

ACS AMA: Hi Reddit! My name is Eric Slater and I am a senior manager of Copyright, Permissions, and Licensing at the American Chemical Society. Ask me anything about copyright law!

AmerChemSocietyAMA ¹ and r/Science AMAs¹

¹Affiliation not available

April 17, 2023

[REDDIT](#)

ACS AMA: Hi Reddit! My name is Eric Slater and I am a senior manager of Copyright, Permissions, and Licensing at the American Chemical Society. Ask me anything about copyright law!

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What exactly is 'fair use'?

I see it used quite a bit on Youtube.

[TemporaryEconomist](#)

Fair use is a complicated concept and rather than attempting to explain it here, please view the video I did on fair use found here: <https://www.youtube.com/watch?v=9AycNYJjbO8&t=7s>

-es

Is copyright law holding back innovation?

[Insertgeekname](#)

The notion of copyright is found in the US Constitution as part of the copyright and patent clause -- Article I, Section 8, clause 8. The idea behind copyright and patent pursuant to the founding fathers is that it is designed to encourage creativity. I would say that innovation is akin to creativity. So from the purely constitutional perspective, I would hold that copyright law encourages innovation.

In the current day, there is technology that exists that obviously didn't when the Constitution was drafted. We start to get into related areas such as access to content, which can muddy the waters. Reasonable people may agree or disagree as to whether copyright law encourages or discourages creativity or innovation. There are arguments found on both sides of this issue. I think it depends on who you talk to. -es

Is it true that a paper has copyright protection as soon as it is published online since its provenance and date is confirmable?

[HiptoBismol](#)

Copyright attaches to a work as soon as it is created. The requirements are it must be an original work that is fixed in a tangible medium of expression. This is defined quite broadly, in that a tangible medium of expression is pen to paper, fingers to keyboard, finger on the camera shutter, etc. There is no requirement to use a copyright notice, although it is highly recommended as previously discussed. The law also does not require registration of the copyright with the US Copyright Office, and that is something that I would also recommend. -es

If we don't add the copyright symbol to something we create, is there any case(s) where it is still protected by copyright?

[BlossomOnce](#)

The use of the copyright symbol is voluntary. It is not mandated under copyright law. The work is protected under copyright even without the use of the copyright symbol. I always advise that a copyright symbol be used, as it provides notice that the work is in fact protected (and owned by some party). There may be an assumption that the absence of a copyright notice means the work is not copyrighted, and this may not actually be the case.

Here's an example of what a copyright notice should look like: "© 2017 Eric Slater." The notice consists of the copyright symbol, the year of publication, and the name of the copyright owner. Note that the symbol is required, the word Copyright can be spelled out instead. My recommendation is to always use the copyright symbol. -es

As a post-doctoral chemist I want to know more about this subject but have no direct experience with copyright. What are your recommended reads for learning more about copyright and patents that will ease me into the subject?

[IRN-BRU_SHAMPOO](#)

I don't have any recommended texts per se. An excellent resource on copyright law is the Copyright Clearance Center (CCC). The CCC's main purpose is to provide a means of licensing copyrighted content and to simplify obtaining permission. From their website: "At Copyright Clearance Center (CCC), our mission is to make it easy for people to get, use and share content worldwide, while protecting the interests of creators, publishers and other copyright holders."

The CCC also has quite an extensive learning center and they provide a number of resources where folks can learn about copyright. I would advise checking out the following: <http://www.copyright.com/learn/>. This is an excellent starting point for those who are just learning about copyright. -es

How long do copyrights last?

[BlackKnightZero7](#)

For duration of copyright under US Copyright Law:

-- When copyright vests in the author, copyright duration is life of the author plus 70 years.

-- For a work-for-hire copyright (essentially when an author is creating a work within the scope of his or her employment), the term is 95 years from the date of publication, or 120 years from the date of creation, whichever expires first.

Note that works are in the public domain if they were published or created prior to 1923. For works published or created from 1923 forward, the presumption under copyright law is that they are protected under copyright. -es

If you need to use the same technique which was published in a certain journal do you need to ask permission first, if you are also submitting your research for publication? Was there a circumstance that the one who created the technique refused other researchers to use it?

[unknown_knight](#)

Regarding permissions, if you are looking to reuse any copyrighted content in new or subsequent research, the general rule of thumb is that permission is required. The one caveat I would provide is that authors should familiarize themselves with and understand any publishing agreement that they sign. It might be the case where permission is not required to reuse your own content; however, this can vary from publisher to publisher. This is the rationale as to why you should ask for permission before proceeding.

Relative to the refusal to grant permission, I think this would depend on how the content is being reused. There may be scenarios where a copyright owner might object to how their content is being reused, and thus permission could be denied under that circumstance. Note that rightsholders have the discretion to grant or deny permission. -es

How do you find the holder of a copyright, and how much is the license for an image usually versus a statutory minimum price?

[cafe_mocha](#)

The copyright notice (the little 'c' in a circle) will tell you who the copyright owner is. This is typically found somewhere adjacent to the content it applies to. For example, for ACS articles, the copyright notice is found at the bottom of the first page of the article.

The cost of image licenses will vary among rightsholders. There is no statutory minimum price in the United States. It is up to individual rightsholders as to the amount they will charge. It is usually based on the marketplace, meaning fees are likely to be consistent among different rightsholders. -es

I've always been curious about the relationship between copyright and the the example source code (pseudocode) found in textbooks and academic papers. US copyright law protects the author from infringement via a "derived work." If someone takes example code from a scholarly text (often presented in a fictitious programming language for the purpose of illustration) and translates that example into a working program in a real programming language, is that infringement? It seems like it would be in the same way that translating an English novel into French would be--however, facilitating such translation is often the purpose of creating the original text in the first place! Is the purpose of the original text a factor in deciding infringement? It seems to me the issue would be like Julia Child publishing a cook book and then suing for infringement when you follow her recipe to make a "derived work" chicken dinner.

[DejasPer](#)

Source code in binary is copyrightable; let me discuss derivative works:

The creation of a derivative work is one of the exclusive rights that is automatic to a copyright owner. This means that the copyright owner can create a new work whereby they adapt or modify the original

work. Permission is required if there are other parties that want to create derivative work. Examples of derivative works are translations, revisions, and adaptations.

Here's the definition of derivative works as found under US Copyright Law, Section 101:

A "derivative work" is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications, which, as a whole, represent an original work of authorship, is a "derivative work".

It appears that your examples provided in your question would constitute derivative works.

Re recipes and cookbooks, note that recipes are not copyrightable. That said, a cookbook consisting of recipes is copyrightable, since there would likely be original and creative content added. The book is copyrightable in its entirety as compilation or collective work. The recipes, however, can be extracted and reused without the need to obtain permission.

Trade secret law (which is also a form of IP law) can cover food or drink "formulas" -- examples include the formula for Coca-Cola, and the list of ingredients used in Kentucky Fried Chicken. Copyright law is not used here since it expires at some point in time. Trade secret law is based on contract law, and ostensibly, there is no expiration or termination date. Employees who work in such an environment are required to execute nondisclosure or confidentiality agreements, under which there are likely heavy penalties if the information is made public -- this would be considered a breach of contract. -es

Hi, I'm a current law student from Australia, and i have wanted to practice copyright/ intellectual property law when i graduate. I was just wondering if you could share some of your experiences in this field of law, and what you enjoy/dislike about it? Thanks!

[AsnTriad](#)

I was first exposed to copyright law via an elective that I took in law school. This was during the mid-1990's when the Internet was in its early stages. It occurred to me that this would be an interesting area of law to pursue, given the challenges of applying old law to new technology.

I have been practicing copyright law now for nearly 20 years, and there is nothing about it that I dislike. There are always new and interesting challenges because of new technology, and how the law should be applied to that technology. I am always learning something new and am challenged on daily basis. In my experience over these years, no two days have been alike.

If you have specific questions, please feel free to contact me directly at slater@acs.org

If anyone can put "TM" next to a slogan or name, does putting tm actually help you protect that item??

[tydigaming](#)

The use of "TM" refers to trademark law. Trademark law (like patent) falls under the umbrella of intellectual property. I would advise looking at the US Patent and Trademark Office website for further information (www.uspto.gov/trademark). -es

What happens to a copyright if someone dies intestate and there are no parties interested in owning the copyright?

[didioubikethat](#)

The best answer I can provide here is "it depends." The probate court would likely look at whether there are any heirs, may decree that copyright automatically be transferred to that party. If there are no individuals, perhaps there is an estate that may take over ownership of the copyright. I am not aware of any scenarios where a work would fall into the public domain as a result of this. There is no real clear-cut answer here. -es

From a question I have seen surface on RetractionWatch:

Does copyright for a retracted paper transfer back to the authors? Moreover, does the nature of the retraction affect this process? e.g. author initiated, result of investigation, journal decision disputed by author, etc.

Thanks!

[immunoengineer](#)

No, the copyright for retracted papers do not revert back to the authors, at least in the case of ACS. I can't speak for other publishers.

From ACS's standpoint, since the content is still technically posted on our website, copyright remains with the publisher (ACS). When a paper is retracted, there is still a link where it can be accessed. -es