

# Copyright Basics

## CTAG Manual Development Workshop

Traverse City, MI

May 2023

Dr. Dean Herzfeld

Roger Flashinski

Dan Wixted

**From:** Dan Wixted <[djw47@cornell.edu](mailto:djw47@cornell.edu)>  
**Sent:** Tuesday, April 4, 2023 2:01 PM  
**To:** Steve Tomasko <[stomasko@wisc.edu](mailto:stomasko@wisc.edu)>  
**Subject:** Permission Request

Steve,

I've attached a presentation Roger, Dean, and I put together back in 2007. I'd like to use it as the basis for a presentation on copyright at the CTAG Manual Development Workshop. The fun part is that you guys hold the copyright. So, since it's a presentation about respecting copyright, I sure as heck better ask you for permission to use it. :-)

--Dan

## RE: Permission Request




Steve Tomasko <stomasko@wisc.edu>

To Dan Wixted



8:37 AM

 You replied to this message on 4/6/2023 1:42 PM.

Hi Dan,

Sorry for the delay, I was checking with our vast team of lawyers. Kidding 😊 I was out of the office for a couple of days. Of course you have my/our permission to use this. Do you need anything official?

Hope all's well your way.

Best,

Steve

# Goals

- 1) What is copyright?
- 2) Who holds copyright?
- 3) Why do we care?
- 4) Is copyright practical in C&T?

# Goal 1: What Is Copyright?

- Federal and international protection of original works

# Protects Original Works

- Written (paper or digital)
- Graphics
- Websites
- Video
- Sound recording
- Computer programs/apps

# Protects Holder's Rights

- Exclusive rights to:
  - ◆ Sell/distribute/reproduce the work
  - ◆ Publicly display the work (e.g., a recorded PPT)
  - ◆ Prepare derivative works (e.g., translations, future editions, modified graphics, training modules)
  - ◆ Authorize others to do such things

# How to Copyright a Work

- Works are automatically copyrighted when 'fixed' in tangible form
- Does NOT require:
  - ◆ Publication
  - ◆ Copyright notice (©)
  - ◆ Registering for copyright



# Goal 2: Who Holds Copyright?

# Me

Fencing finished as we tire,  
Field clothed in dusk's fair dressing.  
Bluebirds light upon the wire  
And sing the fence their blessing.

# Me

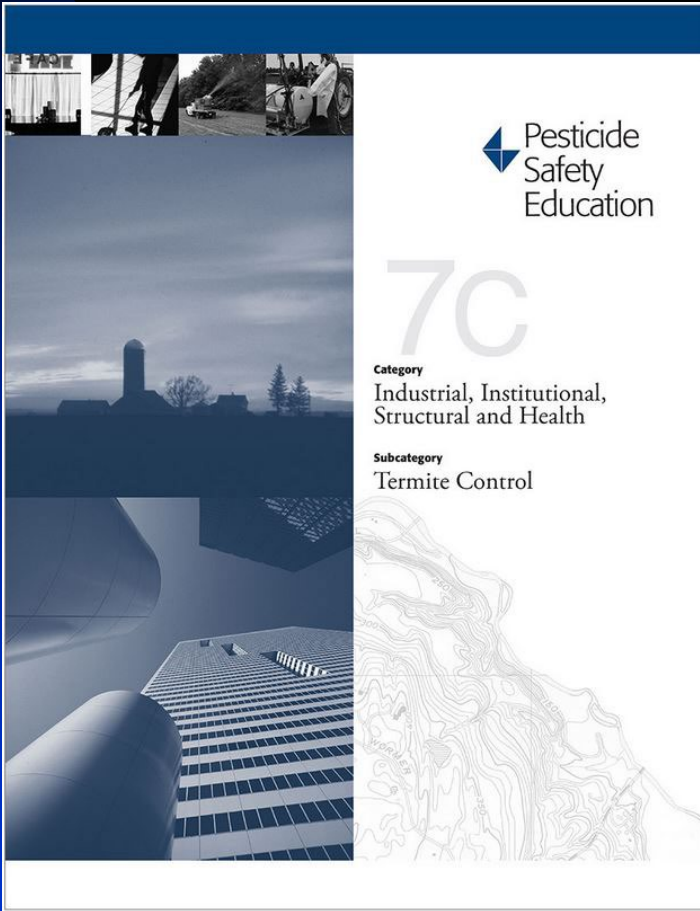
Fencing finished as we tire,  
Field clothed in dusk's fair dressing.  
Bluebirds light upon the wire  
And sing the fence their blessing.




# Works For Hire

- For works created as part of job duties, the employer is the copyright owner --- not the creator

# Cornell



 Pesticide  
Safety  
Education

7C

**Category**  
Industrial, Institutional,  
Structural and Health

**Subcategory**  
Termite Control



# Commissioned Works

- The creator or creator's employer is the copyright owner --- not the commissioner of the work (unless expressly agreed to otherwise in writing)
- Covers most grants, contracts, etc.

# Federal Works and Grants

- No copyright on any work of the U.S. government
- Federal grants and contracts with non-federal creators
  - ◆ Seek university legal counsel

# Possession ≠ Copyright

- Artist retains copyright after selling painting
- License agreement only provides permission for stated use(s)



# Goal 3: Why Do We Care?

# Benefits of Copyright

- Protects your works from being misused
- Protects your investment



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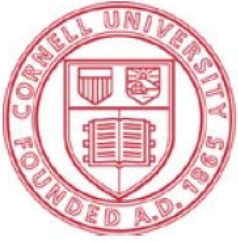
## Online Pesticide Classes

The DEC has approved the following online pesticide certification classes for New York applicators. These are web-based classes to be taken in the convenience of your home or office. You can start, stop, and resume days later where you left off. Register below and get started today...

### 30 Hour Class

- Category 7A (Structural & Rodent)
- Category 3A (Ornamental, Shade Trees, & Turf)
- Category 25 (Nursery, Ornamentals, & Turf)
- Price.....\$395

[Register Here](#)



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# Benefits of Honoring Another's Copyright

- Extends professional courtesy
- Provides acknowledgement
- Points others to the correct source in seeking permission
- Assures you're not in violation of U.S. Copyright law

# Fair Use: Does Not Violate Copyright

- Includes: criticism, comment, news reporting, teaching, scholarship, or research
- The more you use, the less likely it applies
- Does not cover commercial uses
- Not as broad in practice as appears

# Acknowledgment ≠ Fair Use

- Acknowledgment avoids plagiarism, not copyright infringement

# Goal 4: Is Copyright Practical in C&T?



# Copyright Allows Sharing

- Maintain mutually beneficial sharing of materials with other states
- Be fair to your applicators and protect your investment

# Licensing Agreements: Cornell Example

# Licensing Agreements: Cornell Example

- Have allowed some other states to adapt a manual
  - ◆ Only if will not interfere with our multistate sales

# Licensing Agreements: Cornell Example

- Signed license agreement
  - ◆ In-state use only
  - ◆ One edition only
  - ◆ Proper acknowledgment
  - ◆ Negotiated fee (bargain rate)

# Basic Understanding

- State uses Cornell manual as is
  - ◆ PSEP or SLA can develop training aids based on Cornell manual provided they do not replace manual sales

# Permissions Beyond Copyright

- Get permission from person or property owner before using photo you took
  - ◆ Courtesy: respect privacy
  - ◆ Photo might reveal something you didn't notice

# *Wood Preservation*

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*A Pesticide Applicator Certification Training Manual  
for Wood Treaters*

