

Copyright and Fair Use

Excerpts of the Script from

“A Fair(Y) Use Tale: a Short Film” by Eric Faden

Watch the video from Stanford University:

<http://cyberlaw.stanford.edu/taxonomy/term/565/all>

A Collection of Online Copyright Resources:

http://delicious.com/sharon_elin/copyright?setcount=100

This video from Stanford University Law School teaches concepts such as “Fair Use” and “Public Domain” as they apply to copyright laws. Below are excerpts of text from the script:

Intro:

Federal law *allows* citizens to reproduce, distribute, or exhibit portions of copyrighted motion pictures, video tapes, or video discs under certain circumstances without authorization of the copyright holder.

This infringement of copyright is called “Fair Use” and is allowed for purposes of criticism, news reporting, teaching, and parody.

Chapter 1: Copyright Definition

- Copyright is a “permanently fixed original work in some form that can be seen or heard.”
- Only the copyright owner has the right to use the work.
- It’s forbidden to use a copyright work without permission granted by the copyright owner.
- Anybody who’s foolish enough to threaten copyright has broken the law.
- You’d better be able to pay for that copyright permission.
- You can’t get something for nothing, you know.
- This is about money.
- (Do you hear that? It’s the sound of your freedom, fluttering out the window)

Chapter 2: What Things Can Be Copyrighted?

- Books, plays, music, dance, movies, pictures.
- You can’t copyright an idea.
- Our culture thought it would be unwise to limit the power of the “great idea,” so we can only copyright the form an idea takes.

Chapter 3: Copyright Duration and the Public Domain

- The law says copyright only lasts for a fixed amount of time.
- For example, copyright used to last for a period of fourteen years.

- Our culture thought that this was long enough for a copyright owner to make money from their work.
- After just fourteen years, the copyright work fell into the “public domain” so anyone could use the work.
- A work in the “public domain” is free for anyone to use.
- It’s essential because our culture created new ideas by building on earlier ones, so the public domain is necessary for a living, thriving society.
- Unfortunately, copyright keeps getting longer, and there seems to be no limitation to how long copyright lasts.
- For example, copyright now lasts a lifetime plus 70 years, and for a company, copyright lasts for a hundred years.

Chapter 4: Fair Use

- There are limitations on copyright.
- Copyright may be broken, but it’s slippery.
- You can borrow a small amount of a copyright work to teach, for news reporting, for parody, or for critical commenting.
- How do we know if it’s a “fair use”?
- There are certain rules that demonstrate fair use.
 1. The nature of the work borrowed.
 2. The amount you borrow
 3. It has to be something that doesn’t change the original work’s value in the marketplace
- Fair use is not a right.
- Fair use is only a “legal, defensible position”

Chapter 5: Why Use Disney Cartoons?

- This company is intimidating.
- If “fair use” actually works, then movies like this one will have legal protection.

(Notice the credits – even the Disney movies are cited, although the whole video is making fun of Disney Co.)