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9-13-2017

### Copyright for Publishing 2

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# Copyright for Publishing

*a super-short course*

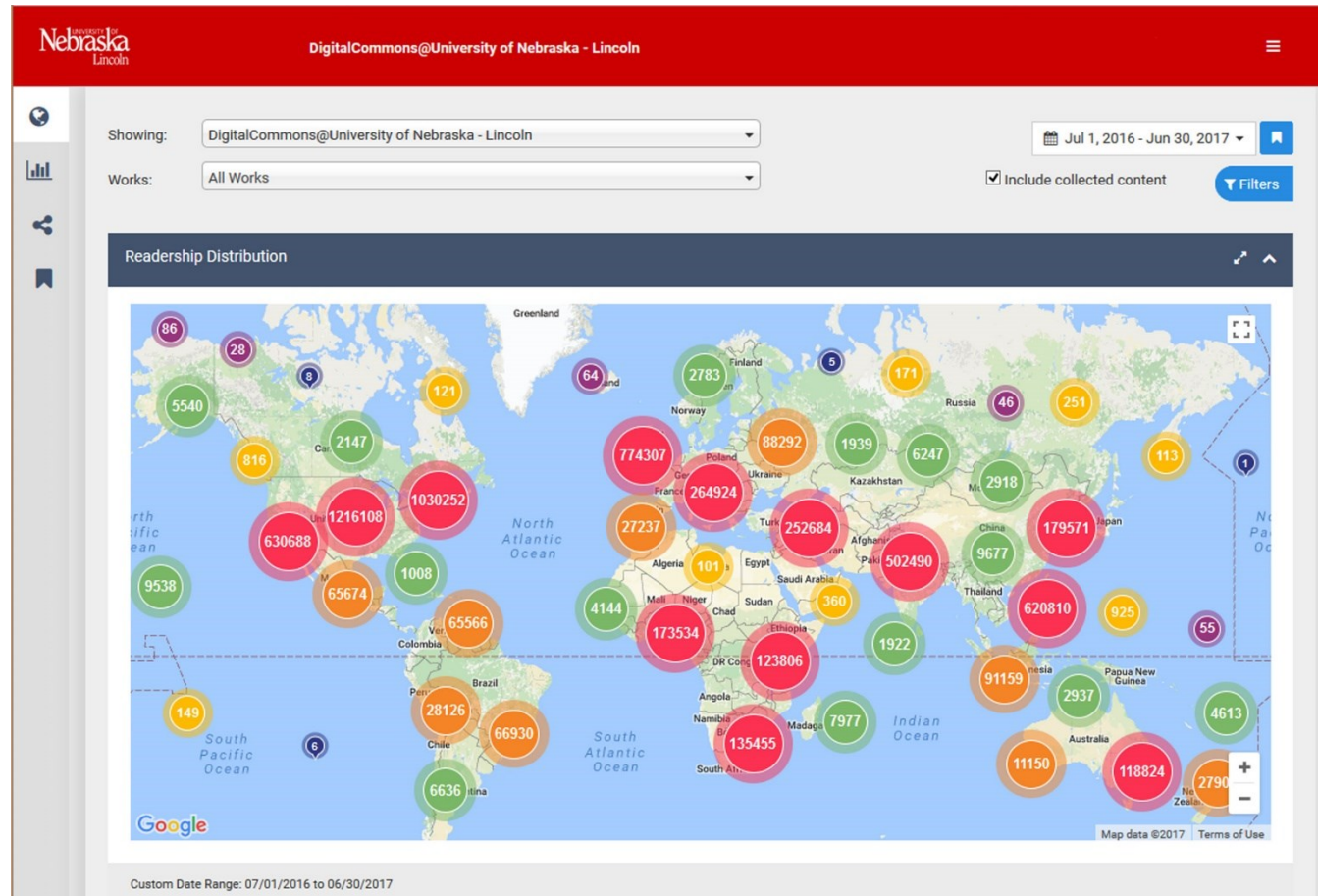
# But first, more about Me!



- English PhD (Columbia Univ.)
- 25 years in publishing, with Library of America, Barron's Educational Series, Yale University Press, & University of Nebraska Press.
- Since 2005: Coordinator of Scholarly Communications, UNL Libraries
  - manager online Digital Commons repository (articles & journals)
  - publisher Zea Books (monograph imprint)
  - copyright consulting (not legal advice)

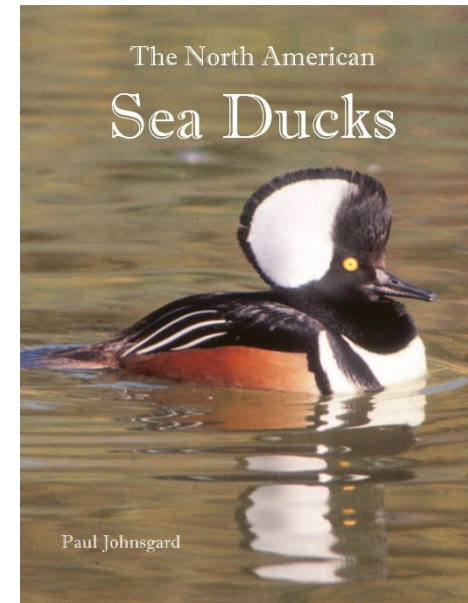
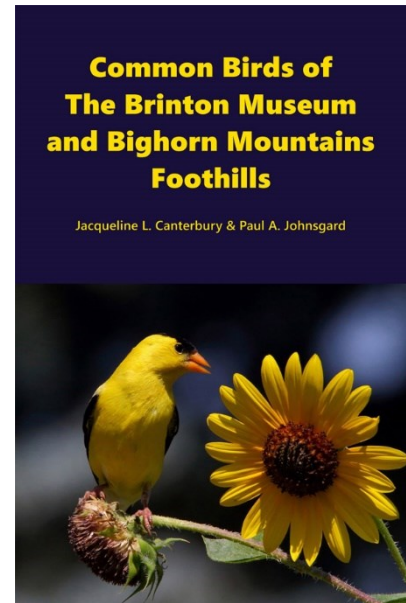
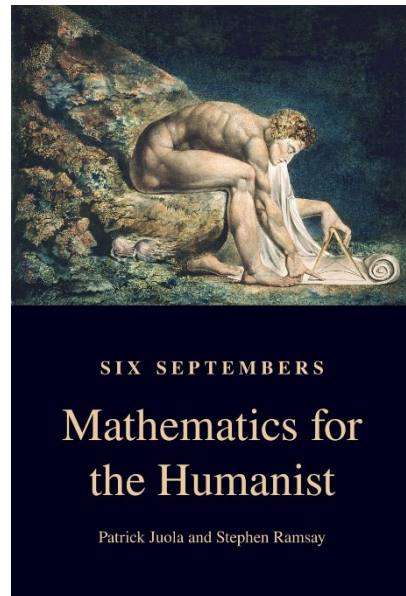
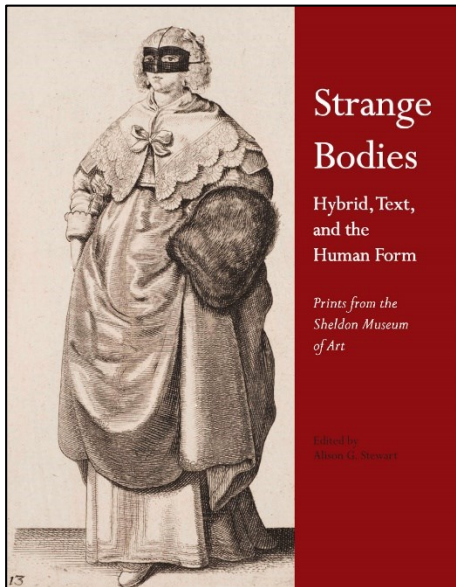
# UNL Digital Commons

- Online distribution of UNL scholarly & research output: articles, reports, presentations.
- Many with publishers' permission to host in institutional repository.
- Ranked #3 among world IR's, after UCal & MIT.
- 100,000+ items;  
6.5 million downloads/yr
- Most visited subdomain of unl.edu (~15% of traffic)



# Zea Books

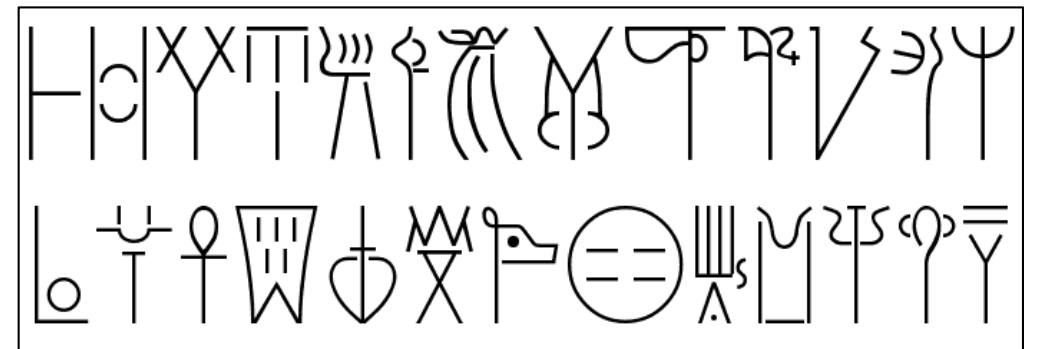
- Monograph imprint of UNL Libraries
- Free online ebooks (pdf)
- Print-on-demand paperbacks
- 55 books to date



# Copyright requires 2 things:

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1. Creative act
2. Fixed in tangible medium of expression



# Copyright in 2018

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- Immediate
- Automatic
- People: until you die plus 70 years more
- Corporations: 95 years

# Copyright can be transferred

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- By agreement or contract; must be in writing, not assumed or implied.
- If you transfer it, then you don't own it anymore; it's no longer yours.
- The transferee controls it until 70 years after you die.



# “Used to be ....” (1909-1976)

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- Had to register with US Copyright Office.
- Had to print copyright notice: ©
- Copyright ran for an initial term of 28 years, renewable for 28 more; for a total of 56 years. Then a work became “public domain.”
- If holder did not renew, copyright expired after 28 years.

# 1976 Copyright Act (effective Jan. 1, 1978)

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- Copyright became automatic; no registration or notice required.
- New Personal works: term = life of author plus 50 years
- New Corporate works: term = 75 years
- Renewals (2nd term) increased from 28 to 47 years, for a full 75
- Renewals, however, were not made automatic until 1992 (so material published through Dec. 31, 1962 might have lapsed).

# Effects of 1976 Act

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- All works published through December 31, 1922 are public domain.
- Works from 1923-1962 that were not renewed are public domain.\*

*Search the Copyright Renewal Database (Stanford University)*

<https://collections.stanford.edu/copyrightrenewals/bin/page?forward=home>

\* with possible exception of some foreign works whose US copyrights were not renewed but were restored by 1989 enactment of Berne Convention treaty.

## So now, something is not in copyright if:

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- Published before Jan 1, 1923.
- Published Jan 1, 1923 – Dec 31, 1962, and not renewed (i.e., first 28-yr term expired before 1991).
- Unpublished and author died before 1945.

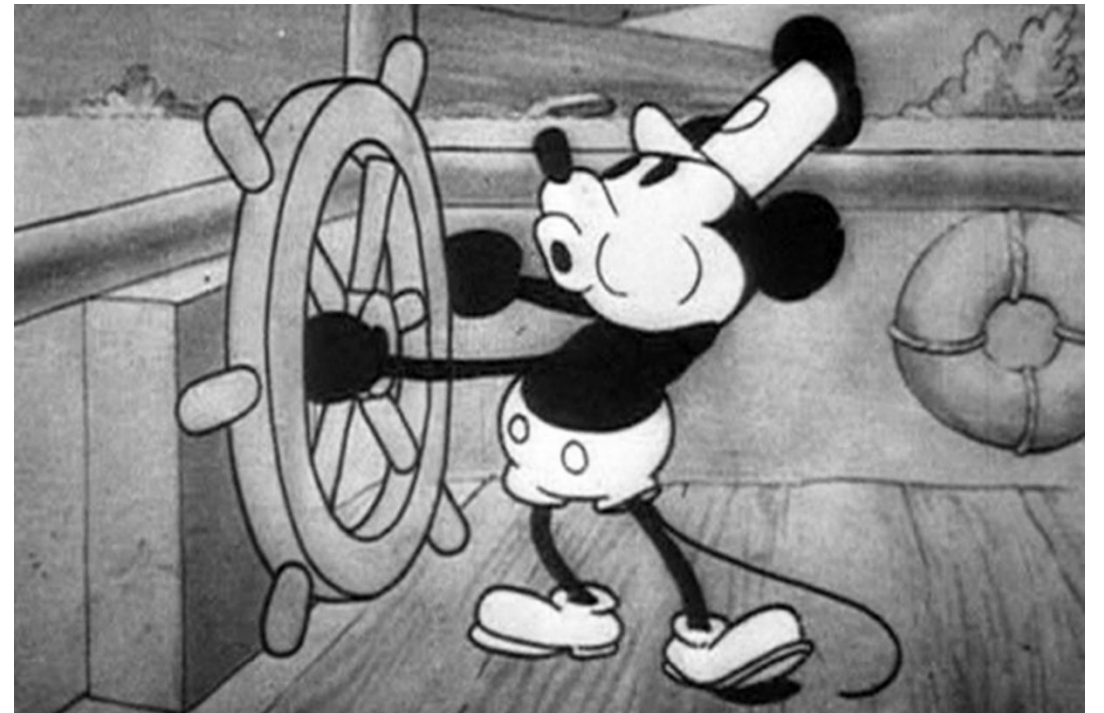
# Way-Back in 1928

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Walt Disney released 3 cartoons starring Mickey Mouse, including the first sound cartoon “**Steamboat Willie**”.

These would have become public domain in 1984 if the 1976 Act had not extended their copyrights to 75 years.

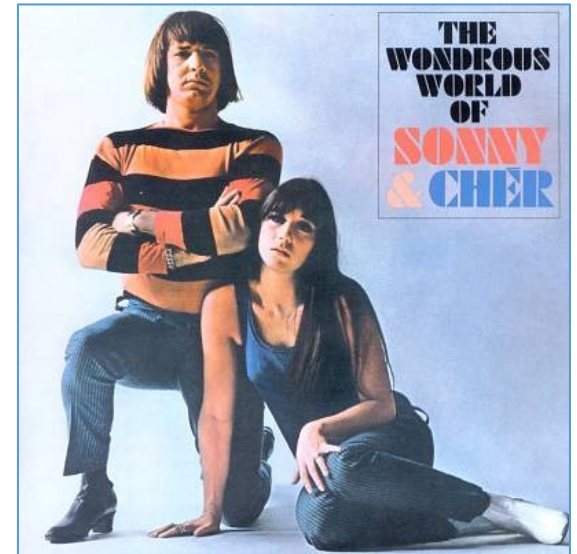
They were then due to become public domain in 2003, unless .....



# Copyright Term Extension Act of 1998

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- Introduced and sponsored by **Sonny Bono**
- Personal works term extended to “life + 70 years”
- Corporate works term extended to 95 years



$$1928 + 56 = 1984$$

$$1928 + 75 = 2003$$

$$1928 + 95 = 2023$$

# Published in 1963 or later ....

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Nothing will become public domain until 2058, or after.

1963
+ 95
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2058



(I will turn 105 that year.)

# Does the day of the year matter? No.

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- Copyrights are like race horses.
- They all share an official birthday = January 1



Secretariat, born March 30, 1970;  
official birthday January 1, 1970.





# What does copyright cover?

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Original forms of expression in tangible media:

- texts
- artwork
- music
- dance
- architecture
- fabric patterns
- computer programs
- ship's hulls

# Copyright does not cover

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- Facts
- Data
- Titles, words, or phrases
- Formatting and layout
- Mechanical processes, like transcribing or copying
- US government works

# Two pages a book needs:

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1. Title page

	My Book of Wisdom  <i>John Doe</i>
--	--

2. Copyright page

© 2016 John Doe	
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# Title page

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- title
- author(s)
- publisher (& place)
- date

Always, always, always a RECTO (or a spread).

# Copyright page (backs up title page)

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- Copyright statement (*if © exists*):
  - © or (c) or word “copyright”
  - + effective date of copyright
  - + holder of copyright
- Licensing, production, or editorial information

# Where to get free stuff that is ©-free

- <https://publicdomainreview.org/>
- <https://www.gutenberg.org/>
- <https://archive.org/>
- <https://commons.wikimedia.org/>
- USDA, USGS, NASA, NOAA, DoD
- “open access”/Creative Commons

# Illustrations ? Why not ?

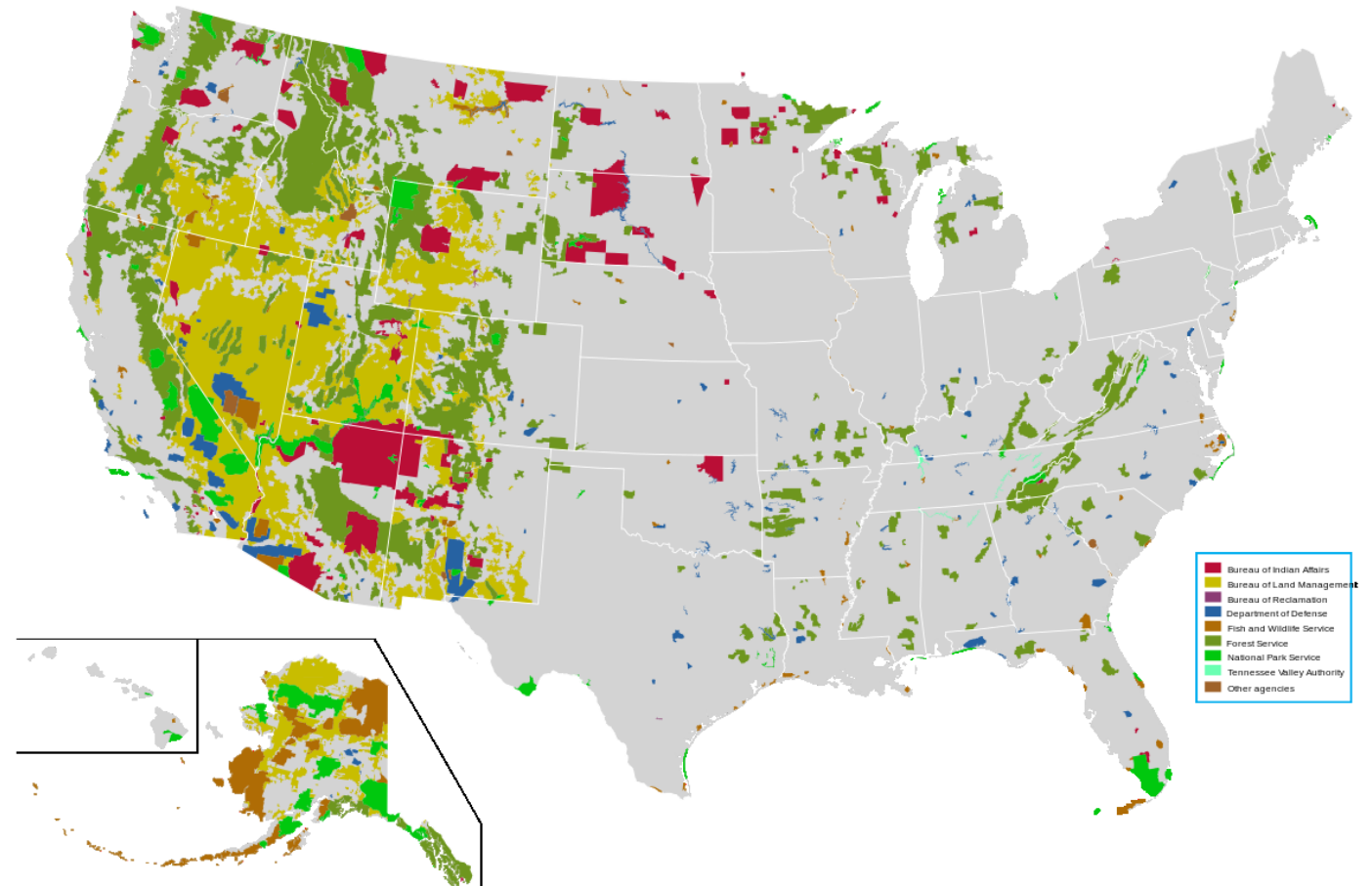
- color = expensive
- b/w from jpg, tif, png, etc. = free  
(i.e. same as text)  
[300 ppi @ 90%-110% scale]

Madison Avenue, NYC, looking north from 41st St., 2005.  
Photography by Leif Knutsen. (Wikimedia)



# Claiming the “public domain”

- Like the national parks or public lands.
- Belongs to everybody





# “Fair use”: Exception to copyright

“the fair use of a copyrighted work, ... for purposes such as

criticism,  
comment,  
news reporting,  
teaching (including multiple copies for classroom use),  
scholarship,  
or research,

is **not** an infringement of copyright.”

# The Four Factors

“In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;
- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.”

# “Transformational use”

“Fair use” of copyrighted material in a different, setting, function, purpose, or market than the original.

Concept behind the **Google Books** lawsuit decision to allow digitizing and offering snippets of works as finding aids.



**Take questions**

Contact: Copyright or publishing help, advice,  
consulting, etc.

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