What the copyright?
Steps to understanding what’s copyrighted and how you can use it

1. Is there a valid copyright on the work you want to use?
   - Is the work the sort of thing protected? Works needs to meet certain standards to be copyrighted!
     - Is it original?
     - Is it an idea or an expression of an idea? Ideas are not copyrightable!
     - Is it the kind of the projected? Examples: music, lyrics, sound recordings, etc.
     - Is the work fixed?
   - **Is this particular work protected?**
     - If it was published before March 1, 1989, did the work follow the required formalities to be copyrighted?
     - Has the copyright expired?

3. Does your use infringe one of the copyright holders exclusive rights?
   - Reproduction right
   - Derivative works right
   - Distribution right
   - Performance and display rights

4. Does your use fall into an exception under copyright law?
   - **Section 108: Library and Archives Exception**
   - **Section 107: Fair Use**
     - Use tools like existing codes of best practices for fair use that provide guidance to sound recordings, dance collections, and academic libraries for guidance on principals and limitations to bolster your fair use

5. Are permissions required?
   - If your project does not meet one of the exceptions, and it includes copyrighted work, you will need to seek permissions from the rights holder
   - Is there a license or other contract governing the source of the works you want to use? Don’t forget that licenses trump public domain status or copyright exemptions!

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Adapted from “Steps in the Analysis of a U.S. Copyright Case” by Ana Enriquez, April 2013, released under the Creative Commons Attribution-ShareAlike 3.0 Unported License, based on Terry Fisher’s map of Copyright Law, available at [http://copyx.org/maps-of-intellectual-property/](http://copyx.org/maps-of-intellectual-property/)

Resources:
Copyright Permissions Workflow Diagram
https://drive.google.com/file/d/0BxyQzf2unIzKM0FMZ2pydkIwMWc/view

Cornell Copyright Term in the U.S. Chart
https://copyright.cornell.edu/publicdomain

Michigan Page on how to obtain permissions
http://guides.lib.umich.edu/permissions

Ownership in Institutional Sound Recordings by Eric Harbeson
https://scholar.colorado.edu/cgi/viewcontent.cgi?article=1002&context=amrc_facpapers

A full list of resources is available