USEFUL TIPS

**Copyright for Creative Professionals**

As creative professionals you need to know how to use other people's copyrighted work in your work and how to protect your own copyrighted work.

**Using other people's work in your work**

**Do I need to get permission to use copyrighted work in my work?**

It depends. If your use of the borrowed work is "transformative," then you can rely on the right to fair use to incorporate it in your work. In copyright law, "transformative" means that your use of the borrowed work does more than transform the work itself. Your use of the work in your work must give the work new meaning. Examples might be the use of magazine images of feet in a collage or a parody of a song.

**Can I use someone else's ideas in my work?**

Ideas aren't protected by copyright. Copyright protects only particular expressions of ideas. Sometimes the difference between idea and expression can be difficult to determine. Additionally, borrowing someone else's ideas in your work can be thought of as appropriation or plagiarism, depending on your field. Appropriation in visual art without attribution is accepted. But borrowing in scholarly publications without attribution may be considered plagiarism.

**Copyright vs. Plagiarism**

**What is the difference between copyright and plagiarism?**

In scholarly work, plagiarism is *an ethical breach*.

* Plagiarism is considered academic dishonesty and could ruin your academic career.
* There are no exceptions to plagiarism.

Copyright is *a legal concept*.

* If you infringe someone’s copyright, you could be liable for money damages or asked to remove the infringing content.
* There are several exceptions that allow you to use someone else's work without permission.

In scholarly work, to avoid plagiarism, you should *attribute* anything you use.

**Attribution = creator, title of work, source, and license**

[**For more information about avoiding plagiarism**](https://guides.library.txstate.edu/avoiding-plagiarism)

**What is self-plagiarism?**

Self-plagiarism is when you use your own previously published work without disclosure or attribution. To avoid self-plagiarism, disclose your work, including your thesis or dissertation, when you submit your work to journals for publication. Many journals now use plagiarismdetection software, which will find your thesis or dissertation because your thesis or dissertation will be online. If you fail to disclose at the time of submitting your article, you may be rejected by that publication.

You own the copyright in anything you create *unless you are an employee or working under contract - then your employer/contractor will own your work.*

**Who owns the copyright in your work?**

If you have created work with other people, they may share ownership with you.

If you find your work reused without permission on someone else’s web page, you can request the web page take down your work. Check [this resource at New Media Rights](https://www.newmediarights.org/business_models/artist/what_can_i_do_if_someone_trying_use_my_copyrighted_work_without_permission) for more help.

**What Rights are Included in a Copyright?**

**A copyright is a set of exclusive rights -** You can exclude everyone else from

- copying your work

- modifying your work

- sharing your work

- performing your work

- displaying your work

**Music is special**

Both the song (music and lyrics) and the sound recording of the song can be protected by copyright.

To use someone's sound recording in your video, you almost always have to get a license to use their sound recording.

To use someone else's sounds recording, even a brief fraction of a second, in your sound recording you have to get a license to use their sound recording.

If you want to record someone else's song, you can get a "mechanical" license (this means that the license is automatic if you register and pay the fees).

**For more information and questions about copyright, contact the** [**Copyright Officer**](mailto:copyrightoffice@txstate.edu?subject=TRACS%20Best%20Practices)**, Stephanie Towery or check out the resources available at the Texas State** [**Copyright Office**](http://www.library.txstate.edu/about/divisions/research-learning/copyright.html) **and the** [**Copyright Research Guide**](http://guides.library.txstate.edu/copyright)**.**