

Copyright Guidelines

It is the customer's responsibility to make sure that no copyright or proprietary rights are violated when reproducing material. We will not reproduce copyright protected materials without appropriate permission.

What types of materials can be protected by copyright?

Copyright protects a vast array of materials, such as books, articles, photographs, paintings, sculptures, software, websites music, sound recordings and even doodles, scribbles and graffiti. Copyright does not apply to facts, slogans, titles, and simple phrases. Also exempt from protection are works of the U.S. Government. (the exemption does not apply to works created by state, local or foreign governments.

When does the work receive protection under copyright law?

Works are protected automatically as soon as they are created. An original work that is "fixed" by some media receives a degree of copyright protection immediately. It is no longer a requirement that a copyright notice be placed on the work or that the work be registered with the U.S. Copyright Office to receive protection. However, including a notice on your work and registering your work with the U.S. Copyright Offices does provide some legal and practical benefits to the originator of the work.

How do I obtain permission from an author or publisher to utilize their work?

You can contact the author/publisher directly to request permission or conduct a renewal search yourself to determine if the work has passed into the public domain. The renewal records for the works published from 1950 to the present are available online at <http://lcweb.loc.gov/copyright>.

The U.S. Copyright Office will research renewal information for individuals upon request for an hourly fee. (call the Reference & Bibliography Section at (202) 707-6850).

When can I use a written work without the author's permission?

When a work becomes available for use without permission from a copyright owner, it is said to be "in the public domain." Most works enter the public domain because their copyrights have expired.

To determine whether a work is in the public domain and available for use without the author's permission, you first have to find out when it was published. Then apply the following rules to see if the copyright has expired.

All work published in the United States before 1923 are in the public domain. Works published after 1922, but before 1978 are protected for 95 years from the date of publication. If the work was created, but not published, before 1978, the copyright lasts for the life of the author plus 70 years.

For works published after 1977, the copyright lasts for the life of the author plus 70 years. However, if the work is a work for hire (that is, the work is done in the course of employment or has been specifically commissioned) or is published anonymously or under a pseudonym, the copyright lasts between 95 and 120 years, depending on the date the work is published.

Are there other legal instances to reproduce protected copyright works that do not require requesting permission from the author/publisher?

Notwithstanding the provisions of Section 107 of the Copyright Law, 17 USC 107, the fair use of a copyrighted work, including such use by reproduction in copies or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.

In determining whether the use made of a work in any particular case is fair use, please refer to the Fundamentals of Copyright and Fair Use Guidelines developed by the Office of General Counsel, The California State University, dated July 2007 and posted on their web site at www.calstate.edu/gc/Docs/Fair_Use.doc.