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What is "Copyright"?

Which types of work are subject to copyright?

Copyright ownership gives the owner the exclusive right to use the work, with some exceptions. When a person creates an original work, fixed in a tangible medium, he or she automatically owns copyright to the work.

Many types of works are eligible for copyright protection, for example:

- Audiovisual works, such as TV shows, movies, and online videos
- Sound recordings and musical compositions
- Written works, such as lectures, articles, books, and musical compositions
- Visual works, such as paintings, posters, and advertisements
- Video games and computer software
- Dramatic works, such as plays and musicals

The Copyright Office has information online, and you can check with a lawyer if you want to know more.

Is it possible to use a copyright-protected work without infringing?

Yes, in some circumstances, it is possible to use a copyright-protected work without infringing the owner's copyright. For more about this, you may wish to learn about fair use. It is important to note that your content can be removed in response to a claim of copyright infringement, even if you have:

- Given credit to the copyright owner
- Refrained from monetizing the infringing content
- Charged for a copy of the content in question
- Noticed similar content that appear elsewhere on the internet
- Purchased the content including a hard or digital copy
- Recorded the content yourself from TV, a movie theater, or the radio
- Copied the content yourself from a textbook, a movie poster or photograph
- Stated that "no copyright infringement is intended"

Some content creators choose to make their work available for reuse with certain requirements. For more about this, you may wish to learn about the Creative Commons license.

What is the difference between copyright and trademark? What about patents?

Copyright is just one form of intellectual property. It is not the same as trademark, which protects brand names, mottos, logos, and other source identifiers from being used by others for certain purposes. It is also different from patent law, which protects inventions.

What is the difference between copyright and privacy?

Just because you appear in a video, image or audio recording does not mean you own the copyright to it. For example, if your friend took a picture of you, she would own the copyright to the image that she took. If your friend, or someone else, uploaded a video, image or recording of you without your permission, and you feel it violates your privacy or safety, you may wish to file a privacy complaint.

What is "Fair Use"?

In many countries, certain uses of copyright-protected works do not infringe the copyright owner's rights. For example, in the United States, copyright rights are limited by the doctrine of fair use, under which certain uses of copyrighted material for, but not limited to, criticism, commentary, news reporting, teaching, scholarship, or research may be considered fair. U.S. judges determine whether a fair use defense is valid according to four factors, which we've listed below for educational purposes. In some other countries, there is a similar concept called "fair dealing" that may be applied differently.

Remember, it is your responsibility to understand the relevant law and whether it protects the use you have in mind. If you plan to use copyrighted material you didn't create, we'd strongly advise you to take legal advice first.

The four factors of fair use:

1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes

Courts typically focus on whether the use is "transformative." That is, whether it adds new expression or meaning to the original, or whether it merely copies from the original.

2. The nature of the copyrighted work

Using material from primarily factual works is more likely to be fair than using purely fictional works.

3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole

Borrowing small bits of material from an original work is more likely to be considered fair use than borrowing large portions. However, even a small taking may weigh against fair use in some situations if it constitutes the “heart” of the work.

4. The effect of the use upon the potential market for, or value of, the copyrighted work

Uses that harm the copyright owner's ability to profit from his or her original work by serving as a replacement for demand for that work are less likely to be fair uses.