

What is Copyright?

(and why you should care)

by Professor Tonya M. Evans



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This e-Report contains excerpts from *Copyright Companion for Writers*.

What's in a Name?

No one word is more misused or more misunderstood by writers than the word "copyright." This single word creates such confusion and lends itself to so much misinformation because rumors, assumptions, and complicated changes in the law make it difficult for writers to separate fact from fiction. But because copyright consists of such a valuable bundle of rights, it is imperative that writers fully comprehend the nature of copyright and the process by which it is protected.

Writers are not the only ones confused by the word "copyright." More than a few business-savvy agents, publishers, and even attorneys, who are in the business of negotiating rights, have a woefully inadequate understanding of the nature of copyright. This is particularly troublesome because of the way the publishing industry is set up for traditional publishing through the major New York publishing houses.

You should also understand and appreciate the differences between the various types of intellectual property, and you should know how new technologies affect your legal rights and responsibilities in the digital age and beyond. So be sure to order additional relevant e-Reports for more information.

Copyright is a type of intellectual property that relates to and governs a primary means – artistic and literary – by which our cultural and historical identity is developed, cultivated, and preserved. Intellectual property has been defined generally as "creations of the mind" that are afforded the status of property and thus have value that is capable of protection. Intellectual property is governed by various national and international laws, and generally gives its owner the exclusive right to do or authorize certain things regarding the property. Copyright is just one of a number of different types of intellectual property.

What Copyright Protects

Copyright law protects your exclusive right to exploit (use productively) your original artistic or literary work. Copyright law was written to encourage the free exchange of ideas and to stimulate the progress of "useful arts," which benefit society. The

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federal Copyright Act provides copyright protection to “authors” (creators) of original literary and artistic works.

When Does Copyright Exist?

Copyright exists automatically when a work is created. A work is “created” when it is fixed in a copy for the first time (in a writing or recording, for example). Contrary to popular belief, you do not need to register your work with the Copyright Office for your rights to exist. But there are substantial legal and financial benefits if you do register so order the e-Report on the Benefits of Copyright Registration for more information.

How Long Copyright Protection Lasts

The duration of copyright protection depends on when a work is created and always runs through the end of the calendar year in which it expires. But in general for works created on or after 1978, protection lasts for the life of the author plus seventy years after her death. For additional information and specific details about pre-1978 works or those created on a work-for-hire basis or by more than one author, see Copyright Companion for Writers.

What a Copyright Owner Has the Right to Do

In general, the Copyright Act gives a copyright owner the exclusive right to do and to authorize others to do (or preclude others from doing) the following:

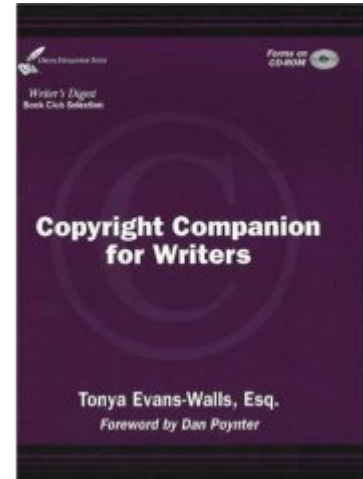
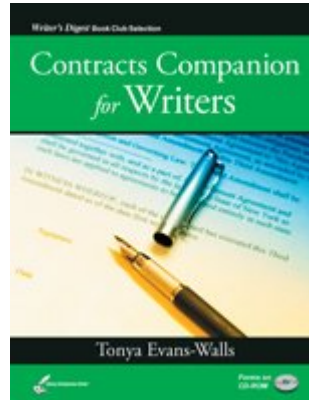
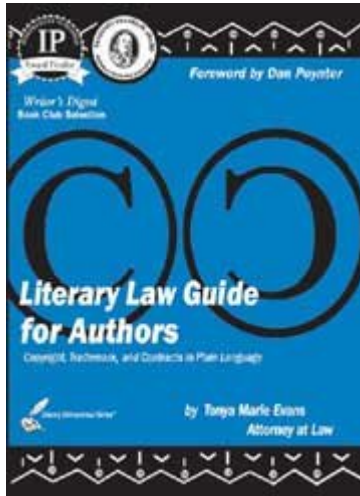
- ✓ Reproduce the work (make copies)
- ✓ Prepare derivative works based on the original (create a motion picture based on a novel or a novel based on a motion picture)
- ✓ Distribute copies of the work to the public (publish) by sale or other transfer of ownership, or by rental, lease, or lending
- ✓ Perform the work publicly (a public reading)
- ✓ Display the work publicly (hang a painting in an art gallery)
- ✓ Perform the work publicly by means of a digital audio transmission (DAT), in the case of sound recordings

Collectively, these rights are often referred to as an author’s exclusive bundle of rights. To find out what copyright does not protect, order the e-Report titled What Copyright Does Not Protect or the book Copyright Companion for Writers.

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What Self-Publishing guru Dan Poynter, author of *The Self-Publishing Manual*, says ...

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"Copyright Companion for Writers is a well-written, essential guide for those who are serious about understanding their rights and avoiding the legal pitfalls of writing and publishing in the twenty-first century."

"Contracts Companion for Writers is an amazingly comprehensive, easy-to-understand examination of the contracts most important to writers.... don't wait until after you've signed on the dotted line to read it and don't rely just on your agent or attorney to tell you what you need to know. As the cover suggests, put down the pen and open up this book first. You'll be glad you did!"

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We strive to meet your needs and exceed your expectations so send your comments and questions to us at info@legalwritepublications.com!

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We provide comprehensive yet easy-to-understand legal reference guides and other valuable legal resources for writers. Each publication is written by an experienced literary law and intellectual property attorney, and designed with the writer in mind. We listen to the writer's most pressing questions and publish reference guides that provide the answers, as well as all of the essential legal information that writers need to understand, protect, and maximize the value of their intellectual property rights.

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About Tonya M. Evans

Tonya M. Evans (a/k/a Tonya M. Evans-Walls) is Assistant Professor of Law at Widener University School of Law (Harrisburg campus) and an attorney specializing in the areas of entertainment law and intellectual property.

She is a nationally recognized speaker and former Chair of the Pennsylvania Bar Association Sports, Entertainment and Art Law Committee.

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