

DEFINITIONS	
plagiarism	<p>the unacknowledged and usually unauthorized use of someone else's intellectual or creative labor, mainly with respect to words and ideas.</p> <p>may or may not also be a copyright violation.</p>
appropriation	<p>the unauthorized and usually unacknowledged use of someone else's intellectual or creative labor, mainly with respect to the arts: visual, audio, choreographic materials, etc.</p> <p>may or may not also be a copyright violation.</p>
copyright	<p>a collection of laws setting defined limits to the use of created works and their derivatives by anyone other than their creators.</p> <p>when copyrights expire, published works fall into the public domain.</p>
fair use	<p>a set of narrowly defined exceptions to the copyright laws allowing use of copyrighted materials under certain specific conditions without prior authorization or payment.</p>
copyleft, open source, Creative Commons licensing	<p>terms referring to emerging practices for creating and sharing work outside of the traditional copyright system.</p>

info on Creative Commons licenses: <http://creativecommons.org/choose/>
 quick reference on public domain : <http://www.unc.edu/~unclng/public-d.htm>

COPYRIGHTABLE WORK		
kind of work	copyright?	artist's responsibility
photographs illustrations drawings sculptures installations performance video/film clips animation clips audio clips musical score choreography dramatic/literary texts computer software architecture	automatically copyrighted at the moment when it is fixed in a tangible form (e.g. video of a performance) <i>unless creator explicitly abjures copyright</i>	figure out whether the work is in or out of copyright if it is in copyright, can you still use it ? (e.g. by paying a fee; under fair use)
clothing design website design graphic design anything not fixed in a tangible form	not copyrightable at present	

What Does Copyright Protect?

<http://www.copyright.gov/help/faq/faq-protect.html>

The Illustrated Story of Copyright by Edward Samuels

<http://www.edwardsamuels.com/illustratedstory/>

more on copyright:

<http://wpmu.arts.uci.edu/resources/copyright/>

KEY QUESTIONS TO ASK YOURSELF	
primary question	related questions
Is my intended use legal (authorized)?	<p>Is the material out of copyright?</p> <p>Has my intended use been specifically authorized by the copyright holder?</p> <p>Is it legal under fair use?</p> <p>Is it authorized under copyleft licensing of some kind?</p>
Is my use acceptable <i>in context</i> ?	<p>Does my use fit within the university's guidelines?</p> <p>Does it fit within my publisher's guidelines?</p>
Do I credit my source, and if so, how?	<p>What is the standard for crediting this kind of use?</p> <p>Is there any valid reason not to credit my source?</p>
Do I go ahead even if my intended use is or may be illegal?	<p>Can I ethically justify what I am doing? (Am I treating another artist as I would not want to be treated myself?)</p> <p>Am I prepared to pay the penalties for such a use?</p> <p>Is this a matter of conscience requiring civil disobedience?</p>

USING OTHER PEOPLE'S WRITING			
what you are using	“quote marks?”	credit/source?	reason
exact text of any length copied from another source	always use, <i>even if material is in public domain</i>	must use a footnote and full source credit	intellectual honesty
text paraphrased from another source	no	must use a footnote and full source credit	help to readers university policy
ideas taken from another source	no	use a footnote and full source credit <i>unless</i> you are certain the idea is commonly known	copyright law (when applicable)

Cornell U. tutorial: *Recognizing and Avoiding Plagiarism*
<http://plagiarism.arts.cornell.edu/tutorial/index.cfm>

FAIR USE		
the 4 exceptions *	details	comments
purpose and character of the intended use / new work	New works that are primarily educational or socially critical (satirical, political) are more protected than are new commercial works. Works that are seen as profoundly “transformative” of the source material are also more protected.	Work students do for class is protected under this provision. But this may change if the work is taken into the market afterwards.
nature of the original work	Source works that are factual (such as a list of names in a phone book) are less problematic to appropriate than highly creative works. Out-of-print work is also less problematic than in-print work.	
how substantial a part of the original was taken	Taking a great deal of an original, or taking the most essential parts, can both be problematic.	rule of thumb: take the least you need, and transform it as much as possible.
effect of the new use on the market for the original	Work that is targeted to a completely different market than the original is more protected.	
<p>* only 1 exception reason is technically needed, but more tends to make a stronger case if you do get sued for copyright infringement.</p> <p><i>Note: Because there are relatively few high-level court cases on art, copyright, and fair use; and because judges tend to be ill-informed about art, the case law in this area varies greatly, meaning that there is no clear set of rules for artists to follow when creating work that they think will fall under fair use. In other words, as matters now stand it's always a risk to assert your rights in this area.</i></p>		

Code of Best Practices (for online video, documentary film, etc.)
<http://www.centerforsocialmedia.org/fair-use/best-practices/>