



Challenges for Information Access Providing, Protecting and Preserving



Acquisitions Update

Copyright as a Marking

Removing the Guesswork
in Managing Information Assets

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Approved for Public Release
U.S. Government Work (17 USC §105)
Not copyrighted in the U.S.



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Copyright as a Marking



Public release does not equal public domain

Government Information Definition

OMB-A130
44 USC §1901
Broad scope

May be copyrighted
Contractor/Grantee
Prior copyright
Assignment

Government Works Definition

17 USC §101,105
Narrow scope

Not copyrighted
Public domain in
U.S.



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Copyright as a Marking



Copyrights and Government Rights

Separate and distinct from other markings

Applies to unclassified and classified works

Not a reason for nondisclosure

External constraint on dissemination and use

Generally contractors own copyrights in works produced under contract and grant the government a license. The type of license determines what the government may do with the work.



Acquisitions Update Copyright as a Marking



Markings Equation = Distribution *in order of priority*

**1st Factor: Classification +
DoD 5200.1.R, DoD Information Security Program
Regulation**

**2nd Factor: Distribution Limitation +
DoD Directive 5230.24, Distribution Statements on
Technical Documents**

3rd Factor: Copyrights/Government Rights



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Copyright as a Marking



Copyright Management Information

U.S. Government Work -- Not copyrighted

Government-authored (Title 17 USC Sec 105)

Includes copyrighted material as noted

Copyrighted Work--Government Rights (*Check type of license*)

Assignment

Unlimited

Government Purpose

Federal Purpose

Limited

Restricted

Specifically Negotiated

SBIR

Commercial



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What is a U.S. Government Work?

17 USC §101: A “work of the United States Government” is a work prepared by an officer or employee of the United States Government as part of that person’s official duties.



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Copyright as a Marking



Government Work - Includes copyrighted material as noted

Military Dermatology - Textbook of Military Medicine Chapter 1, p.9

<http://www.vnh.org/MilitaryDerm/Ch1.pdf>

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Fig. 1-5. Papules, nodules, and tumors are palpable skin lesions of varying size. Papules are less than 0.5 cm in diameter, nodules larger. Tumors are very large growths. Reprinted from the AAD Library of Teaching Slides with permission from the American Academy of Dermatology.

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Fig. 1-7. Wheal. Edema causes a transient papule or plaque to occur. Reprinted from the AAD Library of Teaching Slides with permission from the American Academy of Dermatology.



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Copyright as a Marking



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Display citation and full-text in Private STINET

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Acquisitions Update

Copyright as a Marking



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Public Release + Copyrighted Work;
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Acquisitions Update Copyright as a Marking



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Acquisitions Update Copyright as a Marking



SF 298 SUPPLEMENTARY NOTE FIELD NOTICES FOR GOVERNMENT WORKS

U.S. Government Work (17 USC §105)
Not copyrighted in the U.S.

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Acquisitions Update Copyright as a Marking



SF 298 SUPPLEMENTARY NOTE FIELD Notices for Contracted Works

© (Year of Publication) XYZ Contractor.
Contract #

(Type) Government Rights

EXAMPLE:

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Department of Navy Contract #N00014-04-1-0000

Unlimited Government Rights



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<http://www.dtic.mil/cendi/publications/00-3copyright.html>

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Frequently Asked Questions About Copyright

*A Template for the Promotion of Awareness
Among CENDI Agency Staff
CENDI/2000-3*

Updated November 14, 2002

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<http://www.dtic.mil/dtic/submitting/copyright.html>

[\[DTIC Home Page\]](#)

[\[Submitting to DTIC\]](#)

[\[Selection Criteria\]](#)



DTIC Guidelines for Determining Copy Rights

Purpose

Because R&D managers and STI information center staff are often uncertain about what to do with documents that come to them with copyright notices, these guidelines have been written to help managers and staff in determining Government rights in copyrighted works. However, they are not a substitute for professional legal advice: ***Because the copyright law is complex and situation-based, consult your agency legal counsel with specific copyright questions.***

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If yes, the grantee usually owns the copyright and the Government has certain rights to the work. Generally the Government has unlimited or Government purpose rights and may reproduce and distribute the work.

External Links:

- ◆ [Copyright Law of the U.S.](#)
- ◆ [Federal Acquisition Regulations \(FAR\)](#)
- ◆ [Defense FAR Supplement \(DFARS\)](#)

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