



# Ownership Glossary

## Appropriation:

In the world of art, appropriation is the borrowing of artistic elements in the creation of a new piece or placing those elements in a new context. Project New Media Literacies defines appropriation as meaningfully sampling and remixing content to make it one's own.

## Copyright:

Copyright refers to a set of legal rights that gives the owner of an original work (such as a play, book, song, artwork, movie, or any creative work that exists in a “fixed” form, such as print) certain rights to that work, its distribution, sale, and use for a limited period of time. Owners have several rights under the law, including the right to determine who (if anyone) may adapt the work into something new, who may perform the work in its current form, who may benefit financially from the work, and other related rights. Copyright law not only protects the owners of copyrights, but also protects limited uses of copyrighted materials by users.

## Creative Commons License:

A Creative Commons license provides a different way to license one's creative works while retaining some rights over the works. Unlike traditional copyright licenses, where the copyright owner has *ALL rights reserved*—meaning they can decide who uses their works, adapts their works, performs their works, etc.—Creative Commons licenses let authors, creators, scientists, artists, educators, and average users easily mark their creative work with *SOME rights reserved*. Creators choose a set of conditions they wish to apply to their work. For example, a creator can choose to only allow *noncommercial* copying, distribution, display, and performance of their works, or let others copy, distribute, display, perform, and adapt their works only if the new creator *attributes* their work to the original creator's work. Creative Commons is then a way to maintain some rights over one's creative works while enabling a wider range of license options for others who wish to use that creative work for new purposes.

See <http://creativecommons.org/> for a complete list of specific rights and <http://creativecommons.org/about/license/> for more information about licenses.



## Fair Use:

This term refers to a doctrine in copyright law that allows limited use of copyrighted materials without having to pay for use or ask permission for use. Fair use tries to balance the protection of a copyright owner's ownership and users' rights to access information and creative works. The fair use doctrine states that uses for "criticism, comment, news reporting, teaching (including making multiple copies for classroom use), scholarship, or research" are usually, but not always, fair uses that do not constitute a violation of copyright (Copyright Act of 1976, 17 U.S.C. § 107).

### **When courts have to decide if a use of copyrighted materials is fair use, they use the following four guiding factors:**

- 1.** The purpose and character of the use
  - This factor refers to the ideas guiding the use of the source—is it used in a new way, adding value to society, the arts, and society's collective knowledge?
- 2.** The nature of the copyrighted work
  - This factor refers to whether or not the source work contains facts and ideas that should be free for anyone to see or use because they are useful to all of society. For example, a homemade film of the Kennedy assassination was originally copyrighted by *Time Magazine*. However, *Time's* copyright was later overturned for fair use purposes because the film was important to the U.S.'s common history and should therefore be available to all freely.
- 3.** The amount and substantiality of the portion used
  - This factor looks at how much of the source materials were used in the new work. Did the new creator use an "appropriate" amount of source material in relation to their new creation?
- 4.** Financial effects
  - This refers to the negative effect the new work has on the sales of the source material. Will this new creation, which relies in part on another's creator's work, affect the sales of the original creator's work?

Adapted from: [http://en.wikipedia.org/wiki/Fair\\_use](http://en.wikipedia.org/wiki/Fair_use)



### Inspiration:

Inspiration refers to something that stimulates a creator to create, such as nature, experiences, people, or other creators' works. When inspired by others' work, creators find source materials to create new, transformed texts based, in part, on the source materials. Inspiration differs from plagiarism in the following ways:

1. Inspired authors **cite their inspiration** and therefore do not attempt to pass off their work as something entirely new. They recognize the debt they have to the original creator.
2. **In certain cases**, like sampling a part of a song, inspired authors sometimes **pay for** the copyright rights to use others' work.
3. Inspired authors **transform their source material** into something innovative.

### Plagiarism:

Plagiarism refers to presenting another's original work as your own original work. This can mean direct copying of text, music, or art, not citing someone's work you use as inspiration, attempting to claim originality of one's ideas without revealing they are based in previous work, not identifying quotations as quotations, or using someone's main ideas as your own.

### Public Domain:

In the American context, the public domain refers to creative and intellectual works that cannot be copyrighted (like oral folklore and math formulae), are not copyrighted, or are no longer under copyright (in the U.S., most books published before 1923). Other items in the public domain in the United States are works published by the U.S. government. The public domain is envisioned by scholars and legal experts as important for many reasons including providing access to cultural history and enabling creators to build on the works of others.

Once a work is in the public domain it can be used for any purpose—commercial or non-commercial—without permission from the copyright owner and without having to pay for their use.