



Office of
GENERAL COUNSEL

PRESENTS:

Copyright School:

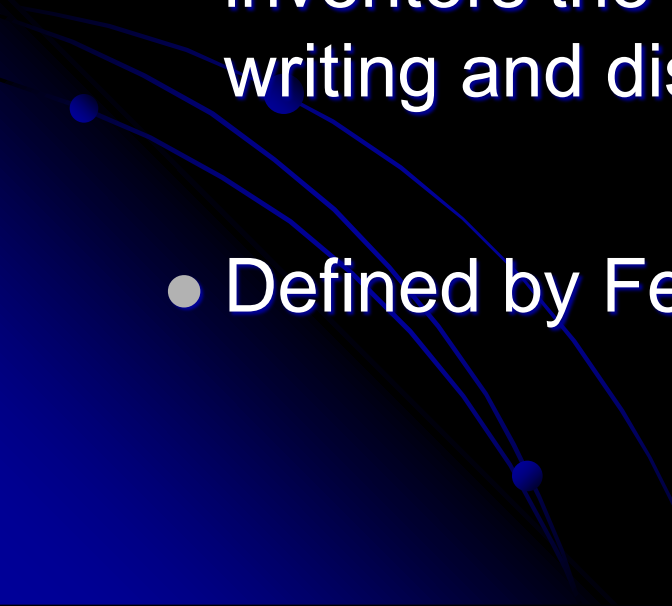
“Copy Rights & Copy Wrongs”

Introduction

- Copyright Basics
- Copyright On the Internet
- Discussion Scenarios

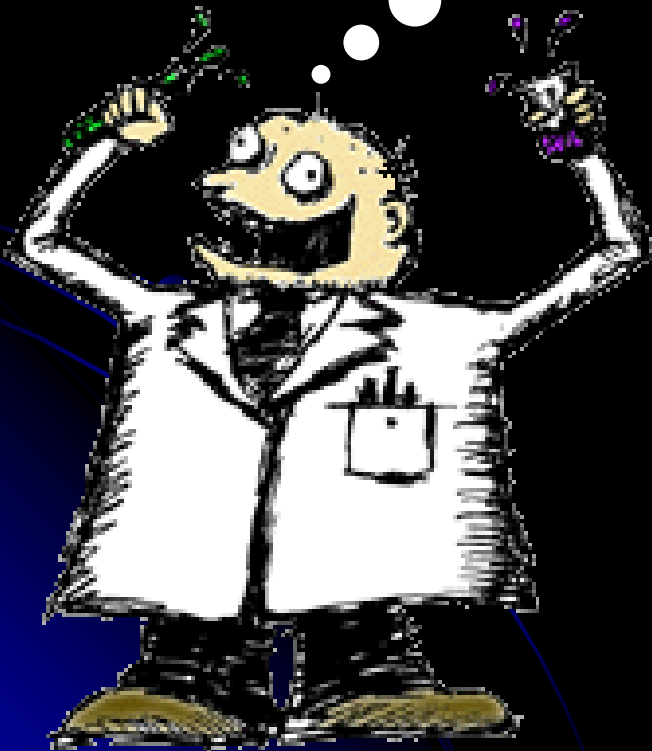


Copyright Basics

- What is the source of U.S. Copyright law?
 - “To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writing and discoveries.” – U.S. Constitution
 - Defined by Federal Statute (U.S. Code: Title 17)
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Copyright Basics

It's
ALIVE!!



- When is copyright created?
 - Authorship
 - Fixed in a tangible form of expression

Copyright Basics

- What works are covered?
 - Literary works
 - Books, articles
 - Musical works
 - Music sheets, CDs, Records
 - Dramatic works
 - Plays
 - Pantomimes and choreographic works
 - Dance routines
 - Pictorial, graphic, and sculptural works
 - Painting, drawings



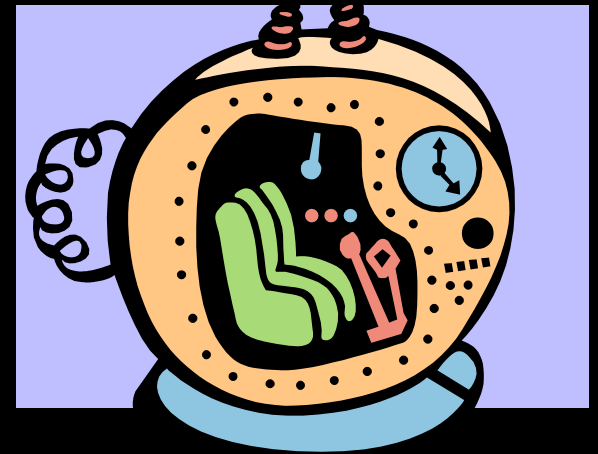
Copyright Basics

- What works are not covered?
 - Works not fixed in a tangible form of expression
 - Titles, names, short phrases, slogans
 - Works that have no original authorship
 - Works created by the U.S. government



Copyright Basics

- Examples
 - Albert Einstein conceives of a new theory about time travel and writes it down in a published article.
- What is protected?
 - Einstein's Published Article
- What is NOT protected?
 - The theory about time travel



Copyright Basics

- Examples (cont.)
 - Bob Ross paints an oil painting of beautiful trees in Rock Creek Park.
- What is protected?
 - Ross' actual oil painting
- What is NOT protected?
 - The beautiful trees in Rock Creek park



Copyright Basics

- What exclusive rights does a copyright owner get?

-Right to:

- make copies
- create a derivative work of the original
- distribute, display, and perform the work
- perform the sound recordings publicly by means of a digital audio transmission

Copyright Basics

- Infringement

- Use of any exclusive right without the copyright owner's permission

- Need permission from copyright owner**

- Exception

- Fair Use (limited)

- (i) purpose or character of the use (commercial or educational)
 - (ii) nature of the copyrighted work
 - (iii) amount and substantiality of the portion used
 - (iv) effect of the use on the potential market

Copyright Basics

- When does protection begin?
 - At the moment the work is created
- How long does copyright last?
 - Life of the author plus 70 years



Copyright On the Internet

MYTH- “If it’s posted on the Internet, it’s in the public domain for all to use.”

- Internet and Copyright Law

- Copyright Law applies to the Internet. Any reproduction or distribution of sound recordings, which have not been authorized by the copyright owner, violates federal law.

- Must obtain copyright owner’s permission to legally download music on the web.**

Copyright On the Internet

MYTH – “If I don’t charge for my music and movie files, then it’s not a copyright violation.”

- Letting others download music and movie files from your computer is a violation of copyright law, **EVEN IF IT’S FREE!**
- **Copyright owner’s permission needed**



Copyright On the Internet

MYTH: “Oh, so copyright violation is not a crime.”

- Civil Penalties

- substantial monetary payment
- injunctive relief
- cost of attorney’s fees

- Criminal Penalties

- up to five years imprisonment
- up to \$250,000 in fines
- or both



Copyright Scenarios

● Scenario #1

Monica and Chandler are passionate fans of swing music. For the past few months, Monica has been reorganizing their extensive collection of CDs. Monica had a grand plan of making their vast CD collection accessible on the Internet for her friends to use. Once copied into MP3 format, Monica has indexed all song files on her computer. Being “super anal,” she has arranged them a variety of ways – by artist, genre, year, band hairstyle, and even their shoe size.

After months of listening to Monica’s pestering, Chandler begins developing a website to fit her master plan. Chandler has designed a webpage with a friendly search engine to allow them to search for a song in their collection.

Monica told Phoebe about the website. She was so impressed that she decided to go home and download some music files from the website. Phoebe called Joey and Rachael to let them know about this great music collection. Joey emailed his entire acting class informing them about the great music on his buddy Chandler’s site. Within no time, his website had 9,000 hits a week.

What’s wrong with our friends’ use of their CD collection?

Copyright Scenarios

- **Scenario #2**

Ross is a paleontologist who is teaching at a local community college in New York City. One day after class, Ross overheard some students talking about a website that offered free music downloads. This was news to Ross.

The next day before class started, Ross sat in his college office and checked out the website. Once on the site, Ross became instantly hooked. Ross started to download songs from the Beatles, Dave Matthews, and Cher. For the next two weeks, Ross went on a music swapping binge. He even began to cancel class so he could just download music at the college.

Ross received a call from the dean to discuss a serious matter. Besides being a fan of Cher, what did they discuss?

Copyright Scenarios

- Scenario #3

Phoebe has decided to quit her day job as a massage therapist and become a full time folk musician. She has signed onto a local New York City (NYC) music label and is planning to release her first album “Smelly Cat.” Two months prior to the release date, Phoebe had a kick off party at the local coffee shop where she performed all of the songs on her album to a packed house.

Unbeknownst to her, Gunther, an employee from the coffee shop, was recording all of her songs during her live performance. Gunther decided to copy the songs onto his computer and post them on various NYC message boards. Within a couple of days, dozens of locally known music websites, as well as NYC college student servers, had all or some of the songs from “Smelly Cat.”

When “Smelly Cat” was released, the album sales were much less than anticipated due to a huge amount of free downloading. Since Phoebe quit her job, she could not afford to live in her apartment and had to move in with Joey.

What’s wrong with Gunther’s actions?