



Copyright

Thomas B. Parent

Stuart & Branigin LLP

Telephone: (765) 428-7018

E-mail: tbp@stuartlaw.com

Please Note: The information provided in this outline is general in nature and is designed to assist you in understanding complicated concepts. We strive to be accurate in providing this information, but please recognize that essential information regarding any one of these concepts may be omitted. You should not act upon any of this information before consulting with your attorney based on your circumstances. We are not providing legal advice to you in this outline or in our presentation. That would require our prior evaluation of your circumstances and objectives.

Intellectual Property Quiz

Which of the following are examples of a copyright, patent, trademark?

- Institutional Name (e.g. Purdue, Firm)
- Paper presented at a conference
- Email message
- Institutional logos or emblems
- Student Term Paper
- Computer software
- Semiconductor components
- Contemporaneous speech to a live audience



Copyrightable Works

- Must be original
- Must be a work of authorship
- Must be fixed in a tangible medium of expression



Things Not Protected

- Ideas (only the expression of the idea)
- Procedures, processes, systems, etc.
- Facts
- Titles of works
- Public domain works
- Utility of a design
- Design features of physical article if features cannot exist independently of article

Creation, Registration and Duration of Copyright.

- Copyright begins when pen first hits paper.
- Registration with the copyright office or display of the © mark is not required for the vesting of copyright in the author.
- Registration is required for enforcement, certain remedies.
- Term: Life + 70 years or 95 years.



Ownership of a Copyrighted Work.

- The author is the initial owner of a copyright.
- If author is employee, employer is automatic owner.
- “Work made for hire” only if prepared by employee in course and scope of employment.
- If author is independent contractor, author retains ownership unless contract states otherwise.

17 USC § 201 (a); 17 USC § 201 (b); 17 USC § 101.



Ownership and Control of a Copyrighted Work.

- Look to the contract.
- See University Policy on Intellectual Property and Executive Memorandum B-53.
- **Lesson:** The contract is critical to determining who owns a copyright in a work for hire situation.





Owner's Exclusive Rights.

- **Reproduce**
- **Prepare derivative works**
- **Distribute**
- **Perform**
- **Display**
- **Perform sound recordings publicly via digital transmission**





Limitations on Exclusive Rights

- **First Sale Doctrine**
- **Fair Use**



Fair Use Exemption Factors

- Purpose and character of use.
- Nature of work.
- Amount and substantiality of portion used.
- Effect of use on potential market.



Infringement and Damages

- May be direct, contributory, or vicarious.
- Direct infringement -- must prove access, substantial similarity, and actual copying.
- Damages
 - Owner's actual losses + infringer's profits
 - Statutory (\$750-\$30,000 per infringed work)



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