



THE WRITE TO COPYRIGHT

15 Simple Tips You Need to Know About
Basic Copyright and 20 FAQ You Might Ask

The Write to Copyright

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15 Simple Copyright Tips You Need to Know

& 20 FAQ You Might Ask

Tip sheet / Report

By Earma Brown

Copyright simply means *the right to copy* and plagiarism means *copied word for word*. After you gain the knowledge about basic copyrighting what you can and should not do, allow your conscience to be your guide. If you are knowledgeable about basic copyrighting and you feel doubtful about it get permission. Follow these 15 tips about basic copyrighting and respect another's writer's work as you want yours to be respected.

1. **In general, copyright registration is voluntary.** Copyright protection exists from the moment the work is created (fixed in tangible form). Even so, you will have to register, if you wish to bring a lawsuit for infringement of a U.S. work.
2. **Registration of your work is recommended** even though copyright protection is automatic because:
 - a. makes a public record
 - b. issues a certificate of registration,
 - c. Before an infringement suit may be filed in court, registration is necessary for works of U.S. origin. Additionally, may be eligible for statutory damages \$500 - \$20,000 (as determined by the judge) and attorney's fees in successful litigation. If the plaintiff proves that the defendant's infringement was "committed willfully," the judge may award damages as high as \$100,000 per infringement. 17 U.S.C 504(c).
 - d. Additionally, if registration occurs within five years of publication, it is considered prima facie (adequate to establish a fact unless refuted) evidence in a court of law.
3. **Publication is not necessary for copyright protection.** It used to be but is no longer required.

4. **To register a work**, you need to submit a completed application form, a non-refundable filing fee of \$30, and a non-returnable copy or copies of the work to be registered.
5. **The registration process length** normally depends on the amount of material the Office is receiving. If your application is in order, you may generally expect to receive a certificate of registration within approx. 4-5 months of submission.
6. **Using someone else's work without getting permission**
Under the fair use doctrine of the U.S. copyright statute, it is permissible to use limited portions of a work including quotes, for purposes such as commentary, criticism, news reporting, and scholarly reports. There are no legal rules permitting the use of specific number of words, a certain number of musical notes, or percentages of work. Whether a particular use qualifies as fair use depends on all the circumstances.
7. **In the case of "work made for hire", the employer or commissioning party is considered to be the author?** Under the copyright law, the creator of the original expression in a work is its author. The author is also the owner of the copyright unless there is a written agreement by which the author assigns the copyright to another person or entity, such as a publisher. In cases of works made for hire, the employer or commissioning party is considered to be the author.
8. **Copyright does not protect** names, titles, slogans, or short phrases. Nor does it protect ideas, concepts, systems, or methods of doing something, only expressions of creative effort.
9. **The (c) has no legal force as of yet.** It must be the word "copyright" or the official copyright symbol ©.
10. **Publishing on the internet** is not automatically public domain.
11. **Copyright law is mostly civil law.** However, new laws are moving copyright violation toward the criminal arena.
12. **The copyright generally last** until 70 years after the author dies. (see the Copyright Office's FAQ for details)
13. **A list of commonly requested forms** arranged by the type of copyrighted work:

- Books, manuscripts and speeches and other non-dramatic literary works: **Form TX**
- Computer programs: **Form TX**
- Music sheets or lyrics: **Form PA**
- Music sound recordings: **Form SR**
- Cartoons and comic strips: **Form VA**
- Photographs: **Form VA**
- Drawings, prints, and other works of visual arts: **Form VA**
- Motion pictures and video recordings: **Form PA**
- Dramatic Scripts, plays, and screenplays: **Form PA**
- Games: **Form TX**

14. A **mandatory deposit** is a requirement of the Copyright Office that copies of all works under copyright protection that have been published in the U.S. have to be deposited with their office within three months of the date of publication.

15. A work in **public domain** is one that can be freely used by anyone for any purpose. In the past, if a work was published without notice, it lost all copyrights and entered the public domain. This is no longer true. There are still some instances a work is considered public domain: copyright expired, U.S. government work, category that can't be copyrighted (i.e. names, titles, short phrases, etc.)

Basic Copyright FAQ

Frequently Asked Questions

1. Who is an author?

Under copyright law, the creator of the original expression in a work is its author. The author is also the owner of copyright unless there is a written agreement by which the author assigns the copyright to another person or entity, such as a publisher. In cases of works made for hire, the employer or commissioning party is considered to be the author.

2. Do I have to be published to obtain copyright?

No, Publication is no longer the key to obtaining federal copyright as it was under the Copyright Act of 1909. The 1976 Copyright Act defines publication as follows:

“Publication” is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies to a group of persons for purposes of further distribution, public performance, or public display constitutes publication. A public performance or display of a work does not of itself constitute publication.

3. If Publication is not required why is it important to the Copyright law?

Before 1978, federal copyright was generally secured by the act of publication with notice of copyright, assuming compliance with all other relevant statutory conditions...Publication is an important concept in the copyright law for several reasons:

- Works that are published in the U.S. are subject to mandatory deposit with the Library of Congress.
- Publication of a work can affect the limitations on the exclusive rights of the copyright owner that are set forth in sections 107-121 of the law.
- The year of publication may determine the duration of copyright protection for anonymous and pseudonymous works (when the author's identity is not revealed in the records of the Copyright Office) and for works made for hire.

- Deposit requirements for registration of published works differ from those for registration of unpublished works. *See Registration Procedures.*
- When a work is published, it may bear a notice of copyright to identify the year of publication and the name of the copyright owner and to inform the public that the work is protected by copyright. Copies of works published before March 1, 1989, must bear the notice or risk loss of copyright protection.

4. Is acknowledging the source of the copyrighted material substitute for obtaining permission?

No, it does not.

5. How do I get permission to use somebody else's work?

You ask for it. If you know who the copyright owner is, you may contact the owner directly. If you are not certain about the ownership, you may request the Copyright Office to do a search of its records for \$75 per hour.

6. Can I be sued for using someone else's work, like quotes or samples?

If you use a copyrighted work without authorization, the owner may be entitled to bring an infringement action against you. There are some circumstances under the "fair use" doctrine where a quote or a sample may be used without permission.

7. What is a Library of Congress number?

The Library of Congress Card Catalog Number is assigned by the Library at its discretion to assist librarians in acquiring and cataloging works.

8. What is an ISBN number?

The International Standard Book Number is administered by the R.R. Bowker Company 1-888-BOWKER2. The ISBN is a numerical identifier intended to assist the international community in identifying and ordering certain publications.

9. What is the copyright notice?

A copyright notice is an identifier placed on copies of the work to inform the world of copyright ownership. It was once required, is now is optional. The identifier is © the C inside a circle and the word copyright. The c in parenthesis has no legal recognition at this time.

10. Someone infringed on my copyright. What can I do?

A person may seek to protect his or her copyrights against unauthorized use by filing a civil lawsuit in the Federal district court. *The Copyright Office's advice is: If you believe that your copyright has been infringed, consult an attorney. They inform that in cases of willful infringement for profit, the U.S. Attorney may initiate a criminal investigation.*

11. Is my copyright good in other countries?

The U.S. has copyright relations with more than 100 countries throughout the world, and as a result of these agreements, we honor each other's citizens' copyrights. However we don't have these agreements with every country.

12. What does the Copyright Office mean when they posted "Our mail has been severely disrupted"?

For security reasons, all U.S. Postal Service and private carrier mail is being screened off-site prior to arrival at the Copyright Office. Please be aware that this screening process can add 3-5 days to the delivery time for all mail to the Copyright Office.

13. About "All Rights Reserved"

All rights reserved is considered another formality of the U.S. publishing community. It gains its roots from one of the earliest international copyright treaties in which the U.S. was a member, the 1911 Buenos Aires Convention on Literary and Artistic Copyrights. This treaty provided that, once copyright was obtained for a work in one signatory country, all other signatories accorded protection as well without requiring any further formalities (for example, notice or registration) providing that the work contained a notice reserving these rights. Thereby, the notice "All Rights Reserved" was born.

14. Can I protect my recipe under copyright?

A simple listing of ingredients is not protected under copyright law. However, where a recipe or formula is accompanied by substantial literary expression in

the form of an explanation or directions, or when there is a collection of recipes as in a cookbook, there may be basis for copyright protection.

15. Can I copyright my mother's diary I found in her attic?

You can register copyright in the diary only if you are the transferee (by will or inheritance). Copyright is the right of the author of the work or the author's heirs or assignees, not of the one who only owns or possesses the physical work itself.

16. Can a minor claim copyright?

Minors may claim copyright, and the copyright Office does issue registrations to minors, but state laws may regulate the business dealings involving copyrights owned by minors.

17. Can I use a stage name or a pen name for copyrighting?

There is no legal requirement that the author be identified by his or her real name on the application form. If filing under a fictitious name, check the "Pseudonymous" box at space 2.

18. Does my work have to be published to be protected?

Publication is not necessary for copyright protection.

19. Can I copyright a name, title, slogan or logo?

Copyright does not protect names, titles, slogans, or short phrases. In some cases, these items may be protected under trademark law. However, copyright protection may be available for logo art work that contains sufficient authorship. Additionally, in some circumstances, an artistic logo may also be protected as a trademark.

20. What are the Copyright Office registration procedures?

For original registration:

To register a work, send the following three elements in the same envelope or package to:

Library of Congress
Copyright Office

101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

1. A properly completed application form
2. A nonrefundable filing fee of \$30 for each application.
3. A no returnable deposit of the work being registered.

Well that's what I considered the high points of basic copyrighting. In the large scheme of things there's probably no one lurking around that wants to willfully steal your story or writing but on the other hand it is wise to be knowledgeable and alert. Now go be wise, know your rights, respect the rights of others and write for the joy of it!

**Need more detailed information visit: www.copyright.gov or for details subject to change (price, deposit requirements, etc.)*

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