

Copyright law, which protects creative works, can be confusing in an environment that encourages electronic sharing. It is simple to find and copy online documents, but having the technical capability to accomplish that task does not give the user the legal right to do so.

Simply giving credit to the originator — without obtaining reprint permission — is a copyright violation. For example:

- An office professional finds a current cartoon online and places it in a newsletter, with credit to the artist.
- A youth group downloads a popular song as background music for a video they produce and post on YouTube.
- A presenter shows a DVD of a television cooking program at a nutrition seminar.
- Each semester, a teacher makes copies of a downloaded book chapter to use as a handout for students.
- An agent copies a photo from the Web to use in a PowerPoint presentation.

Each instance could constitute a copyright infringement. Downloading or purchasing a copy of the original includes no right to re-use or redistribute it. A secondary user must receive written permission from the originator, publisher, or other legal copyright holder.

What may I legally use?

Some items are available for use without permission because they are in the *public domain*. The lack of a copyright symbol or statement, or the fact that the material is publicly available, does *not* mean the work is in the public domain. Public domain works include:

- Works published before January 1, 1923.
- Works published between 1923 and 1978 that did not contain a valid copyright notice.
- Works published between 1923 and 1978 for which the copyright was not renewed.

- Works from the federal government and its employees.
- Any works the copyright owner has freely granted to the public domain.

Fair use involves quoting material in scholarly reports, critiques, teaching, news reporting, or commentary. Use must be brief, noncommercial, spontaneous, and with consideration given to the cumulative effect of such use. The source must be acknowledged, and use is not to be repeated without obtaining permission. See “Circular 21: Reproduction of Copyrighted Works by Educators and Librarians,” from the U.S. Copyright Office at: www.copyright.gov/circs/circ21.pdf.

An employee of K-State Research and Extension may use:

- Original material: text, designs, music, art, photography, lyrics — anything in a fixed format.
- A journalistic approach to refer to information in a journal article, statistics, or anything originating from other sources: “According to researchers at Purdue ...” or “*California Agriculture* reports in a recent article ...” Summarize the information as original text.
- Information from K-State Research and Extension news stories, newsletters, or publications, *with* attribution.
- Images from the K-State Research and Extension Image Library: www.ksre.ksu.edu/techweb/p.aspx?tabid=827
- On organizational documents, the official K-State Research and Extension wordmark and the full organizational name: Kansas State University Agricultural Experiment Station and Cooperative Extension Service.
- *Often*, documents from other states’ extension educators, *after* obtaining permission to reprint or revise, with credit to the originator. (The publishing office can help with this: 785-532-1148.)
- A URL (*www.xxxxxxx.com*) to direct the audience or reader to a relevant website.

How is my own work protected?

Copyright protects the creator of the work as soon as it is in a fixed state — including e-mail, handwritten notes, sketches, or drafts. Kansas State University holds the copyright on work products of its employees, including faculty and staff of K-State Research and Extension. For specific information about intellectual property, see the university's "Copyright" site, www.k-state.edu/copyright. Additional resources are available on the "Copyright Resources" page at:

www.k-state.edu/copyright/resources.html

All original work from K-State Research and Extension should carry the following copyright statement:

"Contents of this publication may be freely reproduced for educational purposes. All other rights reserved. In each case, credit *author, publication title, Kansas State University, month and year.*"

The statement, "All other rights reserved," means any use other than education is prohibited without permission.

The publishing unit is the appropriate contact for anyone who wants permission to reprint, revise or otherwise use material from K-State Research and Extension. Contact: 785-532-1148.

Q and A

Q. Are recipes subject to copyright?

A. A list of ingredients is not subject to copyright. Making a photocopy of a published recipe involves using the author's recipe description, possibly a photo, the way the recipe is presented, and the cookbook design.

1. The photo, any substantial text describing the preparation method, and design are *all* protected by copyright.
2. An individual recipe ingredient list with very basic instructions (Mix well and bake at 350° F. for one hour) may be re-keyed and shared. Multiple recipes from the same book should not be shared in this manner because it potentially infringes on the copyright holder's ability to sell the book.
3. When sharing a recipe from a specific book, it is most professional to cite the source of the recipe. It also enables the reader to locate the book if more recipes of that type are wanted.

Kansas State University Agricultural Experiment Station and Cooperative Extension Service

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Q. Can book titles, names, terminology, or phrases be copyrighted?

A. No. Sometimes a term or short phrase can be protected as a trademark — which is a different process. When using a trademark-protected term, capitalize the trade name or substitute a generic term.

Q. I have the author's permission to reprint, but I'd also like to use a photograph from the same book. There is no photo credit next to the picture. Should I assume that I have permission to reprint the photo too?

A. Check with the author/publisher and obtain permission for the photo. Aside from copyright issues, only high-resolution copies of photos meet quality standards for professionally printed material.

Q. Our agents research topics on the Web, then cut and paste the information into documents that they later submit as columns for local newspapers. They believe using something like, "Source: www.URL.etc" with the article, is sufficient attribution.

A. Brief quotes must be in quotations and attributed to the source. Keep references with the quoted material because the newspaper might cut out references listed at the bottom of a column. An accepted use of a source or reference that is not *directly* quoted indicates where the writer's information and learning originated. Thoughts must be expressed in the original words of the writer.

More about copyright

The 1976 Copyright Act protects creators of original works, published and unpublished.

Using the copyright symbol © and formal application are recommended, but not required at this time.

For official information, visit: www.copyright.gov and review the "Copyright Basics" information. For information specific to Kansas State University, visit the Copyright site at: www.k-state.edu/copyright.

For a simple video from the commercial Copyright Clearance Center at www.copyright.com, review "Copyright on Campus" at http://www.copyright.com/content/cc3/en/toolbar/education/resources/copyright_on_campus.html