

IT PAYS TO COPYRIGHT ©

Copyrights can protect originators of both designs and written materials such as: books, packaging, jewelry, tradenames, brochures, catalogs, drawings, pamphlets, computer programs, clothing, video taped materials, and a variety of literary, dramatic, musical, and artistic works.

- ◆ How do you know if material you would like to use is protected under copyright law?
- ◆ For example, if you include a Bugs Bunny cartoon in a business flyer, can you be sued?
- ◆ Do you need permission if you copy an essay from a website or an article from a newspaper?

A copyright protects the creation of an author against copying. A copyright protects the form of expression rather than the subject matter. However, copyright law allows for “fair use” of previously published material for research, education, news or critical purposes. Four of the main factors a court of law may take into consideration when determining “fair use” include:

1. Was the material used for monetary gain or for non profit purposes?

Did you make one copy of an interesting article for your own reference? Or did you make 100 copies to include in a publication for sale and charge a substantial fee?

2. What is the nature of the work you copied?

Was the item originally intended for public view? If a private letter is printed in a local newspaper for everyone to read, the original sender could sue you!

3. How much of the copyrighted material did you use?

Any amount of direct quotation can be risky. A magazine was sued and lost a copyright case where they quoted 300 words from a 200,000 word book.

4. What are the commercial consequences of using the material protected by copyright law?

If you hand out four chapters of a computer manual during a seminar, you might be able to claim you were using the material for educational purposes. However, it is highly likely a judge would consider the potential loss of revenue the book publisher faces as a more important factor.

Given these considerations, how can you use copyrighted material and avoid being sued?

- ◆ **Paraphrase rather than quoting material directly.** You may rewrite the material in your own words, although you should still acknowledge the original source
- ◆ **Use material in the “Public Domain”.** Government publications, presentations given by public officials, and any material with an expired copyright are all considered to be in the Public Domain and may be used without permission
- ◆ **Ask for permission to quote the material.** Many authors and publishers may agree to be quoted in exchange for the extra publicity their works will receive.

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