

Overview of Copyright Law

Copyright is the right granted by the laws of the United States ([title 17, U.S. Code](#)) to an author or other creator to control use of the work created. The copyright law grants owners of copyright (authors and other creators and publishers) the sole right to do or allow others to do each of the following acts with regard to their copyrighted works:

- Reproduce all or part of the work
- Distribute copies
- Prepare new (derivative) versions based on the original work
- Perform and display the work publicly

Copyright protection covers both published and unpublished works. An out of print, previously published, work does not affect its copyright.

Copyright protection exists to foster and induce the creation of all forms of works of authorship. The copyright holder has [extensive rights](#). The copyright law provides fair returns to creators and copyright owners. To the extent copies are made without permission, authors and publishers including faculty are deprived of revenues in the very market for which they have written and published.

Copyright protection in works created after January 1, 1978, generally lasts for 70 years after the death of the author. After a work is no longer protected it falls into the public domain.

The Copyright Act provides that copyright protection begins at the moment the work is created. Registration with the Copyright Office is not required in order for a work to be protected under U.S. copyright law. However, the copyright must generally be registered with the Copyright Office in Washington, D.C. before the copyright owner can sue an infringer.

Copyright protection exists in original works of authorship that are fixed in a tangible medium of expression. Among types of works that are subject to copyright protection are literary, dramatic, musical, choreographic, pictorial, graphic, pantomime, sound recording, sculptural, motion picture, audio-visual, computer programs, databases, electronic information and web sites. Copyright protection does not include facts, ideas, procedures, processes, systems, concepts, principles or discoveries, although these may be protectable under patent or trade secret laws. However, the literary or other form of expression and detailed organization of these ideas are covered by copyright.

Most works contain a copyright notice. Because copyright ownership can be transferred after publication, a work may not identify the current copyright owner. Contacting the publisher is a good first step in identifying current ownership. For unpublished works, permission to copy should be obtained from the author of a work. The absence of a copyright notice does not mean that the work in question can be freely copied. Works

published after March 1, 1989 are not required to carry a copyrighted notice in order to be protected under law.

Civil and criminal penalties may be imposed for copyright infringement. Civil remedies can include an award of monetary damages (substantial statutory damages may total considerably more).

If portions of a copyright work are used in education, there is a defense from copyright called fair use.

SILICON VALLEY UNIVERSITY COPYRIGHT POLICY