

Adobe Visual Design 1

Objective: 1.03

Understand the type of copyright, permissions, and licensing required to use specific content.



ADOBE VISUAL DESIGN

Abode Classes

Wake County Public Schools



Copyright

Copyright

- **Intellectual Property**

- A creation of the mind that the law protects from unauthorized users.

- **Copyright**

- The legal ownership of an intellectual property which allows the owner to create copies and profit from the intellectual property.

Copyright Protects

Books

Photos

Letters

Architectural
Works

Websites and
Information on
Websites

Songs

Memos

Movies

TV Shows

Plays

Poems

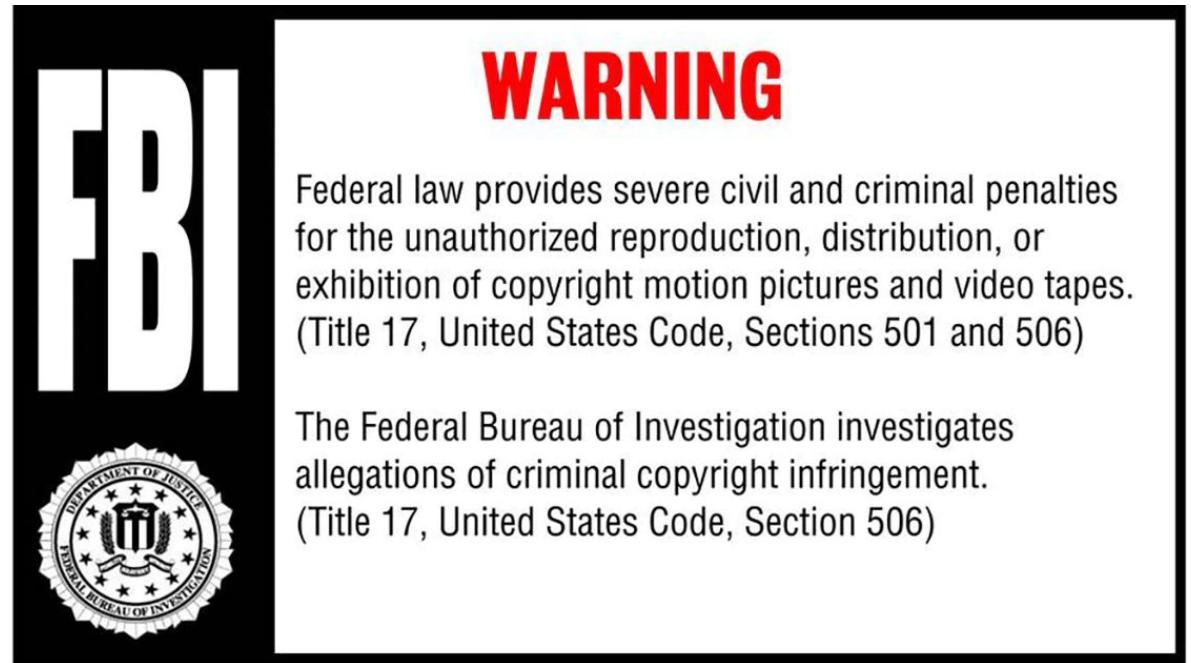
Short Stories

Computer
Software



Copyright:

- Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code).
- Copyright protection subsists from the time the work is created in fixed form.
- The copyright in the work of authorship immediately becomes the property of the author who created the work.
- Only the author or those deriving their rights through the author can rightfully claim copyright.



Copyright: Duration



Copyrights last for the author's lifetime plus 70 years.

For works made for hire, and for anonymous and pseudonymous works (unless the author's identity is revealed in Copyright Office records), the duration of copyright will be 95 years from publication or 120 years from creation, whichever is shorter.

Types of Protected Works

- **Trademark**

- A type of intellectual property consisting of a recognizable sign, design, expression, jingle, etc. etc. usually associated with a company and goods.

- **Service Mark**

- Similar to a trademark but instead of goods it is a recognizable sign, design, expression, associated with a service provided.

- **Commercial Use**

- A use that generates income.

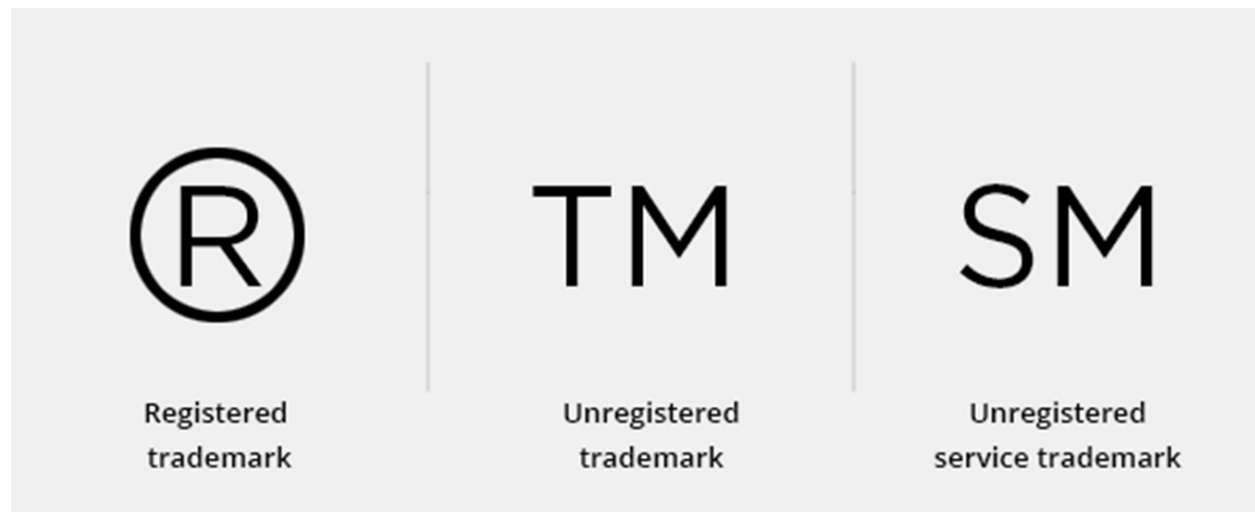
Trademarks: What are they

- **To be a trademark the items must past several test:**
 - It must be actually used as an identifier of particular goods or services: you can't get a trademark in some great new name you've come up with for you new product until you actually start using the name to identify that product.
 - It has to be in some way distinctive, not what courts call "ordinary" or merely descriptive" or "generic"; you can't use trademark to protect the common name of your product.
 - The mark must not be "confusingly similar" to anyone else's tradema use.



Trademarks: Trademarks vs. Service Marks

- A **trademark**—a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others.
- A **service mark**—the same as a trademark, except that it identifies and distinguishes the source of a service rather than a product.



- TM refers to an **unregistered** trademark.
- SM refers to an **unregistered** service mark.
- ® means that the trademark has been registered with the US Patent and Trademark Office. It can only be used after the registration is approved.

Trademarks: Examples

- Coca-Cola
- McDonalds
- Starbucks
- Ford
- IBM
- Barbie
- Ford Motor Company
- John Deer



Trademarks: Obtaining a Trademark

- You create a distinct item for use and begin using it.
- It does not have to be registered, but that affords it greater protection.
- To register a trademark, you apply to the US Patent and Trademark Office

<http://www.uspto.gov/index.html>



Trademarks: When can you use someone's trademark

- When advertising that a product can be used with another product or be another product.
- When writing an article that refers to a product name.
- Market a VERY DISSIMILAR product under a name already used.

Examples: Lotus Automobiles/Lotus Software
Adobe Tiles/Adobe Software



Types of Protected Works

- **Trade Secret**

- Intellectual property that can consist of a formula, pattern, design, program, or device that has inherent value because it is not generally known to others.

- **Derivative Works**

- Copyrighted materials that have been altered or changed. Such material is protected by copyright laws. If you alter a copyrighted photograph by using computer software, that photograph is still protected, and you may not use it without written permission.

- **Patent**

- A form of intellectual property that gives its owner the legal right to exclude others from making, using, or selling an invention for a limited period of years.

Fair Use

- **Fair Use**

- A legal doctrine that allows the use of some copyrighted materials without having to ask for permission.

- **Fair Use Guidelines**

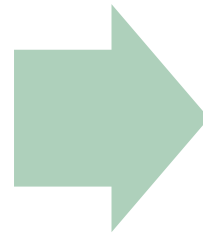
- The correct way in which fair use is achieved.
 - Education
 - News
 - Critique
 - Parody

4 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
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for, or value of, the copyrighted work

Copyright: Fair Use

Guidelines state that in some instances, we do not have to obtain permission from the copyright owner.



Examples:

- Educational Use
- News and Journalism
- Parody
- Critique



Copyright: Fair Use



For Fair Use to apply, you must be able to answer YES to a large proportion of these questions:



Is your use non-commercial?



Is your use of purposes of criticism, comment, parody, news reporting, teaching, scholarship, or research?



Is the original work mostly fact (as opposed to mostly fiction or opinion)?



Has the original work been published (as opposed to it being sent out only to one or a few people)?

Copyright: Fair Use



Are you copying only a relatively insignificant part of the original work (as opposed to the most important part)?



Are you adding a lot new to the work (as opposed to just quoting parts of the original)?



Does your conduct leave unaffected any profits that the copyright owner can make (as opposed to displacing some potential sales OR potential licenses of reprint rights)?

Copyright: Fair Use



A manipulated image become the "property" of the individual who made the changes to the image when the original image cannot be recognized by an "average observer."



Historically, artists creating "one-of-a-kind" works of art are permitted considerable latitude in fair use of copyrighted material.

Legal Ways to use media

- **Royalty Free**

- A type of license used by stock photography agencies to sell stock images. This means you pay for the license only once, and you can use it forever within the accepted ways, without any further payment obligations.

- **Public Domain**

- Consists of all the creative work to which no exclusive intellectual property rights apply. Those rights may have expired, been forfeited, expressly waived, or may be inapplicable.



- **Copyright Infringement**

- The illegal use of works copyrighted without obtaining permission from the owner of the copyright.

- **Work for Hire**

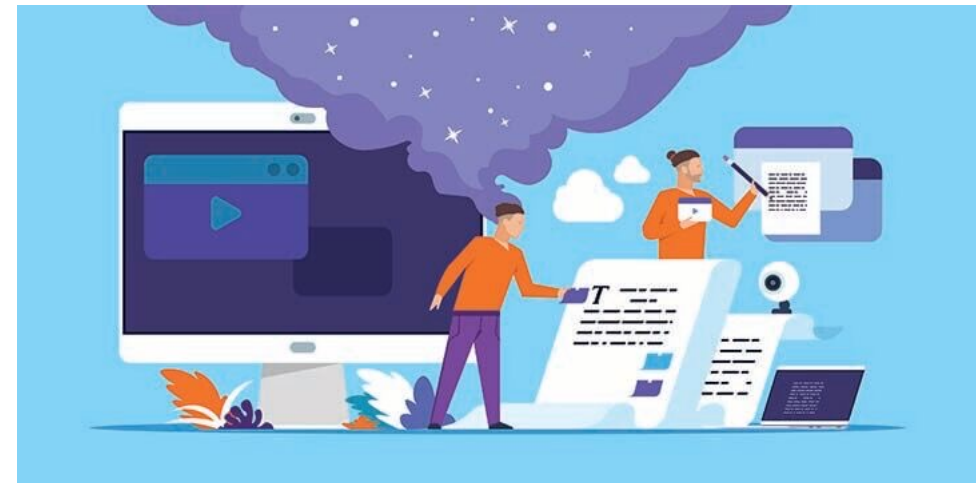
- Work subject to copyright law that is created as an employee as part of their job. The employer retains all copyrights, not the employee.

- **Attribution**

- Acknowledgement of credit to the copyright holder.

Copyright: Work made for hire

- **In the case of works made for hire, the employer and not the employee is considered to be the author.**
- **Section 1 of the copyright law defines a "work made for hire" as:**
 - (1) a work prepared by an employee within the scope of his or her employment; or
 - (2) a work specially ordered or commissioned for use as:
 - a contribution to a collective work
 - a part of a motion picture or other audiovisual work
 - a translation
 - a supplementary work
 - a compilation
 - an instructional text
 - a test
 - answer material for a test
 - an atlas



Copyright: Work made for hire

- If the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire....
- The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary.
- Copyright in each separate contribution to a periodical or other collective work is distinct from copyright in the collective work as a whole and vests initially with the author of the contribution.

Copyright: Obtaining Registered Copyrights

- Copyrights applications are obtained from the U.S. Copyright Office, Library of Congress, Washington, D.C. 20559 (Phone 202 707-9100)
- You can register a single item or a group for a fee of \$30 (currently).

Creative Commons

Creative Commons

- **Creative Commons:**
 - A nonprofit organization that enables the sharing and use of creativity and knowledge through free legal tools. Free, easy-to-use copyright licenses provide a simple, standardized way to give the public permission to share and use your creative work — on conditions of your choice. Creative Commons licenses are not an alternative to copyright. They work alongside copyright and enable you to modify your copyright terms to best suit your needs.

Sites for CC

- **A Few Sites for CC00 Images**

- www.pexels.com
- www.pixabay.com
- www.unsplash.com
- www.creativecommons.org

- **Creative Commons Licenses:**

- <https://wiki.creativecommons.org/images/6/6d/6licenses-flat.pdf>

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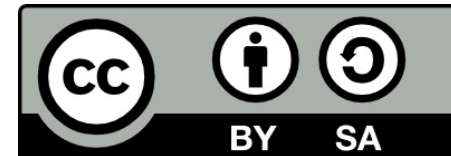
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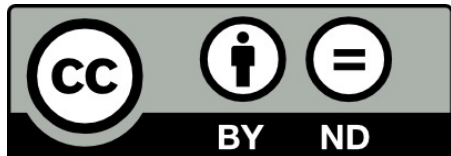
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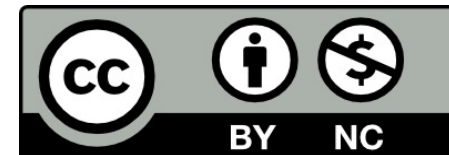
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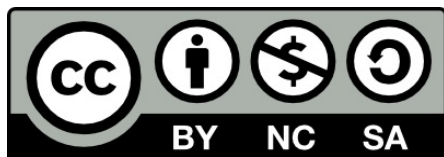
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Students & Copying

What can students copy?



A single , hard copy for personal or educational use.



Limited amounts of websites.



Copies cannot be used for public or commercial use.



Students must cite the source of their information.



For multi-media projects:

Video clips—10% or three minutes

Music—10% but no more than 30 seconds.

Text—10% or 1000 words

Citations



Credit

To give the artist or creator reference for using their work



Citation

The actual information and documentation of using another person's work.



Citing work use is the only way to use copyrighted information legally.



Guidelines exist to cite information properly, ex. MLA

Plagiarism



Plagiarism

Failure to give proper credit to the source that you borrowed the material from.



In most schools this is punishable by at least a 0 for the assignment and is often followed by further disciplinary action.



By not giving the proper credit, you are claiming the idea as your own, when in fact it is not

Guidelines

Direct Quotes

- If you use someone else's writing without putting it in "quotes", you have blatantly plagiarized.
- Even if you add the source in your bibliography, it is still plagiarism.

Paraphrasing

- Be careful about rewriting someone else's words. If your sentences use many of the same words and grammatical structure as the original source, it could be construed as plagiarism. Just put the text in your own words.

Original Idea

- Give credit to unique ideas others have thought up.
- If you present the ideas of another without crediting them, you have plagiarized them.
- Obvious ideas, like know facts, don't have to be credited.
- When in doubt, attribute.

Tips for Avoiding Plagiarism

Quotes

- Always put quotes from text in quotations. Never forget to do this as this is the easiest way to get accused of plagiarism.

When Paraphrasing:

- Be careful about rewriting someone else's words. If your sentences use many of the same words and grammatical structure as the original source, it could be construed as plagiarism. Just put the text in your own words.