

The Basics of Copyright and Fair Use

In essence, U.S. copyright laws protect the authors of original works. This includes literary, musical, dramatic, visual, and architectural works, as well as motion pictures, sound recordings – basically any original work that exists in a tangible form, whether it is published or not. The author or creator does not have to take any action to secure a copyright: that legal protection takes effect when the work is created in any form. There is some material that is not protected by US. Copyright laws: creative work that is not notated or recorded in a tangible form, ideas and concepts, common phrases or symbols, work with no original author, and work that is in the public domain.

The legal holder of the copyright varies. Generally it is the original author or creator, however if the work is made for hire or commission, then the employer or commissioner of the work holds the copyright. All authors or creators own work that is produced collectively.

Copyrighted work may be used or reproduced if it falls within the parameters of fair use. This includes criticism and comment, news reporting, teaching, and scholarship. When deciding if the use of a work qualifies as fair use, the law considers how the work is used, the original work, how much of it is used, and how it affects the market or value of the original work. Essentially, a copyrighted work may be used or reproduced for nonprofit educational purposes, but not for commercial purposes. In addition, if more of the original work is used, the less likely it is to qualify as fair use. Examples of fair use include: quotations, reproduction for classroom use, and parody.

Copyright law protects digital and online content. It is a common misconception that works found online are not copyrighted and may be used or modified without permission. Whether the work carries a copyright notice or not, permission is required from the content creator for anything that is not covered by fair use.

If you wish to use a copyrighted work, and are unsure of it qualifies as fair use, it is best to get permission from the copyright holder. Any request should include all of the requester's contact information, a title or description of the work you want to use, and a description of how the work will be used. A document, signed by the copyright holder, must be kept on file.

Reproducing a work, outside of the context of fair use, is a violation of the author's rights. If the work is registered with the U.S. Copyright Office, the author or copyright holder may sue for compensation, which includes damages ranging from \$250 to \$150,000. If the work is not registered, it is harder for the author to enforce their rights, but they can still send cease and desist letters to the infringer, and demand licensing – a legal document giving permission to use the copyrighted work.

Considering copyright laws in the context of quilt trail blocks would seem to be a non-issue. Traditional block designs are within the public domain – either they have no original creator or they're old enough to fall out of copyright. In addition, painted blocks or blocks with an original and non-traditional design are protected by copyright law, because they are original works.

However, using original content from the web or other sources could present a copyright issue. Reproducing a copyrighted design in any medium is problematic, even patterns for quilts are copyrighted and are intended for individual private use. Using – and especially reproducing – a digital image of a quilt presents several potential copyright infringements. First, there's the design of the quilt itself – is it original? From a book? Made from a published pattern? Those are all protected sources. If the fabric designs are shown in the reproduced work, that presents further infringement. Fabric prints are typically copyrighted or trademarked, and often designs are licensed from individual artists or designers.