

Information on Copyrights

What is the difference between Common Law copyright rights and Copyright Act rights?

What is the advantage of copyright registration? Copyrights are not initiated through registry; instead, they are established from the moment that a work is created. Any creator (in the U.S.) can label their work with the © symbol — even without formal registration. However, there are some advantages of registering. When a work is certified by the U.S. Copyright Office, infringements can be fought with **lawsuits**. The office also keeps a **public record** of any registered copyright. These two benefits are by far the most intriguing to those who wish to secure their works more permanently.

What does the U.S. Copyright office do? Primarily, their job is to establish and record copyright registrations. Additionally, this division of the Library of Congress produces informative materials regarding copyright laws and registrations.

“the Digital Millennium Copyright Act...updates copyright law for the digital age by including provisions forbidding individuals from circumventing copyright protection systems and limiting the liability of Internet service providers (such as Google) for copyright infringement. A number of experts believe that the Digital Millennium Copyright Act of 1998 is the most comprehensive updating of copyright law in a generation,” (Bouchoux, 2018).

The above paragraph explains how copyright laws are not outdated and addresses the reality of the internet as a publishing platform. This amendment guides and coaches all parties (creators, websites, and service providers) on how to steer clear from plagiarism.

Star Trek actor Leonard Nimoy (1931–2015) was the author of the autobiographical book I am Spock, written in 1995. When does copyright protection for this book end?

Copyright protection for a work typically ends 70 years after the death of the author. This specific protection will last for a total of 90 years (1995–2085).

Louisa May Alcott (1832–1888) was the author of the novel Little Women. May you prepare a screenplay for a new film based on this novel?

Yes. Little Women is public domain and treated as if owned by the public rather than the original author’s estate.

Michelle Obama has been keeping a journal of her activities and thoughts about her years in the White House. At present she has no plans to publish any book based on these musings. Is the work protectable under copyright law? Michelle Obama could claim ownership to the journal entries because they are original works of authorship and in a tangible form.

Your cousin is a musician. You recently discovered some hastily scribbled song lyrics written by him on a piece of scratch paper. Is the work protectable under copyright law?

The musician can claim ownership to the works because they are in tangible form (pieces of paper). However, the optimum protection could be achieved through proper registration.

Describe the balance that must be reached between giving artists and authors the right to exploit their creative works and the right of the public to have access to these works.

2 things can put a stranglehold on creative industries: unwillingness to pay (on the consumer's side) and artists who overvalue their work. The laws that are in place prevent audiences from stealing and redistributing the works of others. Simultaneously, the limitations of protection encourage artists to continuously produce creations and release them to the public at an affordable price.

Key Terms:

Original work - a new creation that has no identical counterpart. Mere similarities do not disqualify a work from being original.

A copy - the physical means by which a work can be understood and perceived (canvas, paper)

Phonorecord - a copy of an audiovisual work in the form of an MP3 file, film, tape, or CD.

Fixation - a work's status as being fixed in an observable manner (written proof, video recordings, etc). A storyteller can achieve fixation of their narratives by having a scribe develop a transcription.

What law provides copyright protection to any tangible medium of expression including CD's, video games and videotapes? The Copyright Act has been amended to fit more modern forms of creations. The U.S.'s connections with the Berne Union seems to be an influencer on these protections as well.

What are the eight categories of protectable works? Literary, musical, dramatic, choreographic, pictorial, audiovisual, sound, and architectural works.

What law enumerates and protects those eight categories? The Copyright Act § 102

Are the 8 categories the only works protected, or are the 8 categories illustrative? This list is not exhaustive, and some protectable works may not be expressly categorized.

The court in Baker v. Selden, 101 U.S. 99 (1879), held that although ideas are not protectable, what is? The fixated expression of the idea.

Which one of the following is protected by copyright law?

Ideas ✗ - unless expressed in a tangible form.

Blank contract forms ✗

Short phrases ✗

Slogans ✗

Titles ✗

Works in the public domain ✗

Facts ✗ - general information cannot be owned.

Hand held calculators ✗ - these would find more suitable protection through patent(s).

Bookkeeping system ✗

Sequence of yoga poses ✗

Standard calendar ✗ - perhaps the included designs or photos could receive protection..

Formulas ✗

Laws ✗ - these are considered part of the public domain.

Scooby-Doo ✔ - characters are protected as parts of the entire work (such as a script).

Give an example of a scènes à faire that your textbook does not discuss.

Adidas *used* to make jerseys for the NBA. Since 2017, Nike has been the official apparel provider for the league. When Nike designs uniforms for the Denver Nuggets (purely an example), Adidas cannot claim the rights to the word “Denver” stylized in blue or yellow. The team’s colors are blue and yellow, and they play in Denver. Producing a jersey that contains those words and colors is “that which must be done”.

Are offensive, vulgar, deceptive, and immoral books, plays, and songs copyrightable?

Yes, but they must not be deceptive.

What is a derivative work? A work that is birthed out of another previously existing work (translations, fan-fictions, adaptations, satirical interpretations).

What must be demonstrated for a derivative work to be copyrightable?

The works should include modifications, edits, augmentations, or commentaries.

Give an example of a derivative work that is not found in your textbook.

The Blues Brothers film (1980) — derived from the recurring SNL comedy sketch.

Explain whether Client needs to apply for a copyright registration for a book of photographs of the Grand Canyon, which was published in Ohio last month.

Views as iconic as the Grand Canyon are considered Scènes à Faire and anyone can take a picture of the landmark.

How long does the copyright of a book last?

The duration of the author’s life, plus 70 years after their death.