

Copyright Q&A

What does copyright protect?

Copyrights protect 1) *original* 2) *works of authorship* that are fixed in a 3) *tangible medium of expression*.

- 1) Copyrights protect *original* expression. Generally, short phrases lack sufficient originality, but a few sentences could be sufficiently original, as could a few lines of code.
- 2) *Works of authorship* are a category of expression that include original paintings, books, software, graphical user interfaces, sculptures, music, buildings, etc.
- 3) *Fixed in a tangible medium* means fixed in a way that allows duplication. If it is written on a chalk board or on a computer, then it is fixed in a tangible medium. If it is just spoken and not recorded, it is not fixed in a tangible medium.

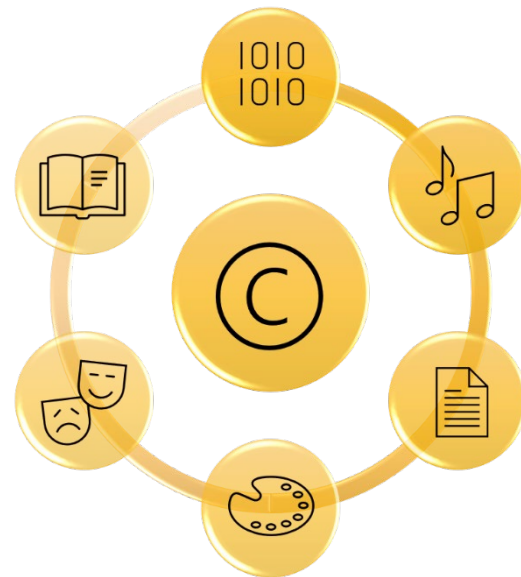
Copyrights do not protect ideas, function, or fact. A person can obtain a copyright on a spy novel but could not exclude others from writing a spy novel, unless the spy novel rises to the level of plagiarism. A person can have a copyright on software, but someone else could independently write software to perform the same function. If a person writes a book about the War of 1812, that person could not prevent someone else from using all the same facts in a different book about the War of 1812.

What protection does a copyright provide?

With a copyright, the copyright owner can prevent others from:

- Reproducing or copying the work
- Modifying the work by preparing derivative works
- Distributing copies of the work to the public
- Performing or displaying the work

The copyright owner can prevent others from committing these above-mentioned actions even if the owner does not display a copyright symbol or



other information about the owner, or if the code is posted to file sharing sites, such as GitHub.

Who owns a copyright?

When a copyrightable work is created by an employee within the scope of their employment, the work is owned by the employer.

When software or other materials are developed with federal or internal funding, the University will own the copyright. The University will also assert ownership if substantial University resources are used to support the production of the copyrightable materials. If the University hires a third party to create copyrightable materials such as computer code, the University will generally assert ownership via a contract.

The University will not assert ownership on copyrightable materials developed by faculty in their roles as teachers and scholars, including books, workbooks, study guides, monographs, pantomimes, journal articles, presentations and other works including music and performances.

How do you get a copyright?

The moment an author creates an original *work of authorship* and fixes it in a *tangible medium of expression*, the author automatically has a copyright. In addition, the copyright can be registered with the U.S. Copyright Office. A U.S. copyright is generally recognized in other countries through treaties.

Are there benefits to registering a copyright?

Although copyright protection arises automatically, an author or owner can also register the copyright with the U.S. Copyright Office to obtain additional benefits. Registration

- Provides a public record of ownership and a presumption of ownership.
- Allows the owner to file a lawsuit for copyright infringement.
- Enables the holder to sue for statutory damages and attorney fees.
- Enables the holder to participate in a U.S. Customs and Border Protection program wherein the U.S. Customs and Border Protection agency will seize and detain imports that violate the copyright.

What can you do with other people's works?

A person cannot do much with a work that is owned by a third party. Only works that are explicitly placed in the public domain or works in which the copyright has expired are free to use.

An exception is considered "fair use." For more information on fair use, see

<https://libraryguides.missouri.edu/c.php?g-883148&&p=6345507>.

How can you protect software?

Software is always protected by copyright but may also be patented. For software that is novel, non-obvious, and not abstract, a patent can protect the way the software functions, and the copyright will protect the appearance of the interface and the expression in the lines of code.

How long does a copyright last?

It depends upon how it was created. When an individual owns the copyright, the term lasts for 70 years after the (last) author's death. When a company owns the work through the work-for-hire doctrine, then the copyright endures for the lesser of (i) 95 years from the first publication or (ii) 120 years from the year of its creation. For works published prior to 1978, the term will further vary depending on several factors.