

Policies

- Copyright

Some Copyright Basics that you should know. (©)

- Copyright is a form of protection provided by the laws of the United States to the authors of “original works of authorship.” (17 USC § 101 et seq., “1976 Copyright Act”)
- This protection is available to both published and unpublished original works.
- Though a copyrighted work often carries the © symbol on it with a copyright notice, a work does not need to bear such a symbol to benefit from copyright protection.
- A copyright interest is divisible by the holder, and includes the following rights:
 1. To reproduce the work
 2. To prepare new versions of the work (A derivative work)
 3. To publicly distribute the work
 4. To perform the work publicly (In the case of literary, musical, dramatic, motion picture, audio and choreographic works)
 5. To display the work publicly (Including controlling the way in which a gallery or museum displays the work)
- Authors of a joint work are automatically co-owners of the copyright, unless there is an agreement between the authors that indicates otherwise.
- It is an infringement upon a copyright to use someone else’s work without either:
 - Acquiring the copyright interest from the copyright holder, or
 - Obtaining permission from the copyright holder to use the work.
(Note that permission, when obtained, should be in writing, signed by the copyright holder and retained by the user of the work.)
- Copyright interests and laws apply to information published on the Internet. There are no special rules exempting such information from copyright protection.
- Two exceptions exist that allow limited use of copyrighted works without holding a copyright interest in the work or without obtaining permission:
 1. Fair Use (Fair use is much narrower than commonly understood¹)
 2. Exempted Use (Use that lies outside the protection of any copyright interest)

A person wishing to use a work under either of these circumstances must carefully evaluate the desired scope of use before using the work. You are strongly encouraged to seek assistance in evaluating the circumstances of the desired use to ensure that it is consistent with the criteria that defines “fair “ or “exempted” use.

Sources at Saint Mary’s for general information regarding copyrights.

- Saint Mary’s Library
- Publications Office
- Office of the General Counsel

¹ In late 2002, Congress enacted significant changes to Section s 110 (2) of the Copyright Act to expand Fair Use in the arena of distance learning, addressing many issues related to “online” or “distance” education- THE TEACH ACT.