

# THE LEADER

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Copyright Issues

Volume 3

*“The imitator is a poor kind of creature.”*

*James McNeill*

*Whisler*

*“. . . Avoid all citations from poets, for to quote them argues feeble industry.”*

*Hippocrates*

2007-2009

**Altrusa  
International  
Leadership  
Development  
Committee**

**Chair**

Carolyn Rash  
crash@jcpenny.com

**Vice-Chair**

Bradford Williams  
brad4dw@yahoo.com

Copyright laws protect the individual's right to control the use of their intellectual property. Copyright laws apply to literature, music, lyrics, plays, choreography, pictures, photos, sculptures, graphics, movies, audiovisual works and sound recordings. In the past copyrighted works needed to display the copyright symbol. Since 1989, however, works published without the statutory notice are still protected by copyright. Without release, you should assume that all published works, including works posted on the internet, and even some unpublished works, are protected by copyright laws.

Copyright doesn't last forever. Any work whose copyright has expired is considered to be in the public domain. You can safely use any of these works. How do you know if a work is in the public domain? Effective October, 1998:

- An author's copyright on his work is for his lifetime plus seventy years after his death.
- Copyright on works-for-hire (example: an article in a magazine) lasts for 95 years after the date of first publication.

All works published before 1923 are now in the public domain, but subsequent revised, edited or updated versions could still be protected by copyright.

Anonymous work is still protected by copyright and only enters the public domain on the same basis as any other copyrighted material.

There are ways you can use protected works. The doctrine of fair use allows a journalist

to copy a limited portion of published materials. This material can be used for news reporting, editorials or criticism, education and research. For example, a journalist can quote from a novel to illustrate his opinions in a book review.

There are several important criteria in determining fair use, which is decided on a case-by-case approach. It will be difficult to take advantage of the fair use defense if you include a substantial work, or use the work for profit. For example, you can't copy a book word for word, add a few lines of criticism, and sell it as an original work. If you do, you'll be committing two violations of the principle of fair use.

If you use copyrighted material without permission, you may be liable for copyright infringement. Copyright infringement can result in a lawsuit and some very heavy penalties for your publication and your organization. When in doubt get permission or don't use it.

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