To Use or Not to Use: That Is the Question

Resource Type: Articles

Topic: General

Copyright Protection in Cyberspace

The World Wide Web has given us access to boundless information. Search engines (Google, Yahoo, Ask Jeeves and Dogpile, to name a few) can find the answers to simple and perplexing questions. One of the questions you should be asking is — what can I copy and what do I treat as research or source material?

When Is It OK to Copy From the Internet?

Government information is in the public domain, which means that you are free to copy and paste whole documents without infringing on copyright. However, it is courteous to the source and helpful to the reader to give attribution to the government agency and include the URL in your document. This credit validates the information you're providing and gives direction to anyone wishing to study the topic in more depth.

Other sites may offer reproduction rights to you, saying something such as: We want you to copy and distribute this information.

Newspapers, magazines and newsletters that post their current issues and archived articles on the Web usually include a copyright notice on the individual pieces. So even if they offer a "printer-friendly version" or an option to "e-mail this piece to a friend," they aren't offering you the choice to cut and paste their work into your document. You can use their information as research material and paraphrase their information, giving attribution to the source (According to an article in the December 2003 *Washingtonian Magazine* ...).

When Is OK a Relative Term?

You do not have the right to post a document, text, illustration, photograph, chart, sounds, electronic mail and so forth to your Web site unless it was created by you or someone working for you under your direction (work-for-hire), or the owner of the material has given specific permission (in writing) that you may create an electronic version and post it on your Web site.

- *Example*: If you purchase a royalty-free CD-ROM of stock photographs, illustrations or other art (Corbis, Getty, Eyewire), the fine print gives you the right to use the images as many times and any way you see fit.
- *Example*: When you hire a photographer to cover an event, it's wise to specify that the fee covers any and all use of the pictures. You may only want to document the happening now, but next week someone may decide the photos would be great with the article in your printed newsletter, then the following month another someone might decide to post the newsletter (photos and all) on your Web site, and next quarter one particular photo makes its way into a fund-raising mailing, and then the Ad Council selects these photos for the public service campaign it's creating on your behalf. If you didn't make arrangements for these "possibilities" when you contracted with the photographer, you are obligated to renegotiate fees for each additional use. Otherwise the photographer could demand more money for additional use(s) of the work or worse, sue you for copyright infringement.

You do not have the right to "copy and paste" text, graphics or logo from another's Web site and put it on your

Web site (or into printed materials or electronic correspondence or any other use).

- *Example*: You may ask the owner of another Web site to give you permission (written) to post a document or graphic on your site (with proper credit — author's name, organization's name, URL). Do not overlook this step when posting logos of sponsoring organizations or companies on your site. The companies own their own representations and will appreciate the courtesy of your asking permission. It's the professional, risk management and legal thing to do.
- *Example*: You may request permission (in writing) from the owner of the text or graphic to create a link from your Web site to his to enable visitors to your site to have direct access to the information. This exchange usually is a win-win situation for both parties, and most site owners will grant a nonprofit such permission. Exceptions occur when you are asking for free access to something the site charges money to view.

You do have the right to use information on other Web sites as reference for articles, quizzes, and interactive programs that you are creating for your Web site, newsletter, fact sheets, PowerPoint presentations, etc.

- *Example*: You want to know what points should be covered in a rental agreement for community groups wishing to use your facility. You may use search engines to locate information and samples. Based on this research, you can list points you want your attorney to include in your document, or you can draft a sample document for your attorney to review.
- *Example*: You want to create a safety tip sheet for your program participants. You can research several Web sites and then compile and rewrite the information in your own words. You may cite the best Web sites in a "Resource" sheet to print or post on your Web site. However, if you create links to those URLs, first get permission in writing from each owner.

Ironically although Web sites are protected by copyright: 1) if they are and 2) to the extent they are original, the act of uploading material onto a Web site for people to read implies that it is permissible to download and use the information. Thus, if your site contains valuable creative material, you may want to add a copyright notice to the site.

- *Example*: Your notice may say WJB nonprofit invites people who wish to "reprint" material from this send an e-mail request to the Webmaster.
- *Example*: The notice should contain the copyright symbol (©), publication date and copyright owner's name. A publication date for online purposes is the date you uploaded the document. If the work was previously published in a different medium (print, e-mail) include that date, too.

To Sum It Up

Never assume that a work is in the public domain because it:

- Is on the Web.
- Lacks a copyright notice.
- Contains some public domain material mixed in with copyrighted material.

Want to Learn More?

Getting Permission to Publish: Ten Tips for Webmasters at www.nolo.com/lawcenter/ency/article.cfm/objectID/8CD796F2-9770-4ECA-B8F2B4F66DB170F1

The Copyright Handbook, How to Protect & Use Written Works by attorney Stephen Fishman.

The information provided in this article is offered for risk management purposes and should not be regarded as legal advice. Consult a licensed attorney for assistance with copyright matters.