

Copyright for the Community Producer

Mark Taylor, January 19, 2014

Whenever the topic of copyright comes up the words “Free Speech”, “Fair Use” and “Public Domain” get thrown around a lot. You may also hear the phrase “but I’m not making any money from it” a lot. There are a lot of misconceptions about what you can and can’t do. I will try to clarify these in the next few minutes.

The First Amendment to the constitution:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Freedom of Speech, or of the press

A lawyer will tell you about many cases that involved freedom of speech, how they were won or lost and their significance with how the law shapes our current use of the amendment. For the purposes of our station it means that anybody has the right to express their opinion without being oppressed. This does not include your opinion that Joe Politician is a Bleep Bleeping Bleep! You can disagree with his points of view, you can fact check his statements but a stream of profanity is not protected speech. Just be sure that you don’t accuse him of anything without proof or you may be accused of slander.

Fair Use

The practice of using copyrighted work in your own under the the practice of fair use is always risky. The rules for fair use are setup in sections 107-118 of the copyright laws. The basic idea is that any work can be used, regardless of copyright, in your own work as long as your work falls into one of several categories such as criticism, comment, news reporting, teaching, scholarship, or research

U.S. Copyright Office on fair use: <http://www.copyright.gov/fls/fl102.html>

Public Domain

If a work is in the public domain it means that anyone can use it for any purpose. That doesn’t mean that every facebook post or public performance is in the public domain. In fact there is a long and confusing set of rules that determine if something is in the public domain based mostly on when the work was created and the life of the author. Anything created before 1850 is almost certainly in the public domain. If the author died more than 70 years ago the work may be in the public domain. The country or state in which the work was registered also plays a roll. What this means is that you are free to use the works of Shakespeare but not those of Disney. Also, Disney has swarms of lawyers.

U.S. Copyright office on public domain: <http://copyright.cornell.edu/resources/publicdomain.cfm>

Creative Commons

The creative commons licences can be applied to any work and are fairly generic. There are several different licenses that you can use. Each license allows and restricts the various ways that your work may be used by others. All six licences currently require users to provide attribution to the author. The other five licenses offer combination of allowing or not allowing derivatives, commercial use and sharealike. Derivatives allows others to make changes to your work and republish it. Commercial use allows other to include your work in a commercial project such as a book. Sharealike allows others to share your work under the same rules that you shared it.

Anecdote

Have you heard the story about Picasso and the napkin art. I was unable to find an original version so here is a simplified version. An admirer of picasso asked picasso to draw a quick sketch for him on a napkin. Picasso complied and while handing the napkin over requested a large sum of money for it. The admirer was surprised and complained that it only took a few moments of his time. Picasso countered that while it only took him a few moments to draw it, It took him his entire life to get to the point where he was drawing on napkins for large sums of money. There are a number of things you can take from this story. It took picasso 40 some years to become popular enough to command the price. It took him 40 years to get good enough to create art worthy of large sums of money in only a few moments. Another is that art or any work of creativity is owned by the author and they can charge whatever they want for it. The public has the option to buy it or not to. But taking the work regardless of the price the creator requests is still a theft of their work. Please be considerate and respect the copyright.