



## Creative Commons, Open Source and the IP All Around Us

Edward A. Cavazos  
Partner  
Pillsbury Winthrop Shaw Pittman LLP  
ed.cavazos@pillsburylaw.com

Pillsbury Winthrop Shaw Pittman LLP

## Overview

- A Crash Course in IP and IP Licensing
- 7 Common Myths



# I.

## A Crash Course in IP and IP Licensing

---

pillsbury

### Copyright Fundamentals

- Owners of intellectual property assets rely on IP law for protection of property interest. IP gives owners exclusive rights:
  - For Copyrighted works, the exclusive rights (17 U.S.C 106) are:
    - the right **to reproduce** the copyrighted work
    - the right to **prepare derivative works** based upon the work
    - the right to **distribute** copies of the work to the public
    - the right to **perform** the copyrighted work publicly (for literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works)
    - the right to **display** the copyrighted work publicly (for literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work)

---

pillsbury

## License

- Barring permission, public cannot exercise those exclusive rights without liability. The permission is called a “license”
- Exceptions:
  - Public Domain = not owned by anyone, in that the owner has relinquished all rights
  - Fair Use = a defense to infringement in certain circumstances

---



## Fair Use - - 17 U.S. Code § 107

- Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Creative Commons, Open Source, and the IP All Around Us

Also available as part of the eCourse  
[2018 Nonprofit Organizations eConference](#)

First appeared as part of the conference materials for the  
35<sup>th</sup> Annual Nonprofit Organizations Institute session  
"Creative Commons, Open Source, and the IP All Around Us"