



University System of Georgia  
Creating A More Educated Georgia

## Copyright Generally

Most copyright questions that arise at the University System of Georgia revolve around issues of copyright ownership in new works, or fair use of existing works. Related questions arise with respect to managing our copyrights, negotiating publication agreements, developing digital libraries, and posting materials to Web servers. The answers to these and many other copyright questions will almost always begin with a few fundamental principles of copyright law.

Copyright provides the creators of original works of authorship with a set of limited exclusive rights, including the right to copy, distribute, and perform their works. The law balances the private interests of copyright owners with the public interest and is intended, in the words of the Constitution, "to promote the Progress of Science and useful Arts, by securing for a limited Time to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

Copyright law gives copyright owners the exclusive rights to:

- reproduce a work;
- prepare derivative works based on the original;
- distribute copies to the public;
- perform the work publicly; and
- display the work publicly;

Limitations to the exclusive rights are listed in Sections 107 through 122 of chapter 1 of the U.S. Copyright Act. These exceptions are integral to the balance of exclusive rights and productive, socially beneficial new and fair uses of works. One of the exceptions to a copyright holder's exclusive rights is the right to make a fair use of a copyrighted work. Copyright law applies to original works.

### Copyright law applies to nearly all creative and intellectual works.

A wide and diverse range of materials are protectable under copyright law. Books, journals, photographs, art, music, sound recordings, computer programs, websites, and many other materials are within the reach of copyright law. Also protectable are motion pictures, dance choreography, and architecture. If you can see it, read it, hear it, or watch it, chances are it is protectable by copyright law. One important exception is works of the U.S. Government. Works published or created by the U.S. Government are not subject to copyright.

### Works are protected automatically, without copyright notice or registration.

These many different works are protected under copyright if they are "original works of authorship" that are "fixed in any tangible medium of expression." In other words, once you create an original work, and fix it on paper, in clay, or on the drive of your computer, the work now receives instant and automatic copyright protection. The law today does not require placing a notice of copyright on the work or registering the work with the [U.S. Copyright Office](#) as it did in the past. The law provides some important benefits if you do use the notice or register the work, but you are the copyright owner even without these formalities.

### Copyright protection lasts for many decades.

The basic term of protection for works created today is for the life of the author, plus seventy years. In the case of "works made for hire" (explained below), the copyright lasts for the lesser of either 95 years from publication or 120 years from creation of the work. The rules for works created before 1978 are altogether different, and foreign works often receive distinctive treatment.

### Copyright ownership.

As a general rule, the author is the initial owner of the copyright in the work. If you wrote the book or took the photograph, you are the copyright owner. If you created the work as an employee, acting within the scope of your employment, the work may be a "work made for hire." In that event, the employer is the copyright owner. If you are an employee, and your job is to create software code, the copyright in that code probably belongs to your employer. Ownership of copyrights and other forms of intellectual property created by faculty, staff or students at University System of Georgia institutions is governed by the University System of Georgia

[Intellectual Property Policy](#).

**For Further Information:**

[Full text of the U.S. Copyright Act](#)

[Database of International Copyright Law](#)

A summary of copyright fundamentals for academic work can be found in [Copyright Law and Graduate Research](#), by Kenneth D. Crews.