Copyright Questions and Answers

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Questions and Answers — Copyright Column

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http://www.unc.edu/~unclng/gasaway.htm

QUESTION: As a librarian who has been hired to create a web page for a business that provides costumes, I am interested in using images from 1930s-50s Montgomery Ward's catalogs on the Web page. Can these images be used on the Internet, or are they protected by copyright law? The complicating factor is that Wards is no longer in business.

ANSWER: The photos may or may not still be protected by copyright. It depends on whether they were registered for copyright and then whether the copyright was renewed. Consult my chart at http://www.unc.edu/~unclng/public-domain.htm to determine when works go into the public domain.

Assume that the photographs were registered and that the copyright was renewed at the end of the 28-year period. Therefore, the photographs may still be under copyright. When Montgomery Ward's went out of business, it would have transferred assets to someone else, and copyrights are considered assets. Photographs are registered just like any other copyrighted work, so one would have to search the Copyright Office records to determine if the copyright was renewed and/or transferred. The records are online only since 1978. For these earlier works, one would either have to hire the Copyright Office itself to do the search or engage a private search firm.

Another possibility is simply to assume the risk of going ahead and using the photographs. The risk is probably slight that anyone would complain because: (1) the age of photos, (2) they were used in widely distributed sales catalogs, and (3) Wards is no longer in business. This does not mean that using the photos is risk free, but just low risk. One can always remove the image if the copyright owner complains. A complicating factor, however, is the fact that the use to which the photographs will be put is commercial rather than nonprofit.

QUESTION: The principal in a small private school wants to photocopy a musical play that is permanently out of print. The school would also like to perform the play. Would the school have to pay royalties, too?

ANSWER: Just because the play is out of print does not mean it is out of copyright. The school needs to contact the copyright holder for permission to reproduce copies of the play if the work is still under copyright. Additionally, if the school wants to perform the play, it will also need the performance rights.

QUESTION: Some faculty members have developed a multimedia PowerPoint presentation as a workshop for high school students who have been suspended from school for aggressive behavior. The presentation was very well received by students and by colleagues when it was presented at a conference. This also generated a number of requests to purchase the presentation for use elsewhere. It uses a Star Wars theme and the photographs, music and sound effects were found on the Web at http://www.starwars.com . Is there any problem with selling the presentation?

ANSWER: Certainly either the faculty or

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Best Sellers in Anatomy & Physiology 1999

by Françoise Crowell <FCrowell@YBP.com>

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We are not sure which is the bigger mystery on YBP's list of 50 best-selling titles for 1999 in Anatomy and Physiology: we've sold one copy more of Comparative Hearing: Fish and Amphibians than we have for Comparative Hearing: Insects, or why this pair of Springer-Verlag titles landed on the list in the first place.

It's no surprise at all, though, that the predominant topics on the list reflect our customers' interests in sexual differences, mind and memory, and aging, all universal areas of human concern, of course, which far outnumber topics such as the musculoskeletal system, or NMR spectroscopy, or cellular signal transduction. The American Psychological Association's Male, Female: The Evolution of Human Sex Differences has been our top-selling title for the year, edging out, again by a margin of one copy, Houghton Mifflin's Woman: An Intimate Geography.

We hope this best-seller list, which we've arranged in descending sales order, helps readers of ATG to identify a few titles useful to their own collections.

Geary, David C. Male, Female: The Evolution Of Human Sex Differences. Amer Psych Assn 1998 $49.95 Cloth 1557985278

Angier, Natalie. Woman: An Intimate Geography. Houghton Mifflin 1999 $25.00 Cloth 0395691303

Squire, Larry R. Memory: From Mind To Molecules. Scientific American 1999 $34.95 Cloth 0716750716

Fruton, Joseph S. (Joseph Stewart), 1912-Proteins, Enzymes, Genes: The Interplay Of Chemistry And Biology. Yale Univ Press 1999 $45.00 Cloth 0300076088


Allman, John Morgan. Evolving Brains. Scientific American 1999 $34.95 Cloth 0716750767

Spitzer, Manfred. Mind Within The Net: Models Of Learning, Thinking, And Acting. MIT Press 1999 $27.50 Cloth 0262194066

Watkins, James, 1946- Structure And Function Of The Musculoskeletal System. Human Kinetics 1999 $49.00 Cloth 0880116862

From Brains To Consciousness?: Essays On The New Sciences Of The Mind; Ed. By Steven Rose. Princeton Univ 1998 $29.95 Cloth 0691004692


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