

# What is Copyright and How to Avoid Infringing it (Updated)?

By Craig Lock

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We hope that the following article may be informative and helpful on your web site or in your ezine. This article was extracted from a lesson on our Online Creative Writing Course. I am quite happy for this article to be used and distributed by electronic and other magazines. If it helps others "out there" in cyberspace in\* any way, then we're happy.  
\* enough "ins" - bad grammar, Craig!

"We share what we know, so that others may grow."  
\*

WHAT IS COPYRIGHT AND HOW TO AVOID INFRINGING IT?

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## INTRODUCTION AND AUTHOR'S COMMENT:

This article (which is an extract from the writing course I ran at the local polytechnic, that was developed about five years ago) was written for the "OFFLINE and real world" here in New Zealand and the United Kingdom. It covers general principles of copyright and may also be applied to the USA and other English-speaking countries. Publishing on the world wide web (writing articles on your field of expertise is a most effective form of internet marketing, incidentally!) is very different to the "real world". In the online "wild west culture" standard copyright rules are far harder to enforce, as the subject of copyright is constantly evolving and rapidly changing, like the "net" itself. It appears that on the www virtually "anything goes" with many varied opinions on copyright and it's very hard to get common rulings and agreement on this complex issue. My advice would be to apply the same "strict" rules regarding copyright, when writing online as offline, as I explain in this article. With these guidelines we can all do our bit to bring some order into the "lawlessness" prevalent in copying other

people's work on the www. By following these guidelines, I'm sure no-one will be able to criticise "squeaky clean you".

Enough said.

Only joking! Here is my article...

**COPYRIGHT:**

What is copyright? No one can reproduce your work without your permission - not even a personal letter. How much of a writer's work can be legitimately used? A poem of 40-50 words is generally considered to be OK. Usually one is not allowed to copy substantial amounts of another writer's work without their express permission.

\* But then what is meant by the word "substantial"? It is widely open to interpretation and opens up a literary and legal "minefield" (that's a metaphor, by the way!).

There are no hard and fast guidelines about the rule of copyright.

The following is a rough 'rule of thumb':

You can take approximately 300 words from a book or any other lengthy work of writing. You can also quote 150 words from a magazine article. Fifty (50) words quoted from a newspaper article is generally considered to be "fair use" without requiring either permission or a fee. Copyright lasts 50 years after your death.

You can use what is termed 'fair dealing' in writing reports, or researching material. I always advise acknowledging sources in your reference section (the bibliography -

I tried very hard to bring in that impressive long word) .

It's all very unclear - the entire subject of copyright; so I won't say too much. My simple words of advice are:

Just use your common sense and discretion (if you have some)...

and be HONEST by following your heart, your CONSCIENCE.

Don't copy other author's material and

purport (nice word, eh?) to be the author. One should not paraphrase a substantial amount of another author's writing, nor use that writer's points (or theme of their writing) without due ACKNOWLEDGMENT. Hint hint, Craig!

If you get into a dispute (oops!), there are specialised trade and copyright lawyers (or solicitors as they call them here in 'civilised' NZ) in the big centres. If in doubt, get advice...then DON'T infringe copyright.

Send requests to use "borrowed" material to the permissions editor of a magazine, newspaper or book publisher. Book publishers usually have a small department which deals solely in this. Give them as much information as possible about your article or book, your publisher, as well as other books or articles written by you. Tell them what quotes you want to use and why and so on. Say you will give them due acknowledgement in your writing. They'll usually oblige.

There is sometimes a small fee payable. Always acknowledge the sources of your quotations - then you've kept your word, your side of the "bargain".

Also keep copies of your correspondence in the event of an unlikely dispute.

Now a bit for Kiwis (and Brits)...

No one can reproduce your work without your permission. New Zealand law closely follows British law. In NZ copyright is usually protected for 50 years after the author's death. If a book is published posthumously (nice long word that), copyright extends for 75 years after the time of the author's death. After that the work can be freely used by anyone. No hope for me then... but perhaps my great great grandchildren!

As from 1989, New Zealand copyright law requires 3 copies of every NZ publication to go to the National Library in Wellington. One of which goes to the Alexander Turnbull Library, one to the National Library for bibliographical purposes, while the third is kept at the Parliamentary Library in the capital in Wellington.

The following is a simple tip on the easiest way to register copyright. Send a letter to yourself by registered mail, in which you certify that you are the author of the work. Keep in a safe place. If you really want, you could lodge the un-opened letter with your bank or lawyer for safekeeping; but I wouldn't say that option is necessary. I'd just keep the letter with my personal documents, proving ownership of your writing.

Sometimes a publisher might want copyright in exchange for a fee. My advice: It's your work of art. So always retain your copyright... unless you are in dire financial straits, like this aspiring (and perspiring!) writer#.

I see the average American writer earns an average of \$7500 per year (and New Zealanders, or Kiwi writers probably even less) ... WOWEE! Who wants to write for a living?

That's why some writers have to do things DIFFERENTLY to merely survive and bring up their families in the style to which they have never been accustomed!

# What's the difference between a writer and a family pizza?

The family pizza can feed a rather hungry family of three ... or ONEstarving writer writing away in his garret munching on a carrot! What's the definition of an aspiring author?

A waiter!

No, I don't mind you using my material and I feel, it may be very hard for another "writer" to closely copy my rather "wacky style of hopefully informing and entertaining at the same time".

Anyway, isn't "imitation the sincerest form of flattery"?

INTENTION is the key, I believe in the question of copyright.

So ask yourself: What is your intention in using another's material?

Happy writing with the "very best intentions" (and utmost good faith from the Latin "uberimo fides"... something like that!) ...

then you cannot go wrong regarding copyright and plagiarism\*

\* now that's an impressive word and the subject of my next article!

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The "original" Online Creative Writing Course  
<http://www.nzenterprise.com/writer/creative.html>

The various books Craig "felt inspired to write" are  
available at:  
<http://www.bridgeniche.com/CLOCK/zaniestbooks.htm>

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