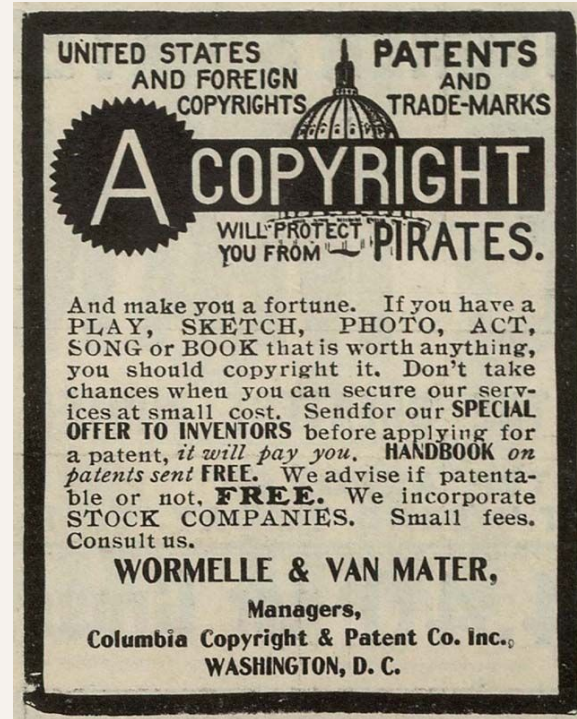


# Copyright Law

A/V Production 1

# Introduction to Copyright Laws

- Objective: Understand the basics of copyright laws, their purpose, and importance in production
- What is copyright?
- Why does copyright matter in A/V production?
- Key concepts we'll cover



# What is Copyright?

- Legal protection for original works of authorship
- Gives creators exclusive rights to their work
- Covers various forms of creative expression



# What is Copyright?

- Legal Basis: In the United States, copyright law is primarily governed by Title 17 of the United States Code.
- Constitutional Foundation: Article I, Section 8, Clause 8 of the U.S. Constitution

*[The Congress shall have Power . . . ] To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.*



# Obtaining and Losing Copyright

## How to Get a Copyright:

- **Automatic Protection:** Copyright is automatically granted when a work is created and fixed in a tangible medium (e.g., written, recorded).
- **Registration:** While not required, registering a copyright with the U.S. Copyright Office provides legal advantages, such as the ability to sue for infringement and eligibility for statutory damages.

*If you never wrote it down  
or recorded it, did it exist  
in a tangible way?*

# Obtaining and Losing Copyright

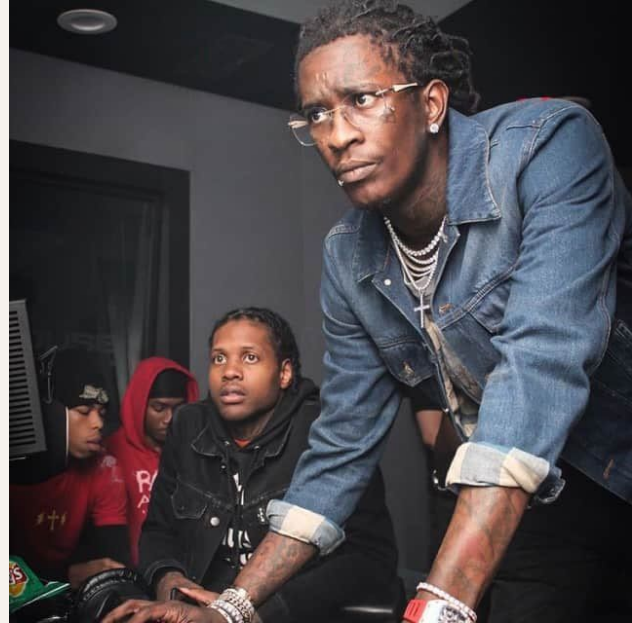
## How to Lose Copyright:

- **Expiration:** Copyright protection typically lasts for the life of the author plus 70 years. After that, the work enters the public domain.
- **Dedication:** An author can voluntarily place their work in the public domain, relinquishing all rights.
- **Failure to Renew:** For older works, failure to renew copyright can result in loss of protection.



# Purpose and Scope of Copyright Laws

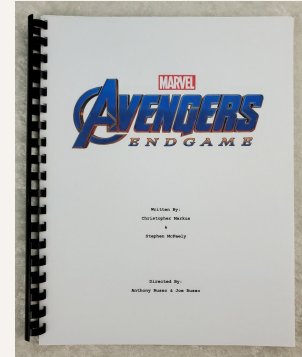
- Copyright laws aim to encourage the creation of new works by providing creators with the assurance that their rights will be protected.
- They protect the rights of creators, ensuring they receive recognition and financial benefits from their work.
- Copyright laws strive to balance the rights of creators with the public's interest in accessing and using creative works.



# Purpose and Scope of Copyright Laws

## Types of works protected in A/V Production:

- 1. Scripts and screenplays
- 2. Music and sound recordings
- 3. Visual artwork and graphics
- 4. Choreography and stage directions
- 5. Video footage and photographs
- 6. Computer software and special effects

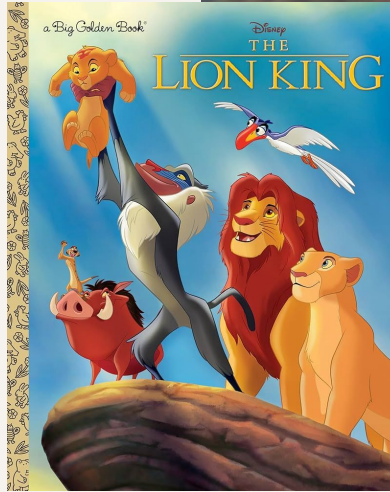




# Copyright Owner's Rights and Limitations

**Exclusive rights** granted to copyright owners include the ability to:

- Reproduce the work
- Distribute copies
- Perform publicly
- Display publicly
- Create derivative works



# Copyright Owner's Rights and Limitations

## Duration of copyright protection:

- Historically, copyright protection lasted for 14 years, but this has changed to the life of the author plus 70 years due to the Copyright Term Extension Act of 1998.

## Limitations on exclusive rights:

- The Fair Use doctrine allows limited use of copyrighted material without permission for purposes such as criticism, comment, news reporting, teaching, scholarship, or research.
- The First Sale doctrine allows the owner of a lawfully made copy to resell or otherwise dispose of that copy.
- Libraries and archives have specific exceptions that permit them to preserve and provide access to works.

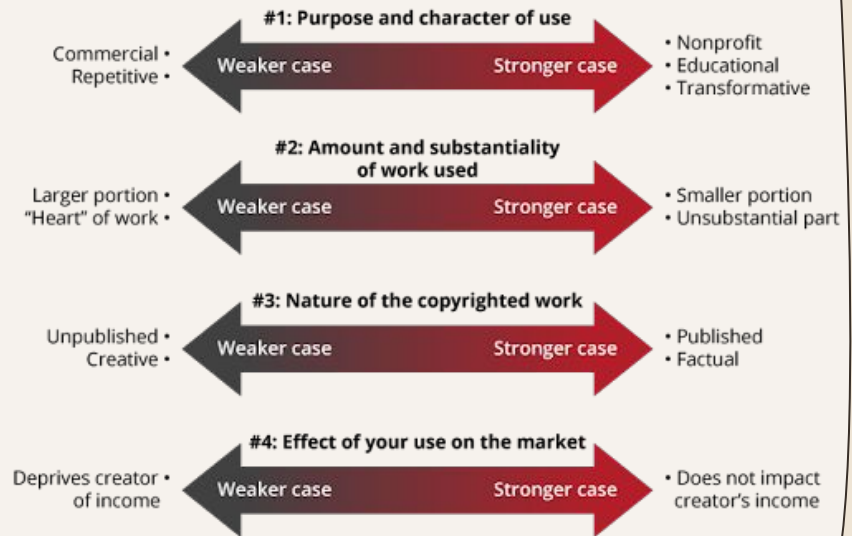


# Fair Use in A/V Production

**Definition and purpose:** Fair Use allows for the limited use of copyrighted material without permission, fostering creativity and discourse.

## Four factors of Fair Use:

- Purpose and character of the use (commercial vs. educational)
- Amount and substantiality of the portion used (small vs. large)
- Nature of the copyrighted work (factual vs. fictional)
- Effect on the potential market for the work (market harm)



# Fair Use in A/V Production

## Notable Fair Use cases:

- Sony Corp. of America v. Universal City Studios, Inc. (1984) affirmed that home videotaping for private use was fair use.
- Campbell v. Acuff-Rose Music, Inc. (1994) ruled that parody is a protected form of fair use.

## Application in A/V production:

1. Film criticism and review
2. Parody and satire
3. News reporting
4. Educational uses



# Creative Commons and Open Licensing

Creative Commons is a nonprofit organization that provides free licenses to help creators share their work while protecting their rights.

## Use cases in A/V production:














- Music and sound effects
- Stock footage and images
- Open-source software tools



# Creative Commons and Open Licensing

## Types of Creative Commons licenses:

- Attribution (CC BY)
- Attribution-ShareAlike (CC BY-SA)
- Attribution-NonCommercial (CC BY-NC)
- Attribution-NoDerivs (CC BY-ND)
- Attribution-NonCommercial-ShareAlike (CC BY-NC-SA)
- Attribution-NonCommercial-NoDerivs (CC BY-NC-ND)

LICENSES	TERMS
	 <b>Attribution</b> BY Others can copy, distribute, display, perform and remix your work if they credit your name as requested by you
	  <b>No Derivative Works</b> ND Others can only copy, distribute, display or perform verbatim copies of your work
	  <b>Share Alike</b> SA Others can distribute your work only under a license identical to the one you have chosen for your work
	   <b>Non-Commercial</b> NC Others can copy, distribute, display, perform or remix your work but for non-commercial purposes only.
	

# Public Domain

Works in the public domain are free for anyone to use without permission, which fosters creativity and accessibility.

## Significance in A/V production:

- Adaptations of classic literature
- Incorporation of historical footage
- Use of out-of-copyright music





# Public Domain

- **Adaptations of Classic Literature:**  
Works like those by Shakespeare and Austen can be adapted into films without licensing fees, allowing for creative reinterpretation.





# Public Domain

- **Historical Footage:** Documentarians can use public domain footage to enrich narratives, providing authenticity and context.



# Public Domain

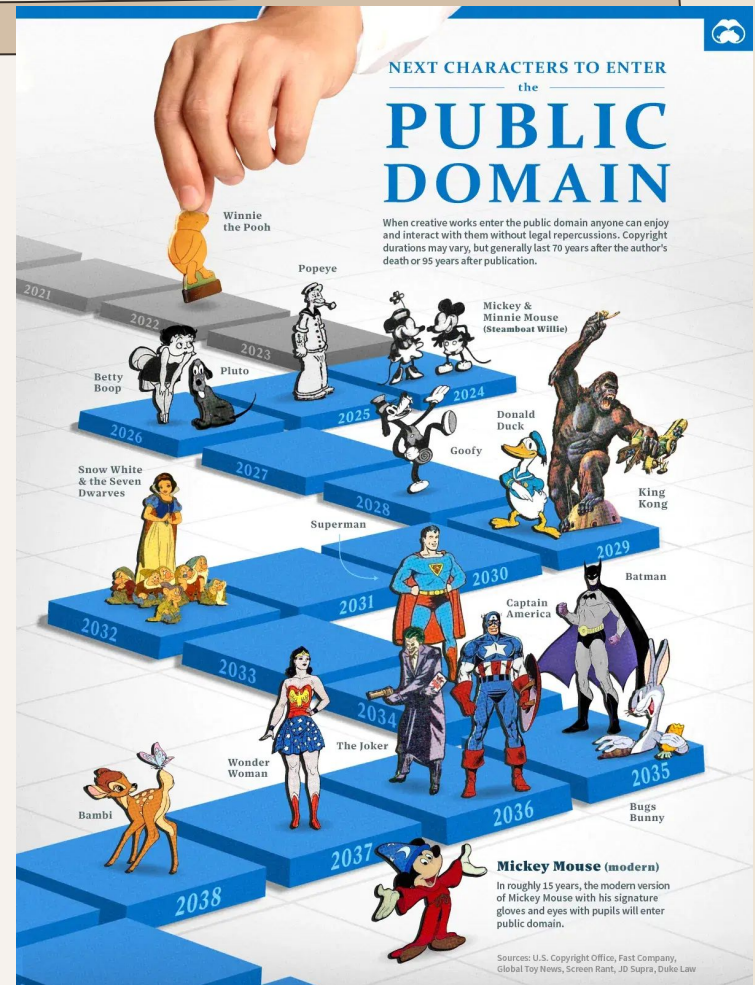
- **Out-of-Copyright Music:** Music composed in 1924 or earlier is free for use, helping reduce production costs and enhancing projects. Recordings released from 1923 to 1956 are given 95 years copyright protection plus 5 or 15 years depending upon the release date of the recording. Recordings released in 1957 thru February 15, 1972 enter the public domain February 15, 2067.



# Public Domain

## How works enter the public domain:

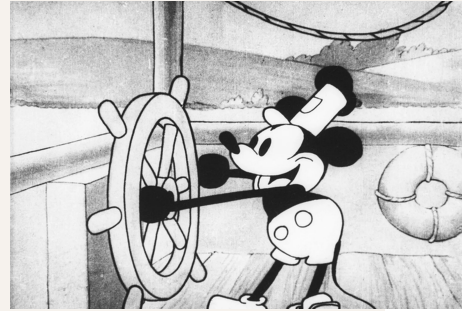
- Copyright expiration
- Lack of renewal for certain older works
- Dedication to the public domain by the creator



# Public Domain

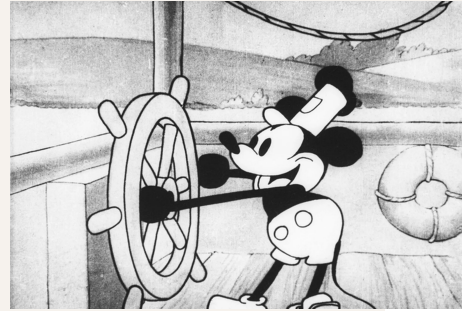
## Limitations and Misconceptions

1. Not All Old Works Are Public Domain:  
Many older works remain copyrighted due to varying copyright laws. Verification is essential before use.
2. Moral Rights: Some jurisdictions recognize moral rights that protect a creator's reputation, even for public domain works.



# Public Domain

1. Access Public Domain Books:  
<https://www.gutenberg.org/>
2. Access Public Domain Movies:  
<https://www.justwatch.com/us/provider/public-domain-movies>
3. Access Public Domain Art:  
<https://www.artic.edu/open-access/open-access-images>
4. Access Public Domain Music:  
<https://www.pdinfo.com/>





# Public Domain Examples

Katsushika Hokusai's "The Great Wave off Kanagawa"



# Public Domain Examples

**NASA photo of the Andromeda Galaxy**



# Public Domain Examples

## Public Domain Movies





# Copyright in the Digital Age

## Digital Millennium Copyright Act (DMCA) of 1998

The DMCA was enacted to address the challenges posed by digital technology and the internet regarding copyright infringement. Key provisions include:

- Safe Harbor Provisions: These provisions protect online service providers (OSPs) from liability for copyright infringement committed by their users, provided the OSPs do not have actual knowledge of the infringement and act promptly to remove infringing content when notified via a DMCA takedown notice. This encourages platforms to host user-generated content without fear of constant legal repercussions.
- Anti-Circumvention Provisions: The DMCA also prohibits the circumvention of digital rights management (DRM) technologies that control access to copyrighted works. This means that users cannot legally bypass technology designed to protect copyrighted content, which is intended to safeguard the rights of content creators.



# Copyright in the Digital Age

## Challenges of Digital Distribution

The rise of digital distribution has transformed the way content is shared and consumed, leading to several challenges for copyright enforcement:



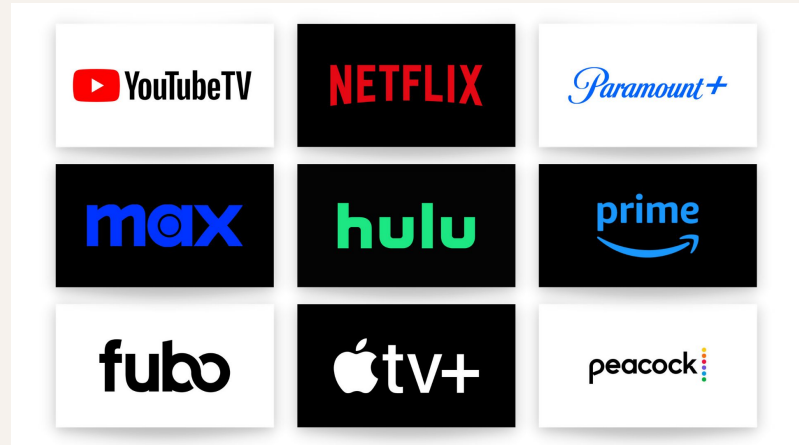
# Copyright in the Digital Age

- **User-Generated Content:** Platforms like YouTube, TikTok, and Instagram allow users to create and share their own content, often incorporating copyrighted material. This blurs the lines of copyright ownership and complicates enforcement because it may not always be clear who owns the rights to the original material versus the new work.



# Copyright in the Digital Age

- **Streaming and On-Demand Services:**  
The explosion of streaming platforms complicates licensing agreements, as these services must navigate a complex web of copyright laws across various jurisdictions. Content creators must ensure that they have the necessary rights to distribute their content on these platforms, often leading to intricate negotiations and potential legal disputes.



# Copyright in the Digital Age

- **AI-Generated Works:** As artificial intelligence becomes increasingly capable of generating original content, questions arise about copyright ownership. If a machine creates a piece of music, art, or writing, who holds the copyright—the programmer, the user of the AI, or the AI itself? This is a rapidly evolving area of law with few clear answers.



# Copyright Issues in Modern A/V Production and Third-Party Platforms

- **Music Licensing**

Navigating music licensing for various platforms can be complex. Producers must secure rights and permissions for all music used to avoid copyright infringement.

- **User-Generated Content**

Social media and content-sharing platforms enable users to create and share content, leading to copyright challenges. Users must secure rights for any copyrighted material (e.g., music, images) in their uploads, while platforms have policies to manage copyright issues and handle infringement claims.

- **Licensing Agreements**

Platforms like YouTube and TikTok negotiate licensing agreements with content owners to permit legal use of copyrighted material. These agreements outline usage rights, protecting both platforms and creators.

- **Content ID Systems**

Platforms use recognition systems (like YouTube's Content ID) to detect copyrighted material in user uploads. When a match occurs, the platform can block, monetize, or redirect content based on the rights holder's choices.

# Copyright Issues in Modern A/V Production and Third-Party Platforms

- **Fair Use Considerations**

Users may invoke Fair Use when using copyrighted material, especially for commentary, criticism, or education. Fair Use is assessed case-by-case, and users should be cautious about potential infringements.

- **Clearance for Visual Elements**

Obtaining clearance for locations, artwork, and logos appearing in a frame is essential for legal compliance in production.

- **International Considerations**

Understanding international copyright laws is crucial for global A/V content distribution, as protections vary by country.

- **Take-Down Notices**

Copyright owners can issue take-down notices under the DMCA to remove infringing content. Platforms must respond quickly to these notices to maintain their safe harbor protections.