

# The **10 Biggest** **Copyright Mistakes**



**Small Business Owners Make...**  
**(that could land *You* in court)**

***AND HOW to Avoid Them!***

**Barbara C. Ingrassia, MLS, CCM**  
***Manage Copyright. Don't Let it Manage You!***<sub>(sm)</sub>

**Manage Copyright**  
**P.O. Box 314**  
**Holden, MA 01520**

**508.277.0709**  
**Barb@managecopyright.com**

**[www.managecopyright.com](http://www.managecopyright.com)**

**Barbara Ingrassia**  
Certified Copyright Manager  
and Speaker



## Manage Copyright... Don't Let It Manage You! <sup>SM</sup>

Why do I need to know about C©pyright?

**WARNING: This report is for your personal use only. You may not Give away, Share, or Resell this Intellectual Property in Any Way.**

### **ALL RIGHTS RESERVED**

**Copyright © 2015 Barbara Ingrassia All Rights Reserved**

You may not reproduce or distribute this report in any way.

You may not sell it, or reprint any part of it without written consent from the author, except for the inclusion of brief quotations in a review.

**The information provided in this report *should not be* construed as legal advice.**

**For legal advice, consult an attorney with expertise in copyright law.**



## The TEN Biggest Copyright Mistakes Small Business Owners Make That Could Land YOU In Court... *And How To Avoid Them*

**Note: This FREE REPORT is designed for small business owners and their staff members who know they need to be aware of copyright compliance—both as CONSUMERS of copyright-protected content and as CREATORS of copyright-protected content.**

### *A Note From Barb*

With the fast *faster fastest* pace of business today, **finding a shortcut can be a big help.** And the Internet has opened a world of resources to help us in our businesses.

***But: searching...copying...pasting...sending  
Can cause you major problems—maybe even land you in court!***

#### **WHY?**

Content is *OWNED* by someone.

They *OWN* the copyright to that content—and can control how it is used. This includes the right to:

- ✓ copy/reproduce
- ✓ distribute
- ✓ create other works from that content
- ✓ display or perform the content publicly
- ✓ give permission to others to use the content in certain ways (often by granting a license for a fee)
- ✓ pursue those who use that content without permission.



**Most entrepreneurs and small business owners don't pay attention to the Copyright Law, so they are sued for using someone else's content and images— *without permission*.**

**This can lead to  
Very costly and time-consuming litigation  
-- A ruined reputation  
-- And the death of the business.**

**I want to make sure you have the information and the tools that YOU need to protect YOUR business...including the content You create.**

That's why I've written this report— *For YOU*

**It's time to:**

- **stop ignoring Copyright Law**
- **stop hoping to be lucky**
- **stop thinking that Your Business is “too small” for anyone to notice or care about where you get your content.**



Shortcuts can be costly.

I want to protect you and your business from the scary prospect of dealing with a huge company with “deep pockets” that can drain You and Your Business of Time, Money, Reputation...and more.

**I want to guide you around the copyright potholes...  
Around the copyright quicksand...  
That can SUCK the LIFE out of Your Business!**

*Make sure you read through to the end of this report...*

**I'll offer you an opportunity to learn how we can do a *full assessment* of Your Business to:**

- ✓ Identify the copyright potholes and quicksand that may threaten your business
- ✓ Provide some ideas you can implement *immediately*
- ✓ Recommend possible ways to reduce your potential copyright liability moving forward
- ✓ And protect the content that You create

**I know you want to learn about the 10 Mistakes...but first...**

## **Who is Barbara Ingrassia And Why should You Listen to Her?**

**I am a seasoned information professional** with an extensive background in libraries and education. I have a BA in History with Certification in Secondary Social Studies Education, and a Masters in Library Science. In addition to my work in libraries, I have taught courses at the college-level.

**My expertise in copyright management, compliance, and education** developed in parallel with the growth of the Digital Age; as resources moved from print (analog) to electronic online (digital), my responsibilities evolved to include the negotiation of licenses for electronic resources...and then naturally into copyright education and compliance issues.

I have had intensive training in copyright law and practical applications, and have earned Certification in Copyright Management (CCM) from the Special Libraries Association.

I have conducted workshops for professional groups, been an invited speaker, served on panels, designed a CEU-bearing course, and conducted numerous one-on-one consultations--all in an effort to *spread the word* about copyright and copyright compliance.

**I'm proud to say that I am known for making my sessions about this potentially very dull topic *entertaining* as well as *educational*.**



At the end of this report, you can see what others have said about working with me.

## **So what are the 10 Biggest Copyright Mistakes that small businesses make and how can you avoid them?**

I'll list TEN of them here, and then recommend ways to avoid making those mistakes.  
**Review and see which ones "speak" to you.**

### **Mistake # 1**

**Assuming that if there is no copyright notice on the work, that it's not copyrighted and so is OK to use in any way you want.**

You're accustomed to looking for something like: © 2014 J. Jones. All rights reserved.

As of 1989, a copyright notice **is no longer required** to establish copyright in the United States (and in much of the world). An original creative literary work is copyrighted at the moment it is fixed in a tangible medium that can be perceived by humans with the aid of machinery ....

**So the absence of the familiar © is not a reliable indication of the copyright status of the work.**

***IT DEPENDS...***

on **when** the work was published, **what** the requirements for claiming copyright were at that time, **if** the copyright was renewed, **if** the copyright is owned by an individual or a company, etc...

## **Mistake # 2**

**If it's "old," or out-of-print, it's OK to use.**

There's "old" with an expired copyright, and there are things that we just *think* are old. Copyright in the United States is now for the life of the author plus 70 years. (If a company owns the copyright, it's for 120 years after its creation.)

**Anything published prior to 1923 is in the public domain** (copyright has expired and the work can be used in any way you want = "free-to-use.")

**However, no more works will enter the public domain in the U.S. until 2019**

Out-of-print works may not be available in hard copy, but they *may* be available electronically under a license.

***IT DEPENDS...***

## **Mistake # 3**

**Assuming that content on the Internet is in the public domain ("free-to-use.")**

Copyright is "medium neutral."

If it would be copyright-protected in analog (print on paper, video, audio), it's copyrighted in digital (online).

Just because you can access content does not necessarily mean that it is "free-to-use."

"Publicly accessible" is not the same as "public domain."

This is a major problem with images....cartoons...photos...illustrations...etc. All those visuals that you'd like to use to spice up your marketing materials, etc.

*Think about having to scrap a marketing campaign, pull commercials and ads, revise the webpage...reprint thousands of brochures, etc...PLUS pay a fine/fee.*

There are **safe** ways to find/use images.

## Mistake # 4

**Assuming that copyright applies only to book authors, song writers, movie makers.**

We all are both  
**CONSUMERS** of copyrighted works  
**AND**  
**CREATORS** of copyrighted works.

**So...What is protected by copyright and what isn't?**

**According to "Copyright Basics" – a circular from the U.S. Copyright Office:**

***Copyright protects "original works of authorship" that are fixed in a tangible form of expression.*** The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device.

Copyrightable works include the following categories:

1. literary works
2. musical works, including any accompanying words
3. dramatic works, including any accompanying music
4. pantomimes and choreographic works
5. pictorial, graphic, and sculptural works
6. motion pictures and other audiovisual works
7. sound recordings
8. architectural works"

SEE: **Copyright Basics** <http://copyright.gov/circs/circ01.pdf> p.3

**BUT Not everything is protected by copyright.**

Again from “**Copyright Basics**” – a circular from the U.S. Copyright Office:

**Several categories of material are generally not eligible for federal copyright protection.**

These include among others:

1. works that have not been fixed in a tangible form of expression
2. titles, names, short phrases, and slogans; familiar symbols or designs...
3. mere listings of ingredients or contents
4. **ideas**, procedures, methods, systems, processes, concepts, principles...
5. works consisting entirely of information that is common property and containing no original authorship (for example: standard calendars, height and weight charts, etc...)  
(However, patent or trademark laws may apply in some cases.)

Remember, by definition, “copyright is secured *automatically* when the work is created, and a work is ‘created’ when it is fixed in a tangible form of expression.”

That means that the original creative content that **you or your employees create** is copyright-protected as well.

**Content is the lifeblood of your business**

**You need to plan in advance how you can best protect your content.**

## **Mistake # 5**

**Assuming that your *ideas* are protected by copyright.**

Copyright protects the tangible expression of those ideas—**not** the ideas themselves.

**If your idea is an invention → consider filing for a PATENT.  
If it's your logo or your catchy tagline/slogan → consider filing for a TRADEMARK.**



## Mistake # 6

**Assuming that giving attribution/credit to the author is enough.**

**IT DEPENDS...** on several factors, each situation is different.

- HOW do you want to use the content?
- HOW much of the content do you want to use?
- HOW and WHERE do you want to distribute the content?



The author may not even be the copyright owner, it may now belong to a publisher, an employer, or even an heir.

**Attribution protects you from charges of *plagiarism*,  
BUT....it is *not* “permission to use.”**

*Plagiarism* may not be copyright infringement. Even with attribution, a use can be *copyright infringement*.

***Does that sound complicated?***

*Well, it may be, but ...* you can learn some basic steps to follow that will help you determine your options...*and* stay out of court (I'll share some valuable steps later in this report).

## Mistake # 7

**Assuming that everything put out by the U.S. Government is “free-to-use.”**

(That is, in the “public domain”)

**IT DEPENDS...**

Was the work you want to use...

- *created* by a federal (U.S.) government employee as part of their job? Then it is ***not protected*** by copyright (it's in the **public domain**)

**BUT** was the work...

- *given* (transferred the rights) to the U.S. government?
- created by a sub-contractor who *retained* the copyright?
- *licensed* by the U.S. government to be displayed on a website, but the creator still retained the copyright

**Not everything on a .gov website is in the public domain. (“free-to-use”)**

## Mistake # 8

**Assuming that because you paid \$\$ for it, you own the rights to it.**

I know this is a tough one to get your head around.

Think of it this way...you can **own a physical book**, but that does not mean that you own the rights to the *content* inside the book. What can you do with the *physical book*?

You can do whatever you want:

→ You can: read it ... sell it ... give it away... bury it ... destroy it ...***because you own that physical copy.***

**BUT you can’t do whatever you want with the content *within* the book.**

When you pay someone to create content for you (website, photo shoot, music, video for a commercial, etc), you *do not automatically* own all of the rights to all of the work. You have to plan ahead and make an agreement in writing concerning who will own the copyright.

**Don’t assume...**Do that *before* the project begins.

***IT DEPENDS...***

***How can you know what you can and can’t do?***

That brings us to the next **Big Mistake—**

## Mistake # 9

**Assuming that the license you signed covers everything you might want to do with the work/content.**

(Especially with software, a database, electronic journals or books)

**A license is a binding contract and details specifically what you are allowed to do with the content—and what you are not allowed to do.**

If you license a work to use in a print brochure, that does not automatically allow you to then use it on your website. That requires a separate license.

**Have you heard the expression: *Ignorance of the law is no excuse.***

**Well...Not reading the terms and conditions of use in a license is no excuse for violating the terms of the contract.**

*Yes, even the fine print...*

If you don't understand... ASK.

Make sure the license allows you to do what *you* want/need to do.

**And the BIGGEST MISTAKE??**

## **Mistake # 10**

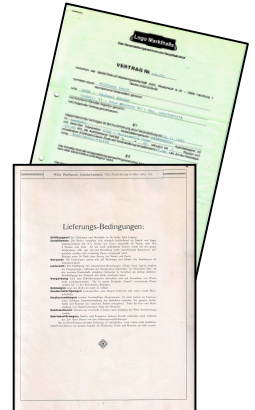
**Assuming that no one will find out that you've used a copyright-protected work without permission.**

**You think that your business is “too small” for anyone to care about *what* you use and *how* you use it.**

And then one day the phone call comes from the attorney for the rights owner of the work you used... or the letter comes by registered mail ...or simply the bill for hundreds or thousands of dollars...

**The technology is there to track the use of content on the ‘net.**

And if you have a presence on the Internet, it's assumed that you're “doing well” financially.



**No one is “too small.”**

**SO... HOW does Your Business rate when it comes to these  
Top 10 Copyright Mistakes?**

**Have you made 2 of them...6 of them...all 10 of them?**

**OR.....Maybe You don't know?**

## Let's look at a few tips for avoiding those mistakes (and staying out of court)

### 5 Tips for Avoiding Some Copyright Mistakes

HOW can you as a small business owner-- without a law degree or a team of lawyers on staff-- AVOID making these serious mistakes (and STAY OUT OF COURT)?

#### IT DEPENDS...

Copyright is very situational; the specific *who... what... when... where... why... how* are *unique to each case*.

Here are a *few* Copyright Basics to help You **MANAGE COPYRIGHT**-- so it doesn't manage You:

### Tip # 1

**ASSUME** that a work is copyright-protected... *until* you can determine otherwise.

#### This applies to:

Documents...articles...books... white papers... letters...websites...  
 Blog posts...email messages...recordings...inter-office memos... social media...  
 Facebook... Twitter posts...photos...charts... illustrations...cartoons...audio...video...  
*Even notes scrawled on a paper napkin.*



Image courtesy of Steve Miles at FreeDigitalPhotos.net

#### Remember:

The *moment* original creative content is fixed in a tangible medium, it is *copyright-protected*.

### Tip # 2

#### DEVELOP a Copyright Policy or Risk Management Policy

Outline copyright basics and the procedures for *how to use* copyrighted material in your business...and *when to stop and ask* for assistance.

This should also address the use of new forms of communication—social media, blogs, etc. Include a **Permissions Policy** with procedures for seeking permission to use others' content, **and** ...for granting permission/license for others *to use YOUR content*.

## Tip # 3

### **REVIEW your licenses and contracts regularly**

Evaluate your compliance with the terms and conditions.

This also applies to the licenses and contracts **You** issue.



Image courtesy of Photostock at FreeDigitalPhotos.net

## Tip # 4

### **EDUCATE yourself and your staff in copyright basics.**

As you have seen, copyright in the Digital Age can seem like a *confusing maze*.

You probably don't need a full-time copyright attorney, but you do need a Guide to help you get your bearings.

## Tip # 5

### **PLAN how you will protect the original content created by you or your staff.**

**Put a notice of copyright on the cover page and on the last page.**

(It doesn't hurt to put it on each page, as a footer.)

**While not required, it tells potential Users:**

- ✓ that the content is copyright-protected
- ✓ who owns the copyright
- ✓ what rights are available to the User

*For example:*

**Copyright © 2014 ABC Company. All rights reserved**

**Consider taking another step and register your work with the U.S. Copyright Office.**

**Again, it's not required, but:**

- ✓ the facts of the copyright are on the public record
- ✓ a certificate of registration is issued to the copyright owner
- ✓ registered works may be eligible for statutory damages and attorney's fees in successful litigation

**It's NOT EXPENSIVE and you can complete the forms online. There are tutorials to help you fill out the forms; in most cases you do not need an attorney to complete the submission process.**

To register a work: SEE: <http://copyright.gov/eco/>

To learn more about copyright, including reading the full text of the Copyright Law of the U.S., back to 1790, SEE: <http://copyright.gov>

## So where are you?

### How does your business measure up?

#### Where could you and your business be at *RISK* for a law suit?

**I'm ready to help you learn how to protect your business...**

Both as a **Consumer** of copyrighted content AND as a **Creator** of copyrighted content.

### You have 3 possible action steps you could take now, what's it going to be?

1. **You KNOW you need help NOW and you're ready to come talk with me** – Great, I have a SPECIAL OFFER of a one-time 60 minute assessment with you where we'll see where you should be concerned and exactly what to do about it. Click here to sign up for the Paid Assessment for just \$97 now (Reg \$200): [www.ManageCopyright.com/assessment](http://www.ManageCopyright.com/assessment)
2. **You're not quite sure about this yet but you want to know more and see how you and your business could benefit from doing something about this** to protect yourself and/or make sure you're not at RISK. I offer a complimentary strategy session to see if or how I can help you and if you are at risk or should be concerned about your business practices or your own content. Click here to sign up for the FREE Strategy Session now:

3. **You decide to DO NOTHING** because you're either unsure of what you need or you're too busy right now to take the time to think about it. **But WHAT IF?** What if someone comes after you and you are sued for thousands of dollars for using their content? What if someone steals YOUR CONTENT? Let's at least see where you could be at risk now with a complimentary Strategy Session, shall we? It's worth your time, trust me! Click here to sign up for the FREE Strategy Session now:

You can hide your head in the sand, *hoping* that nothing will happen. But I *don't* recommend this option!

## Do you **KNOW** you need help NOW?

- ✓ You've had some 'issues' with the content you use, and with the content you create.
- ✓ You've heard "stories" from colleagues about the letters they've received from the attorneys for copyright owners—challenging how copyright-protected material has been used. It was an expensive, time-consuming headache.
- ✓ You've heard "stories" about how small businesses have had to go to much time and expense to challenge people who have used their content without permission.
- ✓ Or do you think that you're "all set" with this copyright stuff—but you're not quite sure... maybe... *where did I get that image?*
- ✓ *Maybe that has happened to you*

**Let me help you protect your business**

**SIGN UP NOW for a 60-minute consultation and assessment.**

**CLICK ON: [www.ManageCopyright.com/assessment](http://www.ManageCopyright.com/assessment)**

In this one-time 60 minute telephone session, we can look at your website, your marketing materials, policies, licenses—as much as we can do in 60 minutes.

**YOU set the AGENDA.**

Send me the URL to your website, a link to a PDF of your policies, or whatever you see as a priority.

**Among the areas we might examine in your 60-minute consultation:**

- How *your business* uses content
- How to determine what you can do with 3<sup>rd</sup> party copyright-protected content by reviewing terms and conditions of use, etc. (The legal use of *images* is a key topic.)
- How to be safe and legal when using social media, blogs, newsletters, etc.
- Policies/Best Practices you need to have in place
- How to train staff in Copyright Basics—without having them "tune out"
- How to protect the original content you and your staff create



60 minutes can fly by, but we'll cover what we can and determine how you want to move forward to protect Your Business.

This call will be fully recorded; you can share it with your team or listen back to my advice anytime.

It's worth it to YOU and your business to take 60 minutes out of your busy schedule to see where you are and how to protect you and your business going forward.

While I can't give legal advice specific to your business, I DO KNOW that you'll get valuable information, clarity, and ideas that you can implement immediately to protect Your Business.

This 60-minute consultation regularly costs \$200, but because you're reading this free report, this **one-time 60 minute consultation is available for a limited time for \$97**. Don't miss out on this valuable opportunity to protect Your Business!

CLICK ON: [www.ManageCopyright.com/assessment](http://www.ManageCopyright.com/assessment) NOW

Tell me you want to protect Your Business...

Your Finances...Your Reputation...Your DREAM

Don't wait until you receive the call from the content owner's attorney, or a 'Take down notice' or even a bill for thousands of dollars for illegal use of content.

**Think of Copyright skills as “preventive medicine insurance.”**

CLICK ON: [www.ManageCopyright.com/assessment](http://www.ManageCopyright.com/assessment) NOW



**Barbara Ingrassia**  
Certified Copyright Manager  
and Speaker

## Manage Copyright...

### Don't Let It Manage You! <sup>SM</sup>

Why do I need to know about C@pyright?



## What clients have said about working with Barbara Ingrassia:

*"Thank you so much for leading us in such an informative discussion of "10 Things Every Business Needs to Know About Copyright." We all left your session with a much better understanding of copyright rules, and I am sure we will all be more cautious in the future. You did a fabulous job presenting the material, and the handouts are a keeper!" ~ Jennifer Stanovich, Executive Director, Holden Area Chamber of Commerce*

*Prior to taking this position, "I worked for private companies that did not pay particular attention to copyright issues. Therefore, the training and guidance I received from Ms. Ingrassia was extremely important in helping me to make sure that all the projects that I worked on here complied with copyright law. Ms. Ingrassia answered specific questions regarding website postings and appropriate use of materials. Some of the questions were very complicated and required research on the part of Ms. Ingrassia. She provided me with thoughtful, detailed answers to my questions in a timely fashion. I always felt confident in the guidance I received and I would not hesitate to contact Ms. Ingrassia in the future with copyright questions." ~ Barbara Grimes-Smith, MPH*

*"As a resource for the entire campus...Barbara was an exceptionally dedicated and knowledgeable colleague. She would go out of her way to be of assistance and to seek the answers to challenging issues and questions. I have been teaching at institutions of higher education for over 30 years at 8 different institutions. Never have I encountered anyone more knowledgeable about copyrights and copyrighting than Barbara Ingrassia. In addition to her knowledge and expertise, she also has an exceptional talent to teach and convey this complicated information to faculty and students, and then, further, to help us easily implement the expectations and standards." ~ Janet Fraser Hale, PhD, RN, FNP*

**If you're not quite ready to have a paid session where we review your business and everything you're doing just yet and you want to find out more first, at least come talk with me in a *Complimentary Strategy Session*.**

**Sign up for the FREE Session here today so you don't forget to do this later!**

**CLICK ON: [www.ManageCopyright.com/freesession](http://www.ManageCopyright.com/freesession)**

In our complimentary telephone Strategy Session I can answer some general questions, offer some clarity on some of the points in this report, discuss your business and compliance status, etc. and make recommendations on what you can do from there.

***You have nothing to lose—and it could be the most valuable call you make all month!***



***Thank you for reading this report. It's been a pleasure for me to share this info with you today! I look forward to working with you soon!***

***Barbara Ingrassia***

***Certified Copyright Manager***

***Manage Copyright. Don't Let It Manage You<sup>SM</sup>***

I want to help you protect Your Business from the scary prospect of dealing with a huge company with "deep pockets" that can drain you and your business of Time, Money, Reputation...and more.

**IT'S TIME TO TAKE ACTION NOW!**

**P.S. Remember to sign up for the 60 minute consultation to review your website, marketing materials, etc. *just* \$97 for a *limited time*... CLICK ON:**

**[www.ManageCopyright.com/assessment](http://www.ManageCopyright.com/assessment)**

**P.P.S. If you're not quite ready, at least call to talk with me in a *complimentary strategy session*... CLICK ON: [www.ManageCopyright.com/freesession](http://www.ManageCopyright.com/freesession)**

**P.P.P.S. Now that you've signed up for your call, watch for my emails every other week-- filled with tips You Can Use immediately!**

**Do you know someone who could benefit from this  
Valuable Information?**

**Send them to: [www.ManageCopyright.com](http://www.ManageCopyright.com)**

**Please don't forward or copy this report; let others have the  
opportunity to take advantage of these Special *Limited Time* Offers.**