Intellectually Speaking

TOP 5 MYTHS OF COPYRIGHT

1. **If it is posted on the internet, it is in the public domain and is free to use.**
   - Myth. While things on the internet may be publicly accessible to copy or download, it does not necessarily mean that the work is in the public domain and free to copy. Moreover, internet users should be cautious before trusting statements from third parties that works are in the public domain. For example, Wikipedia® is a widely used internet source, which claims that some images found on its website are in the public domain. However, each page of Wikipedia® also contains a link to a disclaimer stating that the structure of Wikipedia® allows anyone with an internet connection to alter its content, and that Wikipedia® cannot guarantee the validity of the information found there. Rather than trust the statements of a third party, it is recommended that the user go directly to the source to confirm that the work is in the public domain, or seek written permission for its use if the work is not in the public domain. And, even if the work is in the public domain, it is always advisable to credit the source of the work.

2. **If it doesn't have a copyright notice ©, then it can be copied for free.**
   - Myth. Currently, there is no prerequisite in the United States to utilize a copyright notice on a work in order to receive copyright protection. While the copyright notice may give the copyright holder added benefits (e.g. increased damages if they sue for copyright infringement), the lack of a notice does not prevent a copyright owner from protecting its copyrighted work. Moral of the story - just because you don't see the © notice does not mean that you are in the clear to copy.

3. **Everything NASA does is fair use because we are not commercial users.**
   - Myth. The fact that NASA is not commercially using a work does not automatically mean that the use is "fair use." Whether the use constitutes a commercial use is only one of the four factors to consider in a "fair use" determination. The four factors include: 1) the purpose and character of the use, including whether it is for nonprofit educational or commercial use, 2) the nature of the copyrighted work, 3) the amount and substantiality of the portion used in relation to the whole, and 4) the effect on the potential market or value for the work. So while NASA may have an argument that the first prong weighs in its favor, the first factor is not conclusive, and the other three factors must also be considered.

4. **If I alter the work, it becomes my work so I can do what I want with it.**
   - Myth. One of the exclusive rights that a copyright owner possesses is the right to prepare derivative works, which are works based on or derived from the original work. Therefore, you must get

permission from a copyright owner before proceeding to prepare a derivative work from a third party's work unless the work is publicly available, or unless the use would constitute fair use.

5. **As long as I cite the source, it isn't copyright infringement.**
   - Myth. While acknowledging the source of a work is a good practice with regards to publishing papers, it is not a defense to copyright infringement. So absent a work in the public domain or fair use, written permission should be obtained prior to copying the work.

STI Publication Review - Did you identify New Technology and Third Party Content?

NASA STI documents need to be reviewed and approved through the NF1676L Document Availability Authorization (DAA) process in the Technical Publications Submittal and Approval System (TPSAS) prior to being published or released external to the Agency. This review and approval ensures that NASA STI is properly reviewed, captured, disseminated, and archived by NASA. If you would like more information on the review and approval requirements, you can take a look at NPD 2200.1B, NPR 2200.2C, and LMS-CP-5904.

The TPSAS process includes the identification, review, and approval for any new technology or third party content that is included in an STI document.

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If new technology is included in your STI document, it is important to identify it!

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- Identify any invention disclosures (by LAR #) already submitted for the new technology.
- If an invention disclosure has already been submitted and the STI document does not include any modifications, improvements, and/or new embodiments beyond the disclosure(s) already submitted, please note in the comments section of the NF1676L.

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If third party content is included in your STI document, it is important to identify it!

This identification ensures you are properly using a third party's photos, graphics, or other material. (Take a look a TOP 5 MYTHS OF COPYRIGHT for more information on third party content.)

Tip for facilitating a quicker review:

- Identify all of the third party content (page, figure, source and any permissions obtained) within the comments section of the NF1676L.

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