Copyright Guidelines

The purpose of copyright is to protect the original work of authors and designers. It protects intellectual property. The copyright law was created to give economic incentive to create new works of knowledge and art.

Fairness is an issue. Anyone may purchase a book, booklet, or magazine and photocopy for her own use only the graphs, charts, etc. from that publication. She does not have the right to copy material from said publication for friends, classes one might wish to teach, etc. If you wish to photocopy or otherwise use copyrighted material, i.e. in a newsletter, write the copyright owner to request written permission authorizing (usually one time) use.

The fair use privilege of the Copyright Act gives permission to use portions of another’s work under certain circumstances. Portions of a piece may be quoted in a review or book report, but be careful not to quote at length from the piece. In scholarship and research, passages can be quoted for illustrating or clarifying a point.

Teachers may photocopy small portions of a work for classroom use as long as the copying is not done to take the place of purchasing the book, reprint, or periodical that has been copied. Such copying must be done spontaneously, meaning there is not enough time to receive a reply to a request for permission to copy, and each copy must include a notice of the copyright. The student may not be charged any more than the actual cost of the photocopying.

There are four factors that determine whether or not a use falls under the fair use privilege. These factors apply to all works in a fixed form even if they have not been published. All four factors must be met in order to claim fair use. The factors are:
1. The purpose of the use. To claim fair use, it cannot be for monetary gain.
2. The nature of the copyrighted work.
3. The amount and importance of the part that is used in relation to the copyrighted work as a whole.
4. How the use will affect the marketability of the copyrighted work.

Always give credit to the creator either in your text or in a footnote. Failure to do so may raise questions about your motives.

We need designers, authors, and shop owners. If we take away their opportunity to earn money for their talents, we are wrong. It is only ethical to give credit where credit is due.

A copyright is available to anyone who creates an original work. It is automatic upon the creation of the work. The work must be in tangible form. Ideas cannot be copyrighted.
The copyright laws give the creator the right to reproduce and distribute her work through sales, rental, performance, or public display. The creator also has the right to make derivative works of his/her piece such as a translation.

A copyright does have some limitations. Fair use gives others permission to copy small excerpts. Educators are also permitted to use portions of the work in their classes. Parts of the work may be quoted in reviews and critiques. Copyright does not protect against those who wish to parody the work.

Copyrights can only be granted to work in a fixed medium. Lectures or speeches, which are not written down or recorded, cannot be copyrighted. Ideas, methods, and processes cannot be copyrighted unless they are in written form. However, others may use these same ideas or processes to create their own original work.

Mere facts available to all cannot be copyrighted. For example, a list of needlework teachers cannot be copyrighted. However, one can compile a list of what she considers the best needlework teachers in the US, and claim a copyright.

The title of a book, a motto, or a slogan cannot be copyrighted. However, these can be trademarked to distinguish them from others.

In 1989, the United States entered into an international agreement that protects works that do not have a copyright notice. Works published after March 1, 1989 are protected under copyright law without a notice posted on the work. (“Published” means that the work has somehow been distributed to the public. It does not need to be published by a professional firm.) It is still a good idea to include a copyright notice on all works.

A copyright notice includes the symbol ©, or the word “copyright” followed by the year the work was first published and the copyright owner’s name or recognizable abbreviation. This information should be printed on the work in such a way as to give reasonable notice of the copyright claim. If you have any specific questions about your copyrights, consult a qualified copyright attorney.

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