

Web Legalities: Copyright

By Richard Lowe

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Important: This article contains opinions and information about copyright law. Keep in mind that I am not a lawyer and have not been a lawyer in any past life that I am aware of. If you have specific questions about copyright law you should contact the appropriate legal resources.

People work hard to develop graphics, write stories and articles, design web sites and build software, among other things. They are sometimes paid for their efforts, sometimes not. In any event, in the United States (and in most of the world) anything that you create or write is automatically protected by copyright.

You do not generally need to register your works with the copyright office in order for them to be protected. Registration simply serves as added insurance - it gives you the ability to prove that you wrote or created the item on a specific date and formally establishes you as the copyright owner.

The person or company (if you create the work for a company it belongs to the company) owns the rights to publish the material. These rights do not stop no matter how many times the material is illegally copied or if the copyright holder gives you a copy. He still owns the copyright unless he signs it over to someone else.

The point is that taking someone's images, writings, songs (MP3's included), videos or anything else is violating the law and the person's rights. In fact, it is stealing and, if proven, the violator can be held liable for damages.

So what do you do when you see that cool graphic or sound file on the internet and you want a

copy? Well, you can write to the copyright owner and ask permission to use it or to make a copy (always get written permission - anything not in writing is difficult to prove in a court of law). Getting permission is not difficult and it is rewarding to create a web site or other work knowing that everything is totally legal.

I've found that most artists and writers on the internet are completely willing to allow their work to be copied as long as they get credit and a link back to their site. Occasionally I've found an exception - an author or artist who does not want to allow casual copying. In this case the best thing to do is to follow the wishes of the copyright owner - don't copy the material.

A good rule of thumb about using materials gleaned from the internet is: if you have any doubts about being able to make copies, don't use it. There are way too many good public domain sites for clipart, music and video for there to be any excuse for illegally using copyrighted material on your site.

One of the more interesting copyright violations occurred between the owner of Star Trek (Viacom) and every non-sanctioned Star Trek site on the web. Viacom decided that it didn't agree with people using Star Trek photos, graphics, stories and other materials as it owned the copyrights. So it send out a letter to every site it could find telling them to cease desist. They succeeded in alienating most of the Star Trek fans in the world and in angering just about everyone ... and most of the site still seem to be operating. Yet, legally, Viacom is correct ... they do own the copyrights. But was it a good move to act the way that they did? I don't think so, as Star Trek has a huge fan following and allowing the fans to create literally thousands of web sites is probably the best advertising that Viacom could have asked for.

Some examples of behaviors that are commonly believed to be allowable which are in fact illegal in the United States are:

- Taking images from newsgroups and posting them on your web site. Just because something has been copied to a newsgroup, regardless of whether the copy was made by the copyright owner or someone else, does not mean in any form that the copyright has been given up.
- Using articles and images from other web sites. Again, this is illegal unless explicit permission is given or the item in question is in the public domain.
- Scanning images from magazines and posting them on your fan site. This is illegal as you are making a copy (a scan) of a copyrighted image.
- Recording sound from your favorite television show and posting them to your web site. Again, not legal.
- Getting permission from someone who has made a legitimate copy of the material. The rule is simple: you must obtain permission from the copyright owner or their legal agents.
- Modifying an image and claiming it as your own. Copyright protects derivations of works as well.

On the other hand, the following are acceptable under the US copyright laws.

- Including a few brief quotes from a book in a review. This is acceptable under fair use laws - see <http://www.internet-tips.net/Legal/fairuse.htm>
- Reprinting a confirmed public domain novel on your web site (public domain is the theme of a future article in this series).

- Asking and obtaining reprint permission from the copyright owner or a legal agent of the copyright owner.

- Reading an article about cheese puffs and writing your own article about cheese puffs. Copyright protects creative works (writings, images, paintings, sound and so on), not ideas or concepts. You are safe as long as your work is not simply the same as the other work with the words changed.

The best advice is simple. When in doubt, ask permission. If you are denied permission or for some reason cannot obtain it, then don't use the material.

NOTE: The following information must be included if you reprint this article:

Richard Lowe Jr. is the webmaster of Internet Tips And Secrets. This website includes over 1,000 free articles to improve your internet profits, enjoyment and knowledge.

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