

### **What is an original artwork?**

- At its essence, original artwork is the art that is produced by an artist's hand. This definition excludes mechanical or digital copies, prints, and other reproductions. However, fraudulent copies can also be recreated by hand, so an original must be produced by hand by the original, authentic artist.

### **What is originality in art?**

- Originality in art created by the artist's own hands driven by imagination creates value. These two things are the basic ingredients that put originality in art. It's unique one of a kind art. Original artworks from the artist own hands. Artwork made by hand. The art was not created by a machine driven process

**It seems the biggest reason why is that according to most folks they would rather have the original and not a replica. It takes skill to create originality and comes from developing your own style usually after many years of practicing, trial and error and learning. Some art museums maintain reproductions take money away from what might be spent on original artwork. Replicas are not to be confused with reproductions or giclees.**

## What's the difference between copyright, patent and trademark?

A trademark generally protects a word, phrase, symbol and/or design that distinguishes the source of the goods -- what we think of as brand name and brand recognition. A patent generally protects an invention, including the functionality or design, or in other words, "any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof." 35 U.S.C. § 101. A patent typically gives the owner the exclusive right to manufacture products or employ processes covered by the patent for 20 years from the earliest priority date. A trademark, if properly

maintained, can last forever. Copyrights, meanwhile, generally protect artistic works such as books, photographs, arts, movies and music.

A copyright gives the owner the exclusive right to reproduce, distribute, perform, display, or license his work, including (but not limited to), literary, musical, dramatic, pictorial, artistic, audiovisual, and architectural work, and computer programs.

Learn more about copyright using the [Copyright Questionnaire](#). Need a copyright assignment, see [Assignment of Copyright](#).

The internet is awash with beautiful, compelling, eye-catching images, and it can be tempting to use them for your personal or professional project. However, **most of the images you find online are not available for use without the expressed permission or license from the copyright owner.**

If you reproduce, publish or distribute a copyrighted work (or a work derived from a copyrighted work) without permission or a valid license, you are committing a legal offense – namely, copyright infringement.

According to the [Copyright Law of the United States](#), **the copyright owner of an image has exclusive rights to:**

1. Reproduce the copyrighted work in copies.
2. Create derivative works upon the copyrighted object.
3. Sell or distribute copies of the copyrighted work.
4. Display the copyrighted work publicly.

**Therefore, the aim of copyright is simple: to protect creators from having their work displayed, stolen, copied, or reproduced without their permission.**

It's also good to know that copyright covers a form of material expression (like a photograph) but not the ideas, techniques or facts behind the work. Here's a [good example](#) of how this concept plays out in the real world:

*"If, for example, a picture was directed very similar to the Abbey Road cover of the Beatles, where the singers are walking in a line, on a zebra crossing, dressed in contrasting formals, this might be an infringement of that copyright. Say, the suspected photograph is merely one of four men crossing a road on a zebra crossing, this would be the expression of a very common idea, not specifically the idea behind Abbey Road. However, if the photographer dressed his subjects in a similar wardrobe, shot the picture at the same angle, then this could amount to an infringement of the copyright on Abbey Road."*

*Legal Definition*

**A definition for Federal Law Copyright.**

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The owner of a copyright has the right to exclude any other person from reproducing, preparing derivative works, distributing, performing, displaying, or using the work covered by copyright for a specific period of time.

Copyrighted work can be a literary work, musical work, dramatic work, pantomime, choreographic work, pictorial work, graphic work, sculptural work, motion picture, audiovisual work, sound recording, architectural work, mask works fixed in semiconductor chip products, or a computer program.

Only a concrete "medium of expression" can be copyrighted, facts, ideas, procedures, processes, systems, methods of operation, concepts, principles or discoveries cannot themselves be copyrighted. Items to be copyrighted must be original and not the result of copying another copyrighted property. The U.S. Copyright Act, 17 U.S.C. §§ 101 - 810, is Federal legislation enacted by Congress under its Constitutional grant of authority to protect the writings of authors. See U.S. Constitution, Article I, Section 8. Evolving technology has led to an ever expanding understanding of the word "writings". The Copyright Act now covers architectural design, software, the graphic arts, motion pictures, and sound recordings. Because federal legislation invalidates inconsistent state law, the copyright field is almost exclusively a Federal one.

A copyright gives the owner the exclusive right to reproduce, distribute, perform, display, or license his work. The owner also receives the exclusive right to produce or license derivatives of his or her work. Limited exceptions to this exclusivity exist for types of "fair use", such as book reviews. Under current law, works are covered whether or not a copyright notice is attached and whether or not the work is registered.

The federal agency charged with administering the act is the Copyright Office of the Library of Congress.

# How can I use a copyrighted image?

**It's by no means impossible to use an image that is copyright-protected – you just need to get a license or other permission to use it from the creator first.** In most cases, using the work either involves licensing an image through a third-party website, or contacting the creator directly. It's also possible to transfer copyright between people. This is often done through a document signed by the copyright holder, or, in certain circumstances, an authorized agent.

## 1. Paid licensing

A licensing fee is paid to use the image. The type of licensing can vary, controlled by the copyright owner. Restrictions may apply to editorial or commercial use, and platform-based limitations are common as well, regarding online or offline use. All details should be set in the agreement between the image owner or copyright owner and the future image user, or the process can take place on stock photo platforms, as well.

**If you can't trace the owner of an image, choose another one.** If you don't know the provenance of the work or terms of its license (if any), you run a high risk of infringing someone's copyright. You may have good intentions, but simply hosting someone else's work on a website without their permission (and in some countries even linking to a copyrighted work) constitutes copyright infringement.

- Motion pictures and other audiovisual works are entitled to copyright protection under U.S. law. The category "audiovisual work" covers a wide range of cinematographic works embodied in films, tapes, video discs, and other media. However, it does not include live telecasts that are not fixed simultaneously with their transmission.
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- Can the still shots or pictures from a motion picture be under a copyright?
- Making use of a still from a film in this way does require permission from the copyright owner as it involves republishing the image on a public site and so is not covered by fair dealing exemptions relating to criticism and review. The issue with this query was more how to track down the rights owner to obtain the permission.
- In the United States, any motion pictures made and featured before 1925 are permanently within the public domain. Current public domain laws state that any new films have copyrights for 95 years. This means movies released in 1925 enter the public domain in 2021.
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Archivable:

An inexact term implying materials, products or processes that are durable, chemically stable, of long life and suitable for conservation purposes. phrase is not quantifiable; no standards exist that describe how long an 'archival' material will last. [ >>> ]

## Public domain

/ˈpʌblɪk doʊˈmeɪn/



*noun*

- 1. the state of belonging or being available to the public as a whole, and therefore not subject to copyright: "the photograph had been in the public domain for 15 years"

### **How do I know if something is "public domain"?**

- If an original copyright expires and is not renewed, then that piece enters the public domain and is no longer privately owned. Alternatively, if an author never chooses to file for a copyright of their work, then their material will likely end up as public property.

## How to Tell if a Work Is in the Public Domain or Not

There are two general and broad categories of authored material. While the first category is copyrighted and therefore legally protected and owned by an individual or group, the second category is considered the property of the public domain and is open to either limited or unlimited use by the public. The material in question might be a written piece of work, a choreographed dance recording, a work of drama, a computer program or an architectural design. There are a number of different factors that go into determining whether something is considered to be in the public or private domain. Here's what you need to know.

## Who Owns Works in the Public Domain?

While the owner of a private work holds the copyright and legal claims over that piece, there is no formal owner of a work in the public domain. Essentially, it is owned by the public at large. Of course, every public work still has a creator who was behind its inception. The original author of the work may have intentionally relinquished their legal rights to the piece, unintentionally given up their ownership by neglecting to obtain or renew a copyright or simply may have passed away.

## How Does a Work Get Into the Public Domain?

A recorded work may arrive in the public domain through one of several channels. If an original copyright expires and is not renewed, then that piece enters the public domain and is no longer privately owned. Alternatively, if an author never chooses to file for a copyright of their work, then their material will likely end up as public property.

An owner of a work may also generously choose to donate their piece to the public realm. This is the case with many open source images, clip art and photographs that can be found online. In order to be unprotected in this way, an author must explicitly state that their work is public property.

Because copyright protection is for a limited amount of time only, it is important to keep these regulations in mind when it comes to expiration dates.

- Works published before 1923 are in the public domain, as their original copyrights have already expired.
- If something was published and copyrighted between 1923 and 1964 and renewed in its 28th year, it is copyrighted for 95 years after it was granted protection.
- If material was published and copyrighted between 1964 and 1977, it is copyrighted for 95 years after it was granted protection.
- If something was published after 1978 by one author, it is copyrighted for the length of the author's life plus 70 years. If it has multiple authors, it is copyrighted for the length of the longest surviving author's life plus 70 years.
- If a work was published between the beginning of 1978 and the end of 2002, the copyright lasts at least until 2047.
- If something was anonymously authored or made for hire, it is copyrighted for 95 years from its publication date or 120 years from its creation date, whichever comes first.

- Material that was never copyrighted but was published between 1923 and 1977 or between 1978 and March 1, 1979, it is in the public domain unless there is a lawful exception.
- If an audio recording was published between February 15, 1972, and 1978, or between 1978 and March 1, 1979, it is considered expired if it doesn't hold a copyright or registration.

As you can see, there are specific rules and regulations that govern how and when a work may slip into the public domain. If you are an author and wish to maintain sole rights to your material, make sure to obtain copyrights and renew them before their dates of expiration in order to legally claim private ownership of your work.

Are there copyrights on photo clips out of recent movies

Yes, but it's important to know that there are seven types of Creative Commons license: unless an image is licensed under 'Creative Commons Zero (CC0)', it is still protected by copyright and will require appropriate attribution within the framework of its individual license in order to be used legally.