The 10 BIGGEST COPYRIGHT MISTAKES Anyone Can Make That Could Land You in Court!



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The TEN *Biggest* Copyright Mistakes *Anyone* Can Make -- That Could Land YOU In Court...

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I am not an attorney.

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

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

Note: This FREE ebook is designed for anyone who wants to have a better understanding of how copyright law in the digital age affects each of us: entrepreneurs and small business owners, employees and independent contractors, students and parents. We realize that we all need to be aware of copyright basics—both as CONSUMERS of copyright-protected content—and—as CREATORS of copyright-protected content.

With the *fast... faster... fastest* pace of life today, finding a <u>shortcut</u> can be a big help. And the Internet has opened a world of resources to help us in our personal and professional lives.

But: searching...copying...pasting...sending...
can cause major problems—
maybe even a date in court!

WHY?

Content is OWNED by someone.

They OWN the copyright to that content—and can <u>control</u> how it is used. This includes the exclusive rights to:

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

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Most of us don't pay attention to the U.S. Copyright Law, so we are setting ourselves up for expensive and time-consuming legal nightmares; we could be sued for using someone else's content and images without their permission.

Getting a letter in the mail from an attorney—who's not our attorney—makes our heart pound!

Or

Maybe we discover that content we have created has been taken and used by someone else—without our permission.

Then we have to pay an attorney to resolve that.

That could lead to very costly and time-consuming litigation—and the death of a business.

I want to make sure you have the information and the tools that YOU need to protect yourself and the content you create--from unwelcome surprises -- and nightmares.

It's time to:

- X stop ignoring Copyright Law
- X stop hoping to be lucky
- X stop thinking that You are "too small" for anyone to notice or care about where you get your content.



Shortcuts can be costly.

I want to protect you from the scary prospect of dealing with a huge company with "deep pockets" that can drain Your Life 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 PLANS and DREAMS.

Please be sure to read through to the end of this ebook.

I'll offer you an opportunity to learn how *together* we can begin to address your questions about copyright:

- ✓ Identify the copyright potholes and quicksand that may threaten you or your business/organization.
- ✓ Provide some ideas you can implement immediately.
- ✓ Recommend possible ways to reduce your potential copyright liability moving forward.
- ✓ Protect the content that You create. (Your Goldmine)

I *know* you want to learn about the **10 Mistakes** so you can attend to any issues *before* they become legal liabilities.

But first I want to introduce myself and explain why awareness of some copyright basics can help you achieve your goals.

Having copyright law on your side is a very good thing.

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 flowed into copyright education and compliance issues.

I have studied copyright law and practical applications with the Center for Intellectual Property at the University of Maryland, the Special Libraries Association, Duke University, and the Berkman Center at Harvard Law School. .

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 have saved business people from potentially devastating legal nightmares by empowering them to navigate the *gray murky ooze* that is U.S. Copyright Law in our Digital Age

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 anyone can make?

I'll list the TEN here.

Review them with me and see which ones "speak" to you. Do they remind you of a conversation or situation from your life?

ASSUMING that:

- 1. if there is no copyright notice on the work, it's not copyrighted and so is OK to use in any way you want.
- 2. if it's "old," or out-of-print, it's OK to use.
- 3. content on the Internet is in the Public Domain. ("free-to-use")
- 4. copyright applies only to book authors, song writers, movie makers—and famous people.
- 5. your *ideas* are protected by copyright.
- 6. giving attribution/credit to the author is enough.
- 7. everything put out by the U.S. Government is "free-to-use."
- 8. because you paid \$\$ for it, you own the rights to it.
- 9. the license you signed covers everything you might want to do with the work/content.
- 10. no one will find out that you've used a copyright-protected work without permission.

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



For example, you're probably accustomed to seeing content ownership established with a tag like this:

© 2017. 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 copyright symbol **©** is not a reliable indication of the copyright status of the work.

IT DEPENDS...

- ✓ on when the work was published
- ✓ on 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
- ✓ and more legal stuff

Don't automatically assume it's okay to use a work—just because there's no copyright symbol.

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*. During those 70 years, heirs/estates own the copyright. (If a company owns the copyright, it's for 95 years after its publication or 120 years after its creation.)

Anything published **prior to 1923** is in the **PUBLIC DOMAIN** in the United States. (The copyright has expired and the work can be used in any way you want = "free-to-use." No fees. No asking for permission. No licenses.)

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...

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) then it's copyrighted in digital (online).



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

This is a major problem with images: photos...drawings...cartoons...illustrations...charts...etc.

...all those cool visuals that you'd like to use to *jazz up* your marketing materials, training sessions, emails, blogs, websites, social media posts, etc.

A picture may be worth a thousand words, **but** it could cost you hundreds or thousands of dollars if you don't choose carefully.

Imagine:

If you're a business person, 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 free or inexpensive images.

Assuming that copyright applies only to book authors, song writers, movie makers—and famous people.

We all are 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:

- ✓ literary works
- ✓ musical works, including any accompanying words
- ✓ dramatic works, including any accompanying music
- ✓ pantomimes and choreographic works
- ✓ pictorial, graphic, and sculptural works
- ✓ motion pictures and other audiovisual works
- ✓ sound recordings
- ✓ architectural works"



https://www.copyright.gov/circs/circ01.pdf p.3

So... it seems that EVERYTHING is protected by Copyright!

(NO, there really are some things that are NOT protected by copyright.)

Software

What is NOT protected by Copyright?

These include, among others:

- ✓ works that have not been fixed in a tangible form of expression
- ✓ titles, names, short phrases, and slogans; familiar symbols or designs...
- ✓ mere listings of ingredients or contents
- ✓ ideas, procedures, methods, systems, processes, concepts, principles...
- ✓ 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 friends, family members, employees and, yes, volunteers create is copyright-protected as well.

Content is the lifeblood of your business.

Plan in advance how you can best protect your content.

Assuming that your ideas are protected by copyright.

Copyright protects the tangible expression of those ideas—

not the ideas themselves.





your ideas in a tangible medium: print, video, audio, online

even on a paper napkin



If your idea is an *invention*%consider filing for a PATENT.
https://www.uspto.gov/patent



If it's your *logo* or your catchy *tagline/slogan* % consider filing for a TRADEMARK.

https://www.uspto.gov/trademark

USPTO UNITED STATES
PATENT AND TRADEMARK OFFICE

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

Jones, J. *The Imaginary History of Everything*. NY: K Publishing Co.. 1992. p. 47.

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 is defined by Merriam-Webster as the act of using another person's <u>words</u> or <u>ideas</u> <u>without giving credit</u> to that person. https://www.merriam-webster.com/dictionary/plagiarism

Copyright infringement is the unauthorized use of copyright-protected content. https://www.merriam-webster.com/dictionary/infringement
Remember that the copyright owner has exclusive rights to copy/reproduce. distribute, create derivative works, display/perform publicly—and to authorize (license) others to exercise any of those rights.

Copyright does not protect ideas.

Plagiarism may not be copyright infringement. (The work may not be protected by copyright.)

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

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 assigned job duties?

If so, 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?

Examine the work carefully; look for information about the copyright status and how the material can be used.

Not everything on a **.gov** website is in the Public Domain. ("free-to-use")

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:

X 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. (*Yes, even for wedding photography.*)

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—

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.



You've heard the expression: *Ignorance of the law is no excuse.*

Well...Not reading the terms/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.

A license supersedes copyright law. (Even when you click *I AGREE* on a webpage, social media site, etc.)

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

Now we're ready to reveal the BIGGEST MISTAKE.

Can you guess what it is?

DRUM ROLL...



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

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

After all, you live in a quiet little town...

And then one day a letter comes in the mail from an attorney who's not your attorney ...saying that you have used a work without the owner's permission.

You have infringed on their copyrights.

You must stop using that content immediately...remove it from you website ...AND pay a fine of hundreds or thousands of dollars

OR ELSE they will take you to court!

WHAT? How could this happen?

If you can find content on the Internet,

You can be FOUND

using it

The technology is there to track your use of content on the 'net.

Think about your posts on social media: how does each system know which ads to send to you?

No one is "too small."

SO...HOW do YOU measure up when it comes to these Top 10 Copyright Mistakes?

Are YOU *Managing* Copyright— Using it as a TOOL to meet YOUR GOALS

OR

Is © Managing You?

Could you (or your business) be at *RISK* for a law suit?

I hope you've found some useful information in this ebook. Maybe even an *Ah Ha*? You now know that copyright law in the digital age is confusing *and* it affects all of us. You know that you are both

a CONSUMER of copyrighted content and

a CREATOR of original content.

Do you have questions about U.S. Copyright Law and the RISKS you may be facing in your personal life?

Has this ebook raised some questions in your mind about how you can protect what you create?

You aren't sure...

But you know you don't want the anxiety of any unwelcome surprises.

You want protection.

You want peace of mind.

Copyright Law can be confusing—I call it a *Gray Murky Ooze* There are few "pat answers."

All too often, the initial answer to "Is it OK to do this?" is *It Depends*

On the



of the *particular* situation.

We are being managed by our fear of violating copyright.

What we don't know can hurt us.

But there are some Basic Copyright Skills and Principles that can guide us and protect us.

You can get a **Jumpstart** on those Basic Copyright Skills and Principles with this special package:

©Jumpstart

The resources in **OJumpstart** bring you *peace of mind* with:

- ✓ **Information** about using content from the INTERNET.
 - 5-minute video (\$17 VALUE)
- ✓ Valuable tips to AVOID the 10 Biggest Copyright Mistakes.
 - 45-minute teleclass expands on this ebook (\$97 VALUE)
- ✓ **Strategy** to DIAGNOSE *your* copyright issues.

45-minute Strategy Call with me. (\$147 VALUE)

TOTAL VALUE: Over \$160

You can have access to all of this in a *Special Offer*:

For a *Limited Time* **©Jumpstart** is available for **Just \$37**Click on:

I Want to get a Jumpstart on Copyright NOW

What you don't know can hurt you. Knowledge is Power.

Don't put it off.

Get Peace of Mind now.

Take advantage of this **Special Limited-Time Offer**:

Get INFORMATION, VALUABLE TIPS, 45-minute STRATEGY CALL

ALL for Just \$37

Click here to GET STARTED NOW

Information provided should not be construed as legal advice. For legal advice, consult an attorney with expertise in copyright law.

As **CONSUMERS** (users) of copyrighted work, it used to be easy to know what was protected by Copyright Law, but as we have seen, that is no longer the case.

We are also **CREATORS** of original content that is protected by Copyright Law. We want to know how to **protect our work, our GOLDMINE**.

Knowledge is POWER.

I want to empower you to navigate Copyright Law in this Digital Age.

You *can* use Copyright Law as a TOOL to reach Your Goals—in your personal or professional life.

Manage Copyright. Don't Let It Manage You!

Barbara Ingrassia
Certified Copyright Manager
and Speaker

Manage Copyright...
Don't Let It Manage You! SM
Why do I need to know about C@pyright?

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

Think of Copyright skills as "preventive medicine insurance."

Click here to get a JUMPSTART ON COPYRIGHT now

\$160 Value. Available now for Just \$37

One less thing to worry about.

You'll sleep better.

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

Get a *Jumpstart on Copyright*Take action now. Sign up before your day gets busy!

Click here to get a JUMPSTART ON COPYRIGHT now