

## **Be Aware of These Common Copyright Myths**

A copyright is a property right in an original work of authorship fixed in a tangible medium of expression. Copyright protection is mandated by the United States Constitution and has evolved as technology has progressed, enabling the transmission of works in ways our founding fathers could never have imagined. An owner of a valid copyright has numerous exclusive rights that include (a) the right to make copies and sue a copier if the copying is unauthorized, material, and substantial; (b) the right to prepare derivative works; (c) the right to control the sale and distribution of an original work; and (d) the right to control the public performance and display of a work.

Technological advances over the last two decades have changed the copyright landscape. Now with the general public having access to more and more copyrighted works with the simple click of a mouse and the near universal use of the Internet as a publication medium, it is crucial to understand certain copyright principles in order to protect your work and to ensure that you are not infringing someone else's. There are some common misconceptions about copyright. Falling victim to one of these misconceptions could result in either your unauthorized use of another's work or the unauthorized use of your work. You may be surprised to know that each of the following statements is FALSE:

1. If the work is not registered with the United States Copyright Office, it is not copyrighted.
2. If a work does not have a copyright notice, it is not protected by copyright.
3. If credit is given to the original author, the author's permission to use the work is unnecessary.
4. If only a small portion of a copyrighted work is used, the author's permission to use the work is unnecessary.
5. It is not copyright infringement to use an author's work without his or her permission if you do not charge for what you are doing.
6. If changes are made to the work, the author's permission to use the work is unnecessary.
7. If it is posted on a Web site, the work is in the public domain and free for use without the author's permission.
8. Someone e-mailed you a copy of their work, so you don't need their permission to post the work or use it however you wish.
9. Since the publicity will benefit the author, the author's permission to use the work is unnecessary.
10. The "fair use doctrine" allows charitable or religious organizations to use copyrighted material without the author's permission.

Being aware of these common copyright misconceptions can aid in the effective monitoring of your copyrighted works as well as your use of others' copyrighted works. While recent advances in technology have changed the way that works are fixed, transmitted, and accessed, copyright protection remains a valuable tool in a company's or an individual's intellectual property protection arsenal.