

Girl Scouts of Northern California

Copyright Law

A copyright is a legal right to copy. It is a personal property right assigned by state and federal laws. Copyright is a protection for published material that has been created by a person and gives that person exclusive right to the use of that material. Many of these people expect to make money from their creative minds or talents. Copyright occurs at the moment of creation of the work. Permission is needed to use their material in a public place or with people other than ones immediate family. Material may include words, music, photographs, illustrations, dance, etc. Using copyrighted material without permission could result in a lawsuit, fine or even criminal charges.

Copyrighted Material

Material having protection under the copyright law include:

1. Written words – fiction, non-fiction, essays, articles, poems, directories, speeches, computer databases, computer software programs, ads, scripts, newspapers, research reports, written jokes
2. Music – musical notations and words
3. Drama – plays, scripts, screenplays and accompanying music
4. Pictures – sketches, cartoons, photos, drawings, paintings, posters, product labels, slides, greeting cards, maps, charts, sculptures, jewelry, dolls and fabric designs
5. Audiovisual – movies, videos, filmstrips, slide shows, projected drawings
6. Audio – recorded music, voice, sound effects, birdcalls, animal sounds
7. Dance – choreographed routines, not popular dance steps

When categories overlap – such as a movie having music or dance – all are protected.

Copyright Owner's Rights

A copyright owner can sell, license, or leave the copyright to someone in a will. A copyright owner also has rights to any variation of the original material such as a book to a movie, a song to a tape, or a performance to a video recording.

Public Domain

Many works developed before the 20th century are not copyrighted and therefore belong to the public. Any work for which the copyright has expired belongs to the public. Once in the public domain, the work no longer has protection and may be copied. A credit should always be given for use of the work, even if it is public domain.

Copyright Violation or Infringement

A copyright violation occurs when someone uses copyrighted material in any form without permission. Copyright violations are illegal. Innocent intent is not a defense.

Exemptions From Copyright

The concept of Fair Use sets limits on copyright law in order to protect the public's right to use of material that would not hurt the copyright holder economically.

An example of Fair Use is limited performance of certain materials for educational, non-profit purposes. Conditions are that there is no charge, no use of commercial equipment and no further transmission or recording. Credit should always be given for use of the work.

Another example of Fair Use is limited photocopying of certain materials for educational purposes. A trainer, for example, may make a single copy of copyrighted material for training purposes but must include the copyright credit on that material. Photocopying of sheet music is an exception to this rule.

Music **may not** be copied for performance or for inclusion in a songbook, etc. Use of song sheets at any time **is not legal**.

Copyright of Electronic Material

Copyright law includes many different types of work, including audio recordings, cassettes, movies, CD's, video recordings, computer programs and the Internet. Home taping of electronic material for private, personal use is legal. These materials cannot be used for further transmission or used beyond that individual. Therefore, a troop leader or trainer cannot record material and then use it for Girl Scout purposes.

There is an exception to the electronic copyright law for materials viewed in distance learning for further use in educational settings. A program may be recorded and then used during the first 10 consecutive days after it is made. It cannot be altered. After the 10 days, a decision should be made as to whether the tape should be bought or licensed. It must be destroyed after 40 days unless it is licensed. No material can ever be recorded from cable TV services such as Showtime, the Disney Channel, CSPAN, ESPN, HBO, etc.

In general it should be assumed that all copyright laws apply to material found on the internet, unless otherwise stated. There are many sites that sell licenses to use images and clip art, or make it available for free legally. Always read the licensing guidelines for stock art found on the internet. If you cannot find licensing information, or if you've copied something from a web page, assume it is protected under copyright.

Computer software programs generally require a license for each computer on which the program is to be run, however there are some exceptions such as "*Open-Source*" software and "*Shareware*". Always read the licensing agreement for software before installing it.

Copyright Permission

To use copyrighted material, you must obtain permission from the copyright holder in writing. Allow 4-6 weeks. You must give the following detailed information:

- title, author, composer, etc.
- description of the exact material to be used
- nature of the use or transmission and how often it will be used
- number of copies to be made
- how the material will be produced
- type of audience
- whether the material will be sold and the price
- date by which permission and proper credit information is needed

When using copyrighted permission, you must always credit the work.

Helpful Hints

- Girl Scout publications and materials are copyrighted and permission must be obtained for use even by persons within the organization
- Troops and groups cannot record or sell recordings of music, even sung by themselves, without permission from the holder of the copyright of each piece of music used.
- Use of song sheets – even just of words – is not legal. A copy of the words can be projected onto a screen or written at the front of the room.
- Performance of music is allowed at a members-only social function of a non-profit organization.
- A licensing agreement is needed to show a movie or commercial video at a public performance. This can be obtained from the Motion Picture Licensing Bureau.
- Live performances of dramatic or musical works in Girl Scouting require a special event fee or copyright permission if performers are paid or event is used as a fundraiser.

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