COPYRIGHT GLOSSARY

Anthology
A collection of selected literary pieces or passages or works of art or music

Audiovisual
Works that consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, views, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.

Author
The creator of an artistic, literary, musical or dramatic work.

Brevity
Shortness of duration; especially, shortness or conciseness of expression

Classroom copying
Producing photocopies from books and/or periodicals for classroom use only.

CONTU Guidelines
The National Commission on New Technological Uses of Copyright Works (CONTU) was appointed by Congress to produce guidelines to cover interlibrary loan copying. CONTU established the “Rule of 5” guidelines. Each calendar year, an I.L.L. department is allowed to borrow only 5 articles from the most recent 5 years of one journal title. Once the limit is reached, articles can still be obtained from a copyright vendor for a fee.

Copyright
Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works.

Copyright Clearinghouse or Vendor
A service through which libraries (public and private), commerical organizations, and others may centrally pay license fees for photocopying of certain copyrighted publications.

Copyright Holder
A copyright holder's rights include the exclusive right to or allow others to do the following: reproduce copies, prepare derivative works, distribute copies by sale, rental or lease, publicly perform the work, publicly display the work directly or via a form of telecommunications.

Coursepack
A custom-made compilation of items for student instruction usually assembled by faculty members individually or at their request by on-campus book stores or copy centers or by off-campus copy shops or other similar entities.

Course Term
Typically a semester, usually 5 months long.
**Cumulative Effect**
Referred to in guidelines concerning multiple classroom copying by an instructor. The copying meets the test of *cumulative effect* if: a) the copying of the material is for only one course in the school, b) Not more than one short poem, article, essay, story or two excerpts may be copied from the *same author*, nor more than three from the same collective work or periodical volume during one class term, and c) there shall not be more than nine instances of such multiple copying for one course during one class term.

**Derivative work**
A work based upon one or more pre-existing works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgement, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications which, as a whole, represent an original work of authorship, is a "derivative work". The copyright in a derivative work or a compilation extends only to the material contributed by the author of such a work, and does not give any exclusive right in the preexisting material.

**Digital Millennium Copyright Act (DMCA)**
Enacted in 1998, the Digital Millennium Copyright Act (DMCA) represents the most comprehensive reform of United States copyright law in a generation. Key among the topics included in the DMCA are provisions concerning the circumvention of copyright protection systems, fair use in a digital environment, and online service provider (OSP) liability (including details on safe harbors, damages, and "notice and takedown" practices).

**Electronic Journal**
A journal made available electronically either via the World Wide Web, a CD-ROM, or other computer-related device.

**Electronic reserve**
Includes the making of a digital version of text (usually by scanning), the distribution and display of that version at workstations, and downloading and printing of copies.

**Face-to-Face Teaching**
Usually refers to teaching “within a building” not outside a building (i.e. distance education).

**Fair use**
Fair use is a limited doctrine providing for certain exceptions when permission is not required to use portions of copyrighted works. Allows the reasonable use of copyrighted materials without the author’s consent. This is important in libraries and teaching and research activities.

**Infringement**
The concept of infringement arises in patent, copyright, or trademark law. When someone copies software without permission of the copyright or patent owner, or uses a trademark without the permission of the trademark owner, he or she has committed an act of infringement, that is, he or she has infringed on the rights of the copyright, patent, and/or trademark owner.

**Interlibrary Loan (I.I.L.)**
A system whereby one library obtains needed items from another library.
License
A license is a contract in which a party with proper authority (the "licensor") grants permission for another party (the "licensee") to do something that would otherwise be prohibited.

Nine-Instance Rule
See c.) under Cumulative Effect.

Permission
Formal consent, authorization from the copyright holder.

Piracy
Software piracy is the unauthorized use of software. Types of piracy include: 1) purchasing a single user license and loading it onto multiple computers or a server ("softloading"); 2) making, distributing and/or selling copies that appear to be from an authorized source ("counterfeiting"); 3) renting software without permission from the copyright holder; 4) distributing and/or selling software that has been “unbundled,” or separated, from the products with which it was intended to have been "bundled"; and 5) downloading copyrighted software from the Internet or bulletin boards without permission from the copyright holder.

Public Domain
Public domain refers to works that were once copyrighted but are no longer subject to copyright laws (usually due to expiration or failure to renew the copyright) Works created by the U.S. government are in the public domain.

Reserve
Books and other materials that are placed in a centralized location so they are available to the largest possible number of individuals.

Royalty
A sum paid to copyright owners for the sale or use of their works.

Rule of Five
See CONTU.

Software
The entire set of programs, procedures, and related documentation associated with a system, especially a computer system; specifically computer programs.

Spontaneity
Referred to in guidelines concerning multiple classroom copying by an instructor. Copying meets the test of spontaneity if the copyright is at the instance or inspiration of the individual teacher, and the inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission to use the material.

Work or Works
Something produced by the exercise of creative talent or expenditure of creative effort, artistic production.
Some definitions from:

U.S. Copyright Office
www.loc.gov/copyright

The Copyright Primer for Librarians and Educators
Janis H. Bruwelheide
American Librarian Association, Chicago and National Education Association,
Washington, D.C., 1995

Libraries and Copyright: A Guide to Copyright Law in the 1990s
Laura N. Gasaway and Sarah K. Wiang
Special Libraries Association, 1994