

What is copyright, fair use, public domain

[Art & Culture](#), [Music](#)



What is “ Copyright”, “ Fair Use”, “ Public Domain”? Copyright is a legal concept that gives exclusive rights to the creators of original works, usually within some limited time. Generally, it implies the right to copy but in essence, the copyright holder has the advantage of being credited for his/her work in order to ascertain who may adapt and convert the work to different other forms, he/she is at liberty to choose individuals who may perform the work, those who may benefit financially from it as well as other rights. Copyright takes the form of an intellectual property that can be applied to any expressible form of information that is discrete and substantive in nature. In the culture of music, copyright has the intention of promoting the creation of new works, since authors and pioneers are given full control of and benefit from them. Copyrights are territorial thus implying they cannot go beyond a specific state/nation unless that nation has entered into an international agreement. It is imperative to note that personally, as a copyright holder, I have to cater for the copyright enforcement. In this regard, the holders are required to look for legal representation, administrative and in some cases court costs. These costs which in most cases also involve time should be put into consideration when the evaluation of benefits of enforcing copyrights. Additionally, disputes regarding copyright are handled by an approach that is directed to the infringing party so that the matter is settled out of court.

Fair use is a limitation as well as exception to the exclusive right that is granted to the author of any creative work by copyright law. The copyright law of the United States advocates that fair use is a doctrine that allows limited use of copyrighted work without necessarily getting permission from

the holders of rights. Fair use includes commentary, criticism, teaching, research, news reporting, scholarship and archiving. Fair use provides for the legal, unlicensed citation or incorporating copyrighted material in a different work of another author and are evaluated according to four underlying factors; a) The purpose, nature and the intention of the use, b) The nature of the copyrighted work, c) The nature and the substantiality of the material used, and, d) the effect of use on the potential market for or value of the work. Fair use positively affects music culture since it promotes a level playing ground for all players in the music industry, and all players, whether rich or poor are protected by this law. Personally, the law of fair use will protect me as a musician since my work will not be under unnecessary criticisms and will not be used without my permission.

Works whose intellectual property rights have expired are deemed to be in the public domain. Works in public domain refers to works that are available in the public. This clearly refers to works that are not controlled by private ownership and are available for public use. Additionally, works can be said to be in the public domain when their intellectual property rights have been forfeited or are inapplicable. However, the term cannot be applied in certain situations when authors of work retain residual rights. In this regard, the work can be said to be under license or with permission. Music can be said to be in the public domain in various instances; when all rights have expired, the authors have explicitly exposed the work into the public arena and in instances that there were never copyrights. Public domain enhances the flow of music in the market. In this regard, the public can get any work of music that they had yearned for but could not get access to due to protection by

copyrights and intellectual property rights. Personally, I will be able to access all the music that I had yearned for but I could not access them since they were protected by copyright laws.

In conclusion, these laws; Copyright, Fair Use and Public Domain provide a level playing ground for all the players in the music industry. They protect the author of any work from being misused by their producers and unscrupulous pirates. In this regard, they are able to be paid for their deserved inputs in the music industry without theft and discrimination.

Works Cited

Stanford University. www-sul.stanford.edu/copyright.html. 19 December 2002. 29 April 2011 .