Copyright is an issue that affects every employee of the Alabama Cooperative Extension System. When you print something from the World Wide Web, reprint an article in a county newsletter, or even forward e-mail, you may be violating copyright.

Many people have contacted Extension Communications to help with copyright questions. Though we are not copyright experts or legal counsel, we have had many occasions to learn about copyright and to help Extension employees stay on the right side of copyright law.

The answers to the questions below are summaries. For more detailed information, check the federal government’s Web site on copyright, particularly Copyright Basics, and the other references listed below.

Questions and Answers

Q. What is or can be copyrighted?
A. Anything written, spoken, created as art, performed—that is, anything expressed in tangible form, including material on the World Wide Web—has a natural copyright. It is the intellectual property of the creator or his or her publisher or employer. Extension does not register copyright, but everything we produce is copyrighted.

Q. Who owns the copyright to a work?
A. The author or creator, except in “works made for hire.”

Q. What is a “work made for hire,” and who owns this work?
A. A work made for hire is anything written, produced, or created as an employee. The employer owns the work. In the case of an independent contractor, the parties must agree on ownership. Frequently, the contract specifies that the contractor owns the work. That is the case when you write, video, photograph, post to the Web, or put material in any tangible form as part of your job in Extension—Extension holds the copyright. Works produced under grants or for non-Extension purposes are governed by other regulations. Auburn University-affiliated employees should review the policies in AU’s Faculty Handbook. Use the search function within that handbook to go to the appropriate pages. Alabama A&M University-affiliated employees should review AAMU’s Policy on Intellectual Properties.

Q. Who grants permission to others to use our works for hire, and are we given credit for producing them?
A. The Extension director, the primary spokesperson for the System, has the right to grant permission to other people and groups to use or adapt Extension’s material. The director has designated the co-leaders of Extension Communications to grant permissions in their respective areas of authority. The credit should be worded similar to the following:

“Information adapted from ____________________________
(título del trabajo)
by ____________________________
(nombre, título, y afiliación universitaria), Alabama Cooperative Extension System (Alabama A&M and Auburn universities), www.aces.edu. Used by permission.”

Q. If I want to reprint or adapt an article, photograph, drawing, cartoon, or recipe, do I have to ask permission?
A. Generally, yes, and you must get the permission in writing and keep it. Also, send a copy to Extension Communications if you are working with our office on the project. Use the material only as permitted.

Q. Is there a sample letter of request to use copyrighted material?
A. You can adapt the letter below for hard copy or e-mail delivery. Note that if you send it hard copy, you should enclose a self-addressed, stamped envelope.

www.aces.edu
Dear _____________________________ (name of publisher):

I/We are preparing a work to be published by the Alabama Cooperative Extension System for use in educational programs. This letter is to request full and permanent permission to include the following material published by your company (agency, etc.), royalty free:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Please indicate below whether the Alabama Cooperative Extension System may use in its programs this material in both printed and electronic forms. The material will include an appropriate credit line and will be used for educational, not-for-profit purposes only.

If you want special wording for the credit line, please so indicate below.

________________________________________________________________________
________________________________________________________________________

(Your signature and title)

Please check the appropriate blanks below and return this form to me (in the enclosed self-addressed envelope/by reply e-mail). I would appreciate your reply by _________________ (date).

Yes  No

___  ___  I/We grant the permission requested above, royalty free.

___  ___  I/We want the credit line to be in a special form, as follows:

________________________________________________________________________

By ________________________________

(Signature of copyright owner or authorized agent)

Date  _________________
Q. What if I can't get permission?
A. If you are refused permission, don't use the material or just change a few words—that's plagiarism, just like copying word for word. The good news is that ideas can't be copyrighted, so you can create your own materials based on the idea. Do not use materials you are refused permission to use, hoping no one will notice.

Q. What if restrictions are placed on my use of the material?
A. It's best not to use anything copyrighted unless you are granted full and permanent permission, as stated in the sample request letter. Even if you fully abide by the restriction, others in the organization might not. In Extension we are accustomed to copying each other's materials. Using only material that has been permitted to the fullest extent protects Extension and you.

Q. What isn't copyrighted?
A. The following cannot be copyright protected:
  • Works, such as unwritten and unrecorded speeches, that have not been fixed in a tangible form
  • Titles, names, short phrases, and lists of ingredients or contents
  • Ideas, procedures, concepts, and unrecorded discoveries
  • Works consisting entirely of common property, such as calendars, height and weight charts, and lists taken from public documents or other common sources
  • Works by the U.S. Government, unless stated otherwise (see Resources)

Q. Are the works of other Extension Services/Systems or other universities copyrighted?
A. Always assume they are. Ask for written permission as noted above.

Q. Are the works of the federal government such as USDA copyrighted?
A. Most USDA materials are in the public domain, but it's always safest to check. For example, see the National Agricultural Library's copyright policy statement.

Q. Aren't educational uses of copyrighted materials covered under “fair use”?
A. A short excerpt for not-for-profit, educational purposes is generally considered fair use. Still, be careful in applying this doctrine.

Q. When did copyright start, and how long does it last?
A. Nothing was copyrighted through the end of the seventeenth century, and copyright laws have changed many times since then. Even when an original work predates copyright, modern translations or editions of that work are copyrighted.

Q. Do I have to have permission to use photographs of children or adults in my newsletter or on my Web page? If so, is there a form I can use?
A. You should have permission to use any photos, especially photos of children, and you should be careful to use the photos according to the agreement. A general purpose photo release form may be found on the Extension Intranet. The Alabama 4-H Youth and Parent Consent Form also includes a release for photos.

You won't go wrong if you remember that anything another person created belongs to that person or to the employer or publisher. It is intellectual property, and we need to use it legally and ethically.

Resources
Here are Web addresses for some of the links provided above as well as additional information.

• A well-written, easy-to-follow online course specifically for Extension professionals is on the Cooperative Extension Curriculum Project site at http://cecp-online.org/. If you have not registered in the CECP system, click on the word register at the bottom of the Campus Login box, and follow the directions. Then, from the main page, go to All Courses and then to Communications. Scroll down for the copyright module and choose Enroll.


• Find more information on Wikipedia, the free encyclopedia, at http://en.wikipedia.org/wiki/Copyright_law.

For public domain resources, see the Wikipedia section http://en.wikipedia.org/wiki/Wikipedia:Public_domain_resources. This source states that “only those works solely authored by federal employees are not protected by copyright in the United States.”

USDA's material, like that of other federal agencies, is primarily in the public domain, but you should no longer take that for granted. See http://www.nal.usda.gov/disclaimers.

Extension's Web site and all its contents are copyrighted. See http://www.aces.edu/ctu/techref/policies/web/web_development_policies.htm#copyright. Other states' Extension materials are also copyright protected. Although Extension is partially funded through our federal partner, the USDA Cooperative State Research, Education, and Extension Service, we are not U.S. Government employees.

For More Information
If you have questions, feel free to contact ACES Communications and Marketing. We will search together for the answers.

Carol A. Whatley, Director, ACES Communications and Marketing, Auburn University