



# Copyright Basics

## What is copyright?

- ◆ A federal law that provides exclusive rights and protection for original works of authorship
- ◆ A limited, statutory monopoly giving exclusive rights to the creator or author.

## What is the purpose of copyright?

- ◆ To benefit the public by advancing the progress of science and the useful arts.

## Why is copyright important?

- ◆ Provides protection in the US for original works of authorship
- ◆ Gives a bundle of exclusive rights to the copyright holder
- ◆ Allows the copyright holder to make money off their labor and creations

## What is protected by copyright?

- ◆ Anything that is created in original works of authorship that is "fixed in any tangible medium of expression"

Includes anything:

- ◆ Original or creative in nature
- ◆ No set rule on creativity as long as it is more than a listing of facts.
- ◆ Written or typed
- ◆ Stored in a computer
- ◆ Recorded in an audio or video format

## Exclusive Rights of the Copyright Holder

- ◆ To reproduce the copyrighted work in copies;
- ◆ To prepare derivative works based upon the copyrighted work;
- ◆ To distribute copies to the public by sale or other transfer of ownership or by rental, lease or lending;
- ◆ To perform the copyrighted work in public (movies, plays, music, etc.);
- ◆ To display the copyrighted work in public (images, dramatic, sculptures, pictorial, graphics, etc.)

## Fair Use

### What is it?

Any use or copying of copyrighted materials done for a limited and transformative purpose;

- ◆ A defense against a claim of copyright infringement;
- ◆ A balancing test comprising four factors - the exclusive rights of the creator vs. the user.

### What is the Purpose of fair use?

A defense in the law for the purposes of using copyrighted materials without asking for permission or paying copyright fees.



## Acceptable Forms of Fair Use:

- ◆ Education
- ◆ Research
- ◆ Commentary or Criticism
- ◆ News Reporting
- ◆ Satire or Parody



## Four Factors of Fair Use to Consider:

1. Purpose & Character
  - ◆ What is it?
  - ◆ Why are you using it?
2. Nature of the Work
  - ◆ Is it published or not published?
  - ◆ Is it creative, or fact based, or non-fiction?
3. Portion Used
  - ◆ How much is being used?
  - ◆ Is it the "heart" of the work?
4. Impact on the market
  - ◆ Does it impact the market for the original work?
  - ◆ Is it available in the format you want at a reasonable cost?

Always use 4 Factor Test when considering Fair Use!

**REMEMBER - Less is More!!**

In general, most activities within the church **will not** be covered by Fair Use. In these cases you will need to be covered by a license or ask for permission.

***When in doubt ask the copyright holder for permission!***

## Planning Considerations

**Questions to consider when choosing items for your presentation, music, newsletter, website, etc.:**

- ◆ Why do I need THIS item?
- ◆ Will something ELSE work?
- ◆ How will it HELP my audience?
- ◆ How will it ENHANCE my presentation, newsletter, etc.?
- ◆ Does the copyrighted material help me make MY point?
- ◆ Have I used NO MORE than is needed to make my point?
- ◆ Will it help my readers or viewers get MY point?



## Copyright Considerations

Once you have found the items you wish to use in your presentation, newsletter, music, etc., it is time to consider the copyright implications. Ask yourself these questions in order:

- ◆ Is there a copyright to worry about?
- ◆ Does any license cover my use?
- ◆ Is there a specific exemption that applies?
- ◆ Is it a fair use? Consider the 4 Factors of Fair Use.
- ◆ How do I ask for permission?
- ◆ Who do I ask for permission?
- ◆ What is the cost?

### Where to Get Help:

Julie Rustad

Online Learning & Distance Education

Librarian

[rustad@css.edu](mailto:rustad@css.edu)

218-723-6535

GSS Library

[library@css.edu](mailto:library@css.edu)

218-723-6140

College of St. Scholastica Library

## Copyright 101: Considerations for the Catholic Church

