

# Copyright

## **What is copyright?**

Copyright is the legal right an author has over their creation. Copyright begins as soon as a work is created. An item does not have to be registered to be considered copyrighted. The item must be fixed, original, and have minimal creativity (above and beyond the original).

## **Why does copyright exist?**

Copyright serves to protect the creative ideas of authors and artists in order to allow knowledge to progress.

## **What is Fair Use?**

Fair use is a principle that states that an individual can use portions of copyright material for commentary and criticism.

## **Four Guidelines for Fair Use:**

1. What is the purpose and nature of your use?  
If the item going to be used for non-profit research or educational purposes it may qualify because it is being used as a review or commentary rather than for commercial use.
2. What is the nature of the copyrighted work?  
If an item benefits the public (statistics, facts, etc.) it may qualify as fair use more than something that is artistic in nature.
3. The amount and substantiality of the material used.  
The portion used should not exceed reasonable amounts in comparison to the work as a whole. If the material used is the “essence” of a work and can affect the author’s gain, it may not be considered fair use.
4. What is the effect of use on the potential market for the copyrighted work?  
If the item will target the same audience as the original it may not be considered fair use. The more an item differs from the original the more it may be considered fair use.

## **For more information, try the following websites:**

“Fair Use of Copyrighted Materials” by the University of Texas System  
<http://www.utsystem.edu/ogc/intellectualproperty/copypol2.htm#test>

“UT System Crash Course in Copyright” by University of Texas System  
<http://www.utsystem.edu/ogc/IntellectualProperty/cprtindx.htm>