

Owning stuff

Copyright starts automatically, the moment a work of original authorship is “fixed in a tangible medium of expression”.

Useful objects aren’t copyrightable. Other uncopyrightable things include

- Ideas
- Facts and data
- Names, titles, short phrases, and symbols
 - (Except trademark may apply)
- Public domain works
 - Copyright has ended (mostly older materials, but some as late as the 1980s)
 - Copyright never existed (Federal government works)

Even where you are creating something based on uncopyrightable elements like those above, you may be able to own a copyright in *what you add*, particularly in your choices such as selection and arrangement. That copyright still does not extend to the underlying uncopyrightable materials.

Using other people’s stuff

All uncopyrightable things are free for all to use. They belong to all of us!

Creative Commons licenses are a pro-active grant of permission to the public. Learn more at CreativeCommons.org (Almost all of the photos in my presentation were Creative Commons licensed.)

Permission

Free or purchased patterns, fabrics, etc often come with explicit permission to use, and/or a license for their use. Look out for a couple of things when you see permissions:

1. Do they have the right to give you permission? (i.e., are they the rights holder?)
2. Are they claiming to give you rights to use something you already have the right to use? (i.e., you may not need permission to re-use a traditional pattern)
3. Are they making you agree to limitations on your use? (Especially of things you already have the right to use?) Contracts can override preexisting rights – you can sign away your right to use public domain materials, for example!

“First Sale”

once a particular physical copy of a work is legally acquired, the purchaser gets to dispose of it how she sees fit. (E.g., you can sell old books to a used bookstore – and buy them there.)

“Implied license”

if something is sold or distributed with a (verbal or nonverbal) understanding of how it will be used, that kind of use is usually understood to be permitted. (E.g., fabric sold for quilting can be used for quilting, even if the designs might be copyrightable.)

“Fair Use”

a flexible provision in U.S. law that allows reuse of existing works without permission some of the time. Not just a question of gut-level fairness, there are specific considerations laid out in Federal statutory and judge-made law. See the attached page for an overview.