

Respect Your Intellect!

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Topic: General

From time to time the Center receives questions about intellectual property rights and the potential exposure facing a nonprofit when it “borrows” narrative or graphic content. We urge our clients and members to not only protect their intellectual property but to also respect the intellect of others by managing the risk of violating U.S. copyright laws. Get in the know by reading Chapter 4 our recently published book, [*Exposed: A Legal Field Guide for Nonprofit Executives*](#). Chapter 4 includes information about works for hire, fair use doctrine, trademarks, and risk management strategies to guard against copyright violations. We even provide a sample ‘content review checklist,’ which can be used to uphold your organization’s content standards while materials are being approved for publication. Get a sneak peek of Exposed by reading the excerpt below from ‘Chapter 4: Intellectual Property.’

Intellectual property is an intangible creation of human intellect or creativity. The creators and owners of such property enjoy rights and protections under the law. The sources of these protections include federal laws covering copyrights, trademarks, and patents in addition to state laws protecting trade secrets. *Copyrights* protect written and artistic expression. *Trademarks* protect names and symbols that identify the source of goods or services. *Patents* protect inventions.

Nonprofit organizations engage in a wide range of publishing activities, from posting substantive content on an organization’s website, to printing a newsletter, publishing conference proceedings and studies, and producing fundraising literature. A nonprofit that publishes such material has two clear responsibilities:

- First, to manage the risk of violating U.S. copyright laws and infringing on the rights of a copyright holder of any material used by the organization, and
- Second, to protect the nonprofit’s intellectual property from infringement by others.

The terms *copyright infringement* and *copyright piracy* refer to the exploitation of a copyright owner’s rights without permission. A document that is not protected by copyright is in the *public domain* and may therefore be used in any way—without permission.

Infringement of another’s copyright may be inadvertent. Your favorite search engine does not restrict itself to public domain content. Articles, images, videos and even music files found online are likely to be copyrighted and using them without permission could result in infringement. Unless you are home with your family, you need permission to stream a movie or show a DVD—irrespective of whether you charge a fee. Public performances of copyright protected plays, poetry, and songs require a license. Until just recently in September 2015, you even needed a license to sing “Happy Birthday to You” at a public performance.

Protecting your nonprofit’s intellectual property is crucial to the long-term success and sustainability of your organization. Intellectual property consists of items that your nonprofit’s staff have created that are unique and provide the nonprofit with an economic benefit, including inventions, designs, original works of authorship, and trade secrets. Four important but simple rules of thumb to protect intellectual property are:

1. Consider protecting your nonprofit’s valuable intellectual property by filing for protection under U.S. patent, trademark, and/or copyright laws

2. When in doubt about the use of any product of human intellect or creativity, obtain advice from a competent attorney
3. Arm yourself with knowledge available from trusted sources
4. Respect the work of others.

To get 'in the know,' order your copy of [Exposed](#) and refer to these additional resources:

- Links to state trademark registration sites are available at: www.uspto.gov/trademarks/process/State_Trademark_Links.jsp.
- A detailed description of the different types of intellectual property and issues and policies surrounding intellectual property internationally are available at the World Intellectual Property Organization's website: www.wipo.int/about-ip/en/.
- The website of the United States Copyright Office, where you can register a copyright or search records: www.copyright.gov.

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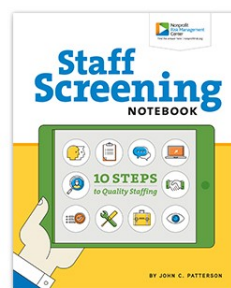
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Valuable Risk Resources



[Exposed: A Legal Field Guide for Nonprofit Executives](#). The newly released second edition of Exposed offers insight into a variety of legal risks facing nonprofits today.



[Staff Screening Notebook](#). Use this easy 10-step guide to screening to find the best staff or volunteers for open positions at your nonprofit. Find the staff your mission deserves!