

# Copyright Explained: I May Copy It, Right?

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With blogging comes great responsibility. You define the content of your weblog and you carry the full responsibility for every word you've published online. More than that, you are responsible for comments in your posts. To make sure you fulfill your legal obligations, it's important to know, what you, as blogger, may or should do; and you have to know, *how* to achieve this. After all, the ignorance of the law does not make one exempt from compliance thereof.

From the legal point of view, **Copyright in Web** is often considered as the **grey area**; as such it's often misunderstood and violated - mostly simply because bloggers don't know, what laws they have to abide and what issues they have to consider. In fact, copyright myths are common, as well as numerous [copyright debates](#) in the Web.

That's time to put facts straight. In this post we've collected **the most important facts, articles and resources related to copyright issues, law and blogging**. We've also put together most useful tools and references you can use dealing with **plagiarism**.

You don't have to read the whole article, you can read a brief **overview of the key-points** in the beginning of the post. Let's take a look.



## Copyright in the Web: An Overview

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1. Copyright applies to the Web.
2. Your work is protected under copyright **as soon as it's created** and protected for your lifetime, plus 70 years.
3. **Copyright expires**. When copyright expires, the work becomes public domain.
4. Ideas can't be copyrighted, only the **result** tangible expression of the idea can. (*updated*)
5. You **may use logos** and trademarks in your works.
6. You may use copyrighted material under the "**fair use**" doctrine.
7. You may quote only limited portions of work. You may publish **excerpts, not whole articles**.
8. You have to ask author's **permission to translate** his/her article.
9. The removal of the copyrighted material doesn't remove the copyright infringement.

10. If something **looks copyrighted, you should assume it is.** (*updated*)
11. Advertising protected material without an agreement is illegal.
12. You **may not always delete** or modify your visitors' **comments**.
13. User generated content is the property of the users.
14. Copyright is violated by **using** information, not by **charging** for it.
15. Getting explicit permission can save you a lot of trouble.

## What is Copyright?

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- **Copyright** is a set of exclusive rights regulating the use of a particular expression of an idea or information. At its most general, it is literally "the right to copy" an original creation. In most cases, these rights are of limited duration. The symbol for copyright is Å©, and in some jurisdictions may alternatively be written as either (c) or (C)." [[Wikipedia: Copyright](#)]
- Copyrightable works include literary works such as articles, stories, journals, or programs, pictures and graphics as well as recordings.
- "Copyright has two main purposes, namely the protection of the author's right to obtain commercial benefit from valuable work, and more recently the protection of the author's general right to control how a work is used." [[10 Big Myths about copyright explained](#)]
- "Copyright may subsist in creative and artistic works (e.g. books, movies, music, paintings, photographs, and software) and give a copyright holder the exclusive right to control reproduction or adaptation of such works for a certain period of time (historically a period of between 10 and 30 years depending on jurisdiction, more recently the life of the author plus several decades)." [[Wikipedia: Intellectual Property](#)]

## Copyright in the Web

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- **Copyright applies to the Web.** Copyright laws apply to all materials in the Web. All web documents, images, source code etc. are copyrighted.
- **Copyright protects the rights of owners.** "Owners have exclusive rights to make copies, create derivative works, distribute, display and perform works publicly. Certain artists have rights of integrity and attribution (moral rights) in original works of art or limited edition prints (200 or fewer)." [[Copyright in Cyberspace](#)]
- **Everything created privately after April 1, 1989 is copyrighted "automatically"** and protected for your lifetime, plus 70 years. "In U.S. almost everything created privately and originally after April 1, 1989 is copyrighted and protected "automatically". Explicit copyright is not necessary. The default you should assume for other people's works is that they are copyrighted and may not be copied unless you know otherwise. There are some old works that lost protection without notice, but frankly you should not risk it unless you know for sure." [[10 Big Myths about copyright explained](#), [Copyright Office Basics](#)]
- Your work is protected under copyright as soon as it's created. No record or registration with the U.S. Copyright office is required for this protection. [[12 Important U.S. Laws](#)]
- **You don't have to register the copyright, but you probably should.** "The reason for this, under the US Copyright Act, is that registration of the copyright within ninety (90) days of publication (or before infringement takes place) is necessary to enable the copyright owner to receive what are referred to as "statutory damages." [[Copyright: Know The Facts](#)]
- **Copyright expires.** According to the Berne Convention, the copyright period lasts at least the life of the author plus 50 years after his/her death. For photography, the Berne Convention sets a minimum term of 25 years from the year the photograph was created, and for cinematography the minimum is 50 years after first showing, or 50 years after creation if it hasn't been shown within 50 years after the creation. This applies to any country that has signed the Berne Convention, and these are just the minimum periods of protection. [[What is Copyright?, Wikipedia](#)]
- **When copyright expires, the work becomes public domain.** "Basically, any writing that is no longer protected by copyright is in the public domain." [[Copyright Essentials](#)]
- **Copyright hasn't expired if the copyright date isn't correct.** "If a copyright statement reads, "Å© Copyright 1998, 1999 John Smith.", it does not mean that John Smith's copyright expired in 2000. The dates in the copyright statement refer to the dates the material was created and/or modified, but not to the dates the owner's material will

expire and become public domain." [\[What is Copyright?\]](#)

- **Ideas can't be copyrighted.** "You must first write the story, because it is your own, original expression of that idea that is protected under law. If you have a brilliant idea for a story, you'd best keep it to yourself until you do." [\[Copyright Essentials For Writers\]](#)
- "The correct form for a notice is **"Copyright [dates] by [author/owner]"**. You can use C in a circle © instead of "Copyright" but "(C)" has never been given legal force. The phrase "All Rights Reserved" is not required. [\[10 Big Myths about copyright explained\]](#)

## You May...

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- **You may use copyrighted material.** "*Fair use* is a doctrine in United States copyright law that allows limited use of copyrighted material without requiring permission from the rights holders, such as use for scholarship or review. It provides for the legal, non-licensed citation or incorporation of copyrighted material in another author's work under a [four-factor balancing test](#). It is based on free speech rights provided by the First Amendment to the US Constitution. [\[Wikipedia: Fair Use\]](#)
- **You may use materials that are not subject to copyright.** "Apart from facts and ideas there are many other classes of materials that can not be protected under the Copyright Law. Those materials include names, familiar symbols, listings of ingredients or contents, short phrases, titles, slogans and procedures (notice that some of those materials might be protected by trademark, though)." [\[Copyright Law: 10 Do's and Don'ts\]](#)
- **You may use logos and trademarks in your works.** Commenting on some facts or reporting about a company, you can use its logo under a "nominative fair use". [\[Copyright Law: 12 Do's and Don'ts\]](#)
- **You may publish excerpts, not whole articles.** "If you want to share someone else's content with your own audience, just quote a brief excerpt, and provide proper attribution with a link to the source, but don't republish the entire article without permission. It will save you a lot of trouble down the road. This is a fairly standard practice on popular blogs." [\[Copyright and Intellectual Property\]](#)
- **You may comment upon and report about copyrighted material.** "The "fair use" exemption to (U.S.) copyright law allows commentary, parody, news reporting, research and education about copyrighted works without the permission of the author." [\[10 Big Myths about copyright explained\]](#)
- **You may not always quote copyrighted content.** Depending on the copyrighted statement, the owners of the material may forbid the copying and distribution of articles or its parts. [\[What is Copyright?\]](#)
- **You may quote only limited portions of work.** "Under the fair use doctrine of the U.S. copyright statute, it is permissible to use limited portions of a work including quotes, for purposes such as commentary, criticism, news reporting, and scholarly reports." [\[Copyright Explained\]](#)
- **You may use the de minimis principle.** "Copyright isn't concerned with very little things. It does not protect so-called de minimis works, the classic examples of which are titles (such as The Da Vinci Code) and newspaper headlines (such as Small earthquake in Chile, not many killed); nor does copyright prevent "insubstantial copying" from a work which is protected by copyright. Unfortunately it is often difficult to decide whether a work is really de minimis, or an example of copying insubstantial." [\[10 Things About Copyright\]](#)

## You Should...

### Bloggers' Rights and Duties

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- **Ignorance of the Law does not make one exempt from compliance thereof.** You carry the full responsibility for everything you publish in your weblog. Using protected work, make sure you fulfill your legal obligations.
- Be aware of your responsibility. Check your facts, consider the implications, control the comments, give credit where credit is due, disclose professional relationships, disclose sponsored posts, avoid "blackhat" methods. [\[10 Rules for Responsible Blogging\]](#)
- **Make it easy to distinguish paid and editorial content.** "Never claim that you are an objective, unbiased source if you are being paid to provide information. Always make it easy for your readers to distinguish between advertising and editorial content." [\[12 Important U.S. Laws Every Blogger Needs To Know\]](#)
- **You should ask author's permission to translate his/her article.** According to the Berne Convention,

"Authors of literary and artistic works protected by this Convention shall enjoy the exclusive right of making and of authorizing the translation of their works throughout the term of protection of their rights in the original works." Therefore you need a permission to translate an article into another language. [\[What is Copyright?\]](#)

- **You should not present stolen content.** "The law does not provide protection for federal crimes or intellectual property violations, meaning that you can potentially be found contributorily liable if this type of behavior takes place on your site." [\[12 Important U.S. Laws\]](#)
- You should use copyrighted material only if you have explicit permission from the author to do so (or if you make fair use of it). Copyright infringement is possible even if the credit to the author is given. [\[Copyright Law: 12 Do's and Dont's\]](#)

## Things To Be Aware Of

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- **Freeware doesn't belong to you.** "Graphic images and fonts provided for "free" are not public domain. The ownership of this material remains within the creator of the material. You may use them if you comply with the owner's terms and conditions." [\[What is Copyright?\]](#)
- **Getting explicit permission can save you a lot of trouble.** If you are sued for copyright violation, you must admit to the infringement, and then hope that the judge or jury agrees with your arguments. It's faster and safer to just ask permission. [\[Copyright on the Web\]](#)
- **Copyright is violated by using information, not by charging for it.** "Whether you charge can affect the damages awarded in court, but that's main difference under the law. It's still a violation if you give it away â€" and there can still be serious damages if you hurt the commercial value of the property." [\[10 Big Myths about copyright explained\]](#)
- **User generated content is the property of the users.** "The fact that you do not own the user-driven content on your site can create a number of headaches for bloggers, such as an obligation to remove a comment whenever the author requests." [\[12 Important U.S. Laws\]](#)
- **If you use protected material, the new work doesn't belong to you.** "Work derived from copyrighted works is a copyright violation. Making of what are called "derivative works" â€" works based or derived from another copyrighted work - is the exclusive province of the owner of the original work." [\[10 Big Myths about copyright explained\]](#)
- **The removal of the copyrighted material doesn't remove the copyright infringement.** Once the copyright is violated, the case is created - it doesn't matter, whether the protected material is currently on the Web or not." [\[Copyright Law: 12 Do's and Dont's\]](#)
- **If something looks copyrighted, you should assume it is.** "It is true that a notice strengthens the protection, by warning people, and by allowing one to get more and different damages, but it is not necessary." [\[10 Big Myths about copyright explained\]](#)
- **Advertising protected material without an agreement is illegal.** "It's up to the owner to decide if they want the free ads or not. If they want them, they will be sure to contact you. Don't rationalize whether it hurts the owner or not, ask them." [\[10 Big Myths about copyright explained\]](#)

## Grey Area

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- **Nobody really knows if linking is always allowed.** "When linking to illegal or infringing copyrighted content the law of linking liability is currently considered a grey area. But if you have an ordinary web site, and linking is not going to bypass some security, or payment system such as advertising, and there's no information anywhere about the site not wanting you to link in and no reason to believe they don't want it, linking should be very safe." [\[Links And Law, Linking Rights, Wiki: Link\]](#)
- **It is reasonable to provide terms of service for comments.** "Posters should be informed that they are responsible for their own postings. The newsroom should consider advising readers that the newsroom does not control or monitor what third parties post, and that readers occasionally may find comments on the site to be offensive or possibly inaccurate. Readers should be informed that responsibility for the posting lies with the poster himself/herself and not with the newsroom or its affiliated sites." [\[Dialogue or Diatribe?\]](#)
- **You may not always delete or modify your visitors' comments.** "You should never treat comments as though you own them by manipulating them or deleting them without having included a terms of service which gives you

permission to do so. Consider that if you are allowing anonymous posts you will have no way of verifying the true owner of a comment when someone emails you asking for you to take a comment down. Consequently, you should make sure to at least collect basic identifying information before allowing someone to comment or post on your site." [\[12 Important U.S. Laws\]](#)

## How to React to Plagiarism?

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- "Never simply blow off the fact that someone has stolen your work. You may not always be able to enforce your claim, but its always at least worth a quick [cease and desist letter](#)." [\[12 Important U.S. Blogger Laws\]](#)
- [What Do You Do When Someone Steals Your Content](#)  
An overview of the best practices and methods you can use against plagiarism. By Lorelle VanFossen.
- [Blog Plagiarism Q&A](#)  
Questions and answers related to plagiarism in Web.
- [The 20 Best Free Anti-Plagiarism Tools](#)  
An overview of useful tools and services to detect and handle plagiarism.

## Tools and Services

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- [Free Legal Forms for Graphic Design](#)
- [Copyright Flow Chart](#)  
Flowchart for determining when U.S. Copyrights in fixed works expire.

## Open Content Licenses

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- [A Guide To Open Content Licenses](#)  
Licenses and the Control of Copyright, Creative Commons, the GNU GPL, the Public Domain, Open / Collaborative Production and more.
- [Open Content Licenses](#)  
An overview.

## Related Articles

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- [Call for a Blogger's Code of Conduct](#)  
"In a discussion the other night at O'Reilly's ETech conference, we came up with a few ideas about what such a code of conduct might entail. These thoughts are just a work in progress, and hopefully a spur for further discussion."
- [Copyright: A Seemingly Shifting Target, Q&A](#)  
Frequently Asked Questions Guide to copyright issues as they apply in the world of digital video production, post production and distribution. By Douglas Spotted Eagle.
- [What is Copyright Protection?](#)  
This page covers the basic definitions regarding copyrights. It has been written using the Berne Union for the Protection of Literary and Artistic Property (Berne Convention) as the main bibliographical source.
- [10 Things You Need to Know Before You Blog](#)  
A list of important aspects to keep in mind if you are a blogger plus dozens of references to related articles.
- [10 Big Myths about copyright explained](#)  
An attempt to answer common myths about copyright seen on the net and cover issues related to copyright and USENET/Internet publication.
- [12 Important U.S. Laws Every Blogger Needs to Know](#)  
This article highlights twelve of the most important US laws when it comes to blogging and provide some simple and straightforward tips for safely navigating them.

- [Copyright and Intellectual Property](#)  
While some people take issue with the concept of intellectual property and believe that all content should be free, I don't count myself among them. In fact, for the most part I consider the anti-copyright fanatics rather juvenile and intellectually immature. By Steve Pavlina.
- [Poynter Online - Copyright Issues and Answers](#)  
An extensive list of resources about copyright. Subject headings include: Definition of Copyright, U.S. Copyright Office, Copyright Websites, Fair Use and more.
- [Podcasting Legal Guide](#)  
The purpose of this guide is to provide you with a general roadmap of some of the legal issues specific to podcasting.
- [Copyright Law: 12 Do's and Dont's](#)  
12 Do's and Dont's that will clarify what you can and what you can not do as an online publisher.
- [10 Things Webmasters Should Know About ... Copyright](#)  
This short article explains the key points of copyright law - those which should be familiar to every webmaster.
- [Copyright Essentials for Writers - Res Ipsa Loquitur](#)  
This article deals primarily with copyright law; however, in a broader sense it deals with ethical issues every writer should carefully consider. By Holly Jahangiri
- [Copyright: get to know the facts](#)  
If something's valuable to you then you need to protect it. Copyright exists for that purpose, but don't assume you have it, says Stephen Nipper.
- [A brief intro to copyright](#)  
This document is here because many people read my original article on copyright myths without knowing very much about what copyright is to begin with. This article is not about to teach you all about copyright, though there are some decent sites out there with lots of details.
- [The Developer's Guide To Copyright Law](#)  
In this post the basics of copyright law are discussed. This sets the stage for further parts in which software licensing is discussed.

## Related Resources

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- [EFF: Bloggers](#)  
EFF's (Electronic Frontier Foundation) goal is to give you a basic roadmap to the legal issues you may confront as a blogger, to let you know you have rights, and to encourage you to blog freely with the knowledge that your legitimate speech is protected.
- [A Fair\(y\) Use Tale](#)  
Stanford Center for Internet and Society published a documentary film, in which copyright issues are explained.
- [Copyright Committee Website](#)  
Articles related to using copyrighted materials, fair use, getting permission, plagiarism, copyright law, what copyright protects, Public Domain and Copyright Duration.
- [Good Copy Bad Copy](#)  
A documentary about the current state of copyright and culture.
- [Crash Course in Copyright](#)  
An overview of Copyright basics.
- [U.S. Copyright Office](#): Web-site with extensive information about copyright, including copyright basics, current legislation and the copyright law itself.
- [Stanford Copyright & Fair Use](#)  
Copyright and Fair Use in an extensive overview.
- [Using Copyright Notices](#)  
Information fact sheet - exploring website copyright, design ideas, registration advice and specific considerations that apply to website designers.
- [EFF: Legal Guide for Bloggers](#)  
This guide compiles a number of FAQs designed to help you understand your rights and, if necessary, defend your freedom.

- [QuestionCopyright.org](http://QuestionCopyright.org)

Promoting public understanding of the history and effects of copyright, and encouraging the development of alternatives to information monopolies.

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