

# PROTECTING YOUR COPYRIGHT

You have exclusive rights to the work you make. This guide helps explain what copyright means, why it matters to you, and how to use it to support your work and partnerships.

## WHAT IS A COPYRIGHT?

Be sure to review these definitions:

“**Copyright**” literally means the right to copy, but has come to mean the exclusive rights granted by law to copyright owners for protection of their work.

Under the copyright law, the **creator** of the original expression in a work is its author and is the owner of the copyright unless special circumstances apply.

**Work made for hire** is work created by an employee or on behalf of a client. The employer—not the employee—is considered the legal author. It is an exception to the general rule that the person who creates the work is the legally recognized author.

## WHEN DOES COPYRIGHT BEGIN & END?

- A copyright starts the moment the work is “fixed in a tangible form of expression.” (17 U.S.C. § 102).
- How long does a copyright last?
  - For works created after January 1, 1978, copyright protection lasts the life of the author plus 70 years; or
  - For works made for hire, 95 years after first publication date or 120 years from the creation date, whichever is the shortest.

## WHAT DOES COPYRIGHT ALLOW?

Copyright protects “original works of authorship” in a fixed tangible form of expression, which means:

- Original work is
  - 1) not copied and
  - 2) has a minimal degree of creativity.
- Fixed tangible forms of expression include creations such as literary, musical, dramatic, choreographic, pictorial, graphic, motion picture, audiovisual, architectural, sound recording, and computer code.

Pursuant to Section 106 of the Copyright Act, 17 U.S.C. § 106, the copyright owner holds the exclusive rights and authority to:

- reproduce works
- create derivative works
- distribute the works to the public by sale or transfer
- perform the works publicly, in the case of musical, literary, dramatic, choreographic, motions picture, and audiovisual creations
- display publicly
- perform through digital audio transmission

## REGISTERING A COPYRIGHT

Consider officially registering your copyright in the following ways:

- The author can federally register a copyright on their work at [copyright.gov/eco](http://copyright.gov/eco).
- As a student, you can also contact the Washington University School of Law’s Entrepreneurship & Intellectual Property Clinic for assistance. For qualifying clients, the clinic provides its services free of charge and can help federally register a copyright. Contact it at [EIPAssistance@wulaw.wustl.edu](mailto:EIPAssistance@wulaw.wustl.edu)
- You may want to consider alternatives to traditional copyright. Creative Commons is a nonprofit that “enables sharing and reuse of creativity and knowledge through the provision of free legal tools.” The licenses offered through Creative Commons enable creative works to be shared, remixed, and accessed in different ways. Visit [creativecommons.org](http://creativecommons.org) for more information.

## ENFORCING COPYRIGHT

In addition to registering your copyright, you may want to consider the following steps to enforce and protect:

- To deter third parties from infringement and help prove willful infringement if someone uses your copyrighted material, you may want to use a copyright notice with your work.
- You may want to utilize a copyright assignment agreement to transfer the copyright from the author to another party or back again.
- Consult a lawyer in order to enforce a copyright that may have been infringed upon and to understand your options.

### PROPER COPYRIGHT NOTICE

- The word “Copyright” or symbol ©
  - Year of creation OR year of first publication
  - The name of the copyright owner
- Example: © 2019 John Doe**

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## WORKING WITH PARTNERS

*If you have a partner or a client, such as through a class project, an event, or other initiatives, all potential copyrights that may develop from the project should be discussed at the onset to ensure both parties are entering into the undertaking with a mutual understanding of their interests.*

Discuss with your partner to ensure that expectations have been clarified, including the role of both parties in creating the work. It may be helpful to use documents like:

- A [Curriculum Collaboration Project Proposal](#)
- An assignment of rights
- A contract that details the ownership of both parties
- Other records of the role that either party plays in the ownership of the work and enforcement of the copyright.

Discuss with your partner whether or not the work is made for hire. If it is, have a conversation about who retains the copyright and what rights each party has. Document this conversation in a written agreement.

## IP & COPYRIGHT AT WASHU

*The policy below applies to intellectual property and copyright for members of the Washington University community.*

Washington University's [Intellectual Property Policy](#) applies to:

- “faculty, staff (including student employees), graduate students, postdoctoral fellows, and non-employees (including visiting faculty, affiliate and adjunct faculty, industrial personnel, fellows, etc.) who participate in research projects at Washington University.”
- For those who are not undergraduates, the General Statement of Ownership states: “Except as noted, all intellectual property (including lab notebooks, cell lines, software, human samples, and other tangible research property) shall be owned by the University if significant University resources were used or if it is created pursuant to a research project funded through corporate, federal, or other external sponsors administered by the University. Creators will provide, upon request by the University, assignments or other documents necessary to perfect the University’s ownership rights. Generally, creators and research investigators will retain custody of tangible research property while at the University.”

Exceptions to the General Statement of Ownership:

“The creator shall retain ownership of the following: All intellectual property developed without a significant use of University resources and without corporate, federal, or other external sponsorship; All rights in artistic, literary, and scholarly intellectual property, such as scholarly books, articles, and other publications (including those in electronic form), works of art, literature, and music recordings are owned by their creators despite the use of University resources so long as such works are neither created under the direction and control of the University, nor developed in the performance of a sponsored research or other third-party agreement.”

## YOUR RIGHTS AFTER GRADUATION

*Because Washington University’s Intellectual Property Policy does not apply post-graduation, graduates should be diligent in assessing their copyright rights once they leave campus.*

- Your rights are on a case-by-case basis.
- If you are unsure, seek counsel.
- Alumni can use the Entrepreneurship & Intellectual Property Clinic for assistance if they are members of groups or entities affiliated with Washington University.

## RESOURCES

[copyright.gov](#) - provides basic copyright information and is the official registration system for copyright.

[creativecommons.org](#) - resource to create free copyright licenses and a way to give the public permission to use and share your work.