1. WHAT IS COPYRIGHT & WHAT DOES IT PROTECT?

Copyright actually refers to a “bundle” of rights granted to the creators and distributors of creative works. U.S. Copyright Act (title 17, U.S. Code) provides the right for compensation when others use these works in certain ways. Among the exclusive rights granted to author/creators are the rights to reproduce, distribute, publicly perform and publicly display their works. If you are not a copyright holder for a particular work, as determined by the law, you must ordinarily obtain copyright permission before reusing or reproducing that work.

Copyright is intended to benefit "authors" of "original works of authorship", including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural and audiovisual creations.

Copyright provides copyright holders control over the use of their creations and an ability to benefit, monetarily and otherwise, from the use of their works. Copyright also protects the right to “make a derivative work,” such as a movie from a book; the right to include a work in a collective work, such as publishing an article in a book or journal; and the rights of attribution and integrity for "authors" of certain works of visual art. Copyright law does not protect ideas, data, or facts.

There are some specific exceptions in the Copyright Act for certain academic uses, and permission is never required for certain other actions, such as reading or borrowing original literary works or photographs from a library collection.

The general duration of copyright protection for a work created on or after January 1, 1978 is the author’s life plus 70 years after the author’s death. This is often referred to as "life-plus-70". Works created by companies or other types of organizations generally have a copyright term of 95 years. For more information on copyright duration, visit http://www.copyright.gov/circs/circ1.html#hlc.

2. COMPLIANCE POLICY

The University of Colorado encourages the fair use of copyrighted materials in support of its academic and research mission, and strives to provide clear guidance to faculty, students, and staff who wish to use copyrighted materials in their teaching and research.

3. OBTAINING PERMISSION

☐ Does the work fall under a Copyright exception or employ a Creative Commons license?
☐ Does the campus already own a license?
☐ Is the work part of an Open Access Initiative?

If the answer to the above is yes, you may not need to write to secure permission to use the work.

Otherwise, you will need to contact the Copyright holder of the work for permission. This may be the author/creator or in some instances, the publisher of the work or a third party. The following are the general steps for obtaining permission:

Step 1: Contact the Copyright Owner

Step 2: Secure Permission (written letter for “exclusive” permission, verbal permission for “nonexclusive” use).

Step 3: Keep a Record
4. IF YOU CANNOT FIND THE OWNER

If you cannot find the owner, the work may or may not be an “Orphan work.” Some possible solutions in this instance would be to

- Replace the material with an alternative work;
- Alter planned use of the copyrighted material;
- Perform a risk/benefit analysis;
- Employ Fair Use, a defense for copyright infringement

5. FAIR USE

Does the use of the material fall under one or more of the following:

☐ Purpose:
  - Teaching (including multiple copies for classroom use)
  - Research
  - Scholarship
  - Nonprofit educational institution
  - Criticism
  - Commentary
  - News reporting
  - Transformative or productive use (changes the work for new utility)
  - Restricted access (to students or other appropriate group)
  - Parody

☐ Nature
  - Published work
  - Factual or nonfiction based
  - Important to favored educational objectives

☐ Amount
  - Small quantity
  - Portion used is not central or significant to entire work
  - Amount is appropriate for favored educational purpose

☐ Effect
  - User owns lawfully purchased or acquired copy of original work
  - One or few copies made
  - No significant effect on the market or potential market for copyrighted
  - No similar product marketed by the copyright holder work
  - Lack of licensing mechanism