

## What You Should Know About Copyright

The following FAQ can help you understand copyright laws and how they apply to content used with the DLHD, DL.3, DL.2, Axon and Axon HD media servers.

By *Suzy Vaughan Associates* for High End Systems.

***I want to use a film clip from “When Harry Met Sally” in a promotional piece advertising my services. What do I have to do to be able to do that?***

First of all, you need to obtain permission to use the clip from its owners. The clip is considered intellectual property, just as though it were your car or some software code developed by and belonging to Microsoft. This is because the U.S. Copyright Act gave creators of literary works (which include books, films, television programs, art works, still photos and musical compositions and recordings) the right to sell or license these works and to make money from them for the period of the copyright.

***But what about public domain material? I heard that lots of material is in the public domain and can be used for free.***

Once the copyright runs out, the creative work falls into the public domain and can be used freely by anyone without payment or licensing. If the work is not public domain, it is considered literary property. The Copyright Act provides substantial penalties for copyright infringement ranging from \$10,000 for accidental infringement to \$250,000 for willful infringement. However, contrary to popular belief, there really is not that much material in the public domain so this approach will limit you creatively.

What if I want to use a clip in a public performance? It's not being filmed or taped. Surely I don't need permission for that?

Public gatherings require clearance whenever copyrighted data is projected to audiences, or for any use other than just personal viewing. Concerts, trade shows, industrial shows, parties and raves are all examples of public performance and permission must be obtained.

Suppose I want to use a still photo or a magazine cover or a television clip? Do I have to obtain permission for them too?

Yes, they are also copyrighted works, whose owners must grant a license for their usage.

Do I need any other permissions to use this material?

In many cases you do. You may need to obtain permission to use the appearance of actors who appear in the clip as well as pay the writers and directors of the film that your clip comes from.

***What about music? I hear you can use 8 bars for free.***

8 bars for free is a fallacy that has been passed around as a fact for a long period of time. However, it isn't true. Both musical compositions and records require licensing and payment.

What about High End Systems material included with Axon and DL.2 media servers? Do I have to clear that?

No. High End Systems has worked to provide clearance for the content that is provided with Axon and DL.2 media servers. Any materials you received directly from HES with the purchase of a new media server have already been properly licensed for your use in shows and presentations. That does not, however, license you to sell this content separately from High End Systems media servers. Also, please be sure that any new content you obtain from outside sources is properly cleared for public presentation.

***This sounds really difficult and I don't know how to do it? What do I do to properly license copyrighted material?***

You need to consult with a Content Clearing House or with a properly licensed Intellectual Property Attorney. Content clearinghouses are typically less expensive to work with and have well established industry relations that can result in cost savings. High End Systems uses and highly recommends Suzy Vaughan Associates. Suzy Vaughan Associates has 20 years of experience in clearing clips, talent, and music for use in any number of venues. Their clients include Barbara Streisand, Michael Jackson, and The Emmys among other shows.

You can obtain more information about Suzy Vaughan Associates' services by calling 818-988-5599 or emailing [info@suzyvaughan.com](mailto:info@suzyvaughan.com). Their website is [www.suzyvaughan.com](http://www.suzyvaughan.com). Suzy Vaughan is also an attorney specializing in intellectual property issues.

***How much does it typically cost to license copyrighted material?***

The answer depends entirely on what material you want to use and how you plan to use it. Prices can range from hundreds of dollars for photography content to thousands of dollars for a highly desirable film/video clip. Since price is content-sensitive, the best thing to do is to contact a clearinghouse like Suzy Vaughan Associates and let them find out for you.