

Copyright Answers and Resources

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 _____
(*title of work*)

by _____
(*name, title, and university affiliation*), 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.

Sample Letter

(Return address)

(Recipient's address)

(Date)

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. 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 pre-dates 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 CECF 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.
- The most comprehensive copyright resource is the U.S. Copyright Office Web site at <http://www.copyright.gov/>. On this site, also see Copyright Basics at <http://www.copyright.gov/circs/circ01.pdf> and Fair Use at <http://www.copyright.gov/fls/fl102.html>.
- Find more information on Wikipedia, the free encyclopedia, at http://en.wikipedia.org/wiki/Copyright_law.
- For the history and duration of copyright, see Paul E. Geller, "Copyright History and the Future: What's Culture Got to Do With It?" *Journal of the Copyright Society of the USA*, Vol 48, 2000; and "Duration of Copyright: Provisions of the Law Dealing with the Length of Copyright Protection," U.S. Government Copyright Office, <http://www.copyright.gov/circs/circ15a.pdf>.
- 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."

- Even within a single federal agency, copyright policies may differ. For example, on one USDA site, everything is in the public domain, but another USDA site has some restricted areas. See <http://www.nal.usda.gov/policy/copyright.htm>.
- 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 Extension Communications. We will search together for the answers.



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