



AGRICULTURE

YOUTH &  
FAMILIES

HEALTH

ECONOMY

ENVIRONMENT

ENERGY

COMMUNITIES

# An Overview of Copyright at WSU and appropriate use of online resources

by  
Rob Stout

## What is Copyright?

- **Copyright** is a form of intellectual property that gives the author of an original work exclusive rights for a certain time period in relation to that work, including its publication, distribution and adaptation.
- Copyright applies to any expressible form of an idea or information that is substantive and discrete and fixed in a medium.
- Until 1978, you were required to register your work with the Library of Congress and to provide a copyright notice before your work was protected. After 1978 registration is no longer required. Your materials are copyrighted the instant the work becomes a tangible medium.

## Exclusive Rights of a Copyright Holder

### **The copyright holder has exclusive rights:**

- To produce copies or reproductions of the work and to sell those copies: (including electronic copies)
- To create derivative works (works that adapt the original work)
- To perform or display the work publicly (performance rights)
- To sell or assign these rights to others
- To transmit or display by radio or video (broadcasting rights)

## Public Domain

- Public Domain means that materials are openly available to everyone and not subject to copyright protection. Public domain often refers to software, but it can also refer more generally to any work of intellectual property.
- All published works created before 1923 are in the Public Domain.
- All unpublished works created before 1883 are in the Public Domain.
- All federally created documents are in the Public Domain unless otherwise specified.

## Fair Use

Fair Use allows for copyrighted materials to be used without permission as long as certain guidelines are met.

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- The nature of the copyrighted work;
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- The effect upon the potential market for or value of the copyrighted work.

## Fair Use

- Fair use, realistically is basically limited to journalism, education, and research.
- Fair use guidelines are arbitrary and “loose” with no definitive answer. I recommend reviewing the Fair Use section of the copyright web pages to determine if your usage falls into this category.

## The Internet

- Internet technology is developing so fast that the laws that govern cannot keep up with the technology.
- A common myth about the Internet is that anything posted online can be copied or downloaded. In truth, anything you see on the Internet has the same potential of being protected by copyright as anything you see in the library or bookstore.
- It is in violation of the Electronic Publishing and Appropriate Use Policy to download or upload materials from the Internet without permission. Any one on campus who is discovered engaging in this activity is required to take a class in copyright law and may lose their Internet service.

## Downloading of Information from the Net

- Downloading content from any Web page is the equivalent to making a copy of the content, the same as making copies of a book in the library.
- To comply with copyright law, you must receive permission from the copyright holder before you download any content. The exception to this is Fair Use.
- The complexity and uncertainty of a Fair Use analysis make it both risky and cumbersome to apply Fair Use to projects involving Internet materials.
- Some Web sites expressly give permission to download content. For the most part, if they tell you that you can download from their site, you can. **That is, if they hold the copyright to the content you want to use.**

## Policy on Using WSU's Copyright Protected Materials

- As a general rule, you may print, reproduce and use the information in, and retrieve files containing publications or images from only those WWW documents which WSU expressly grants permission or license to use provided:
- the use is for non-commercial, personal or educational purposes only,
- you do not modify any information or image,
- and you include any copyright notice originally provided in the materials. Additional restrictions may be placed on the material by the author.

## When in doubt...? Get permission

### Where does a person start?

- The copyright holder (usually the publisher) is the only one who can grant permission for use. Start with them.
- It is advisable to put all requests in writing.
- Be specific when you ask for permission to use copyrighted materials.
- Name of publication, web page, photograph, video, etc...
- What pages/portions of material you want to use.
- What the usage is for.
- What the duration of the usage is.
- What citations the copyright holder wants used.
- How many copies will be produced.

## When in doubt...? Get permission

If you would like, there is a service that can help you.

Most publishers are members of the copyright clearance center.

Copyright Clearance Center

222 Rosewood Dr.

Danvers, MA 01923

Phone: (978) 750-8400

Web: [www.copyright.com](http://www.copyright.com)

E-mail: [info@copyright.com](mailto:info@copyright.com)

## Where to go for more information

The information in this presentation is an overview of copyright. For more specific information please visit the link below or with specific questions, please contact Marc Lindsey.

<http://publishing.wsu.edu/copyright/>

or

Marc Lindsey, Copyright Specialist  
Office of University Publishing  
Washington State University  
Pullman, WA 99164-5910  
[lindseym@wsu.edu](mailto:lindseym@wsu.edu)  
Telephone: (509) 335-1214  
Fax: (509) 335-8568