

APPENDIX A - COPYRIGHTS

A newsletter editor has to exercise special caution to protect the club from entanglements caused by copyright infringement. Few clubs can afford the court costs, attorneys' fees, and statutory damages that may be awarded to the copyright owner. A basic understanding of copyright law and its intent will help you avoid complications of this type.

A.1 WHAT IS A COPYRIGHT?

A copyright is the set of exclusive legal rights authors have over their works for a limited period of time. These rights include copying the works (including parts of the works), making derivative works, distributing the works, and performing the works (this means showing a movie or playing an audio recording, as well as performing a dramatic work). Currently, the author's rights begin when a work is created. A work does not have to bear a copyright notice or be registered to be copyrighted.

A.2 WHAT IS A WORK IN THE PUBLIC DOMAIN?

A work in the public domain can be copied freely by anyone. Such works include those of the U.S. Government and works for which the copyright has expired. Generally, for works created after 1978, the copyright lasts for 70 years beyond the life of the author. Works created before but not published before 1978 have special rules. For works created and first published between 1950 and 1978 the copyright lasts for 95 years. For works created and first published before 1950, the copyright lasts for 28 years but could have been renewed for another 67 years.

The following are guidelines for what is and what is not in the public domain. Every effort has been made to provide accurate and up-to-date information. However, the copyright laws are constantly changing and being updated. Always check the United States Copyright office's official website for the most current and accurate information—<http://www.copyrights.gov>.

Copyright Expiration Dates		
Publishing Date	Term of Copyright	Notes
Works published before 1923	Are now in the public domain.	
Works published between 1923 and 1963	Are now in the public domain.	If the term was renewed, they are not public domain.
Works published between 1923 and 1963 and published with a copyright notice	Are protected 95 years from the date of first publication.	The work has been timely renewed.
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Copyright Expiration Dates		
Publishing Date	Term of Copyright	Notes
Works published between 1964 and 1977	Are protected 95 years from the date of publication.	Renewal term is automatic.
Works first published before January 1, 1978, and fixed in a tangible form	Normally enter the public domain 95 years from the date copyright was first secured (usually 95 years from the date of the first publication).	Two things should be considered when figuring the time. Every time a new edition is created (especially a new translation or with a new editor) a new work is created; therefore, you count the creation date from the date of the new edition, not the original. The copyright might have been renewed by someone other than the author.
Works first created on or after January 1, 1978 (whether or not published)	Enter the public domain 70 years after the death of the author.	Only if the author is a natural person--as opposed to a corporation. (For corporations, see below.)
Works first created on or after January 1, 1978 (whether or not published), which are created by a corporate author	Enter the public domain 95 years after publication or 120 years after creation, whichever ends first.	

A.3 WHAT IS FAIR USE?

Fair use provisions of the copyright law allow for limited copying or distribution of published works without the author's permission in some cases. Examples of fair use of copyrighted materials include quotation of excerpts in a review or critique, or copying of a small part of a work by a teacher or student to illustrate a lesson.

A.4 IS IT COPYRIGHTED?

To determine if material is protected by copyright, look for the phrase

"Copyright [date] [name of owner]. " The symbol © may be used instead of the word "copyright." In a newsletter or magazine, the phrase normally appears in the masthead (the fine-print box on the first or second page containing the publication name, address, staff, and the like); in a book, the copyright will appear on the back of the title page. The phrase protects all material within the publication.

A specific article, photograph, drawing, or cartoon may have been copyrighted. In that case, the phrase usually appears as a footnote to the article or as part of the caption for the visuals.

You may, without permission, reproduce articles, drawings, photographs, cartoons, and other materials whose copyrights have expired or were never secured in the first place. Such material is referred to as being "in the public domain." (However, the omission of the copyright notice does not automatically throw the work in the public domain.)

"Clip art" is published in the public domain. Works published prior to 1922 are copyright-free and may be reproduced. Those published before 1978 without a copyright notice may be copied freely. Remember that the copyright notice for material in a book or periodical will be located, not on the item itself, but in the masthead or near the coverage.

A.5 ASKING PERMISSION

If you want to use copyrighted material in your newsletter, you must have the owner's permission. There are complicated provisions in the copyright laws related to publication under the provisions of "fair use." Because of the law complications involved in making a determination of fair use, it is recommended that copyrighted material only be used when the owner's permission has been obtained.

Write to the owner (publisher) for permission to reprint the material. When you write, specify the following:

1. Title, author, and/or editor and edition of materials to be duplicated.
2. Exact material to be used (specific amount, page number, and chapter, if possible, include a photocopy of the material).
3. The exact number of copies to be made.
4. How the material will be used.
5. The form of distribution (newsletter, mailing to members, etc.)
6. Whether or not the material is to be sold.
7. Send a sample copy of your newsletter for review.

The request should be made in writing to the permissions department of the publisher, include a self-addressed stamped envelope. Include a copy of your

newsletter for their review. There are also copyright clearance centers that can expedite the process.

Copyright Clearance Center
222 Rosewood Drive
Danvers, MA 01923
USA

Phone: 978-750-8400
Fax: 978-646-8600
E-mail: info@copyright.com
<http://www.copyright.com/>

A.6 USING COPYRIGHTED MATERIAL

When permission to use copyrighted material is granted, place a notation at the end of the reproduced item: "Reproduced with permission of copyright owner".

This will also serve to inform other club editors that this is copyrighted material which they may use if they request permission from the owner. It is the responsibility of an editor to ascertain, from the original publication (in its entirety) that a copyright notice did not accompany the publication. If it is not possible to verify the copyright status directly from the publication, you may obtain a written opinion from copyright counsel regarding the status of the work. At this writing, search fees were \$120.

A.7 SHOULD I COPYRIGHT MY NEWSLETTER?

Your individual club's newsletter need not be copyrighted. Include in your masthead a sentence granting permission to reproduce any material contained therein provided that credit is given to the original publication and its sponsoring organization. You may reprint information from other non-copyrighted newsletters. Always give proper credit in print.

If you have any reason to believe the publication is not the original source of the material, do not reprint it until you have contacted the editor and determined the copyright status. If you publish material that contains someone else's work, you may be liable if your source did not obtain permission to reproduce. Be particularly wary of professional-looking cartoons, drawings, and technical articles.

A.8 US COPYRIGHT OFFICE

For the current rules and regulations regarding copyrights, public domain, and fair use, please refer to the US Copyright office's official website.

<http://www.copyrights.gov>