

Copyright Summary
Dwight Matlock August 13, 2001

If you didn't attend MVCC's quarterly Guest Speaker Session on Monday, August 13, wow, did you miss out! University of Dayton professor Dwight Matlock, who's background spans award-winning commercial and industrial films, cut through the murky web of copyright laws to give the audience very practical tools and information to use. Eight pages of specific applications were just for starters.

Here's a brief overview of the meeting. A detailed reference guide with other user resources will be available for handout at MVCC very soon.

Works eligible for protection (definition): Any tangible medium of expression, now known or later developed, which can be perceived, reproduced, or otherwise communicated, either with the aid of a machine or device.

Liability can include \$500 to \$20,000 per infringement. If proven the law was broken by willful intent, the statutory penalty may be raised to \$100,000 and/or 1-5 years imprisonment.

Off-air videotaping for classrooms is a privilege only for nonprofit educational institutions, used directly for instruction and not for entertainment.

You may use up to 10% or a maximum of thirty seconds of the music and lyrics from an individual musical work (or in the aggregate, extracts from the individual work). You can loop the thirty seconds of material.

Copyrighting material makes you legitimate, and can be placed on any literary property you produce. You can send your work to the Library of Congress. That doesn't make it copyrighted, but the government institution would then have it on file with a file number. Another low-cost option would be to get a notary press, a state stamp legally recognizing the property.

Why would use of copyrighted material be challenged? The copyright holder wants money if the use generated money, or may not want an association with the producer. If it was for non-profit use and generated awards, it's possible they'll ask for a cease airing.

There is some wiggle room to the copyright issue, under the student clause. By law, the product must then be destroyed after 45 days (master and dub). MVCC qualifies as an educational facility. It can be argued that voicing your opinion can be viewed as educational.

Individual Release Forms:

For municipality and school productions (product done by tax payer dollars) releases are not necessary. Part of the contract negotiations between city, school, and cable provider includes a given consent, and the contract implies we will support the education process and the city process. Anything within that domain we have a right to cover. If it's of questionable content and minors are involved, don't.

Brief shots:

Work on the web is not inherently copyrighted.

All municipal material is public domain, unless stipulated with a trademark.

Trademarks are registered logos, stipulating no one else can use the material.

Reviewing products have some leniency, since you're essentially advertising.

Never assume someone isn't watching or taking notice.

An idea can't be copyrighted, but a concept can.

If copyrighted footage will be in your program, and the proper percentages are being followed, put a note in your credits referring to <http://icweb.loc.gov/copyright> which states the limited use guidelines.

Most importantly, note that all these notes are reference materials, not concrete law. The copyright laws are being rewritten as we speak. Any use is done at your own risk, and though the guidelines noted are correct, it will be your responsibility to prove the merit of use in court.

To review MVCC policy (page 9 of Policy Handbook): The community producer is responsible for obtaining all clearances from the owner of any protected material, all talent releases, and agrees to assume full responsibility for any and all disputes arising from unauthorized use.

The Request For Cablecast form now has the following lines added:

Does the program being submitted for cablecast contain copyrighted material, or material that can be considered "fair use" or "public domain"? (yes/no)

Producers of programs submitted for cablecast may be asked to provide documented proof that permission has been granted to use copyrighted material, or that materials are "fair use" or "public domain."