceptable and unacceptable uses mentioned on this site.

Purpose	Nature	Amount	Effect
Acceptable Teaching, research, news reporting	Acceptable Factual, important to education	Acceptable Small quantity, portion is not crucial to entire work	Acceptable No major effect on the market, user legally owns a copy of original work
Illegal Making money from sale of work, don’t give credit to author of original work	Illegal Very creative work (art, music, literary, films, plays), fiction	Illegal Large or entire work used, the part of the original used is crucial to new work’s success	Illegal Could replace selling of original, many copies made, used for a long time, made it available on the Web

United States Government works are considered public domain and may be used freely.

Generally speaking up to 10% of a work can be used. See the chart below for more clarification.

Motion Media	Text Material	Music, Lyrics and Music Video	Illustrations and Photographs
Up to 10% or 3 minutes, whichever is less	Up to 10% or 1000 words, whichever is less; an entire poem of less than 250 words may be used but no more than 3 excerpts from a poet	Up to 10% but no more than 30 seconds of the music and lyrics, alterations to a musical work can't change the basic melody or character of work	An entire photo or drawing may be used but no more than 5 images from the same artist, or when from a published collective work not more than 10% or 15 images, whichever is less



Copyright Worksheet

Name _____ Class _____ Date _____

DIRECTIONS: Answer the following questions.

Pre-Reading:

1. Have you ever visited a web site such as Napster? _____
2. Have you ever downloaded a song from one of these sites? _____
3. If you did, did you ever buy the CD that particular song was on?

4. Do you think people should be allowed to copy items such as songs, and movies without paying for them? Why? Explain your answer.

5. Do you own a CD burner? _____
6. Have you ever copied a song onto a CD or cassette? _____
7. What does the symbol © mean? _____



Read the magazine article (pages 10-11) from the December 2000 Issue of *Music Alive*. Then answer the following questions.

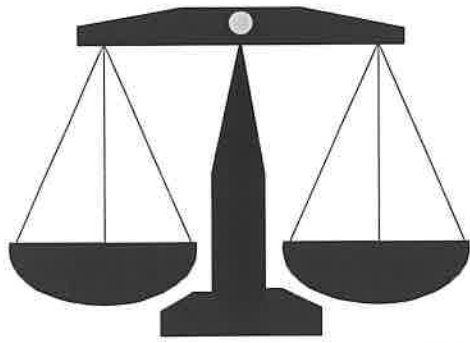
8. According to the article, why should the “record industry share some of the blame for the Napster/MP3 revolution?”

9. How much money did MP3 have to pay in damages to Universal Music Group? _____

10. Do you think this was a fair estimate? Explain.

11. Who does Metallica say “free downloads” will be hurt the most? Why?

12. When you purchase a CD, who are all the people/groups that receive money from it being sold? _____



You be the Judge!

Name _____ Class _____ Date _____

CASE 1:

In 1976, ex-Beatle, George Harrison, was found guilty of copyright infringement for his hit single, “*My Sweet Lord*.” Bright Tunes Music Corporation had obtained the copyright for the 1963 hit, “*He’s So Fine*” which was written by Ronald Mack and originally performed by The Chiffons. Did George Harrison borrow his musical ideas from Mack’s hit song? Judge for yourself. Look at the motifs on the overhead and listen to parts of the two songs.

RATING SYSTEM:

5=Exactly the same 4=Very similar 3=Somewhat alike 2=Barely the same 1=Not alike in any way

Melody: _____

Harmony/Chordal Structure: _____

Rhythm: _____

Tempo: _____

Lyrics: _____

Instruments: _____

1. How else are the two songs similar? _____

2. How are the two songs different?

CASE 2:

In 1981, Huey Lewis (Hugh Cregg) accused Ray Parker, Jr. of copyright infringement after Parker released his single, “*Ghostbusters*.” After more than 10 years of arguing, the two artists settled their case in private. Parker never publicly admitted his guilt but he did agree to pay an undisclosed amount to Lewis for “damages.” The issue was brought up again during the spring of 2001. Lewis had taped a VH-1 *Behind the Music* segment and disclosed details of the 1995 settlement. Parker filed a lawsuit against Lewis in March 2001. Parker claims Lewis broke the “confidentiality agreement.” Apparently part of the original settlement banned them both from revealing any information that was not in a press release they jointly issued at that time. Parker is asking for an unspecified amount of money to compensate him for “punitive” damages and to cover his lawyer’s fees. No matter the outcome....”who ya gonna call?” You be the judge!

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Melody: _____

Harmony/Chordal Structure: _____

Rhythm: _____

Tempo: _____

Lyrics: _____

Instruments: _____

3. How else are the two songs similar? _____

4. How are the two songs different?

5. Based on what you have learned, how have Ray Parker, Jr. and Vanilla Ice broken the copyright laws? Be specific. _____
