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TOP 10  
**COPYRIGHT PITFALLS**

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**Guidelines and Best Practices for Copyright Compliance in Today's Business Environment**

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## INCREASED ACCESS DOESN'T HAVE TO MEAN INCREASED RISK

New technologies and distribution models make it easier than ever to find and share information in the course of a day's work. According to the information content advisory firm Outsell, 79 percent of corporate employees seek out information themselves,<sup>1</sup> 62 percent of knowledge workers use external information to do their jobs and 89 percent regularly forward content to others.<sup>2</sup> In today's information-driven economy, that is exactly the kind of behavior companies expect from their employees. But there is no reason those actions have to put a company at risk of copyright infringement.

With digital content so easily available from every desktop, it is critical that employees understand their responsibilities under copyright law. *Top 10 Copyright Pitfalls* identifies some common misconceptions and provides guidelines and best practices for educating employees and achieving copyright compliance.

### TOP 10 COPYRIGHT PITFALLS

1. **“Our company’s newest product is featured in an influential trade journal. Our PR department cooperated with the reporter. It’s important that our top managers and marketing people see the article right away. Surely I can just copy it and send it to that small group.”**

Regardless of the fact that the article mentions your firm or that you cooperated in producing it, you must obtain permission (or hold some other kind of license) from the copyright holder or its agent before reproducing it and distributing it to others. Failure to do so may infringe on the rights of the copyright holder.

2. **“As long as I cite my source, I can use third-party content in my articles, reports and presentations.”**

Including an attribution in a work (for example, putting the author's name on it) does not eliminate the need to obtain the copyright holder's consent for use of its content beyond the traditional fair use limits associated with short quotations. To use more than brief quotations from copyrighted materials lawfully, you must secure permission (or hold some other kind of license) from the respective copyright holders or their agents.

3. **“A Web site I use provides a free ‘Send to a Friend’ feature. Since they seem to be giving content away and encouraging people to share it, what difference could it make if I just copy and paste the same content into an e-mail, post it to my intranet site, print it out and make copies, or use it in my presentations?”**

Even if content is posted in public areas of a Web site it is protected by copyright law just as printed content. If publishers encourage you to forward their content to others through a mechanism they provide (which retains their advertising, branding and the like) that does not mean you may use it however you would like.

In this case, the “Send to a Friend” feature is part of a publisher's business strategy. It expands the exposure of the publisher's content and brings additional visitors to its sites, while enabling it to maintain control of its works. If you want to do something that is not expressly allowed, you must obtain permission or have a license.

<sup>1</sup> Outsell, Inc. Content User Profile: Update on Corporate Information Users' Habits, Preferences and Needs, December 2003.

<sup>2</sup> Outsell, Inc. The Global Copyright Infringement Pandemic, July 29, 2005.

4. **“We ordered paper reprints of an article, but I also want to e-mail it to people. Because we paid for reprints, I don’t see any reason why I can’t scan it and distribute it electronically.”**

Most copyright holders license content based on format and type of use. Before changing the format (for example, from paper to electronic), check your license agreement carefully. You may have to acquire additional permission to distribute that content electronically.

5. **“I have permission to use the whole article, but I just want to use a chart from it in a presentation.”**

Check your license agreement carefully before excerpting, abstracting or otherwise modifying content for which you have reuse permission. Permissions vary widely and are often limited to the use of content “as is.” Also, articles containing photos, charts and other graphic elements may have several different copyright holders. Depending on what element or collection of elements you are seeking to use, you may need to obtain permission from a copyright holder other than the one from whom you have received a license.

6. **“I am only posting this newsletter article on my company’s intranet site. We’re the only ones who will see it, so I figure it’s not a big deal.”**

Distributing copyrighted content by posting it to an intranet site is no different than photocopying it for each employee. Such mass distribution, if done on a regular basis, is likely to exceed reasonable fair use limitations and would require permission from the copyright holder or its agent.

7. **“If I find something online, it is okay to use it in my company’s blog. After all, it is just a blog.”**

Copyright law is the same for blogs as it is for other original works. Blogs commonly include excerpts of copyrighted material from other blogs and Web sites, along with links to their sources, in order to critique that content. The challenge for even the most copyright-savvy individuals is determining which postings are considered fair use under copyright law, and which require the copyright holders’ consent.

8. **“I contacted the copyright holder to request permission to use his content, but he never got back to me. I assume this means he doesn’t care and it’s okay to use the material.”**

When requesting copyright permission it is important to note that a lack of response from the copyright holder does not, under U.S. law, negate the need to obtain permission. In addition, some works may contain materials—text, images and graphics—from multiple copyright holders and may require different authorizations depending upon what element or set of elements you wish to use.

9. **“My company has an online subscription to a journal, so it should be okay if I send my customers articles from it.”**

Not necessarily. Reuse permissions included in subscriptions vary widely, and where reuse is licensed most limit distribution to other employees within your company. Check your subscription carefully before sending content outside your company. You may need to acquire additional permissions or purchase a digital or print reprint to do so.

10. **“It is no big deal if I use content without permission. I won’t get in trouble.”**

Derived from specific language in the Constitution, copyright protection exists to encourage the development of new and creative works that spur innovation and can ultimately help drive your business. Failure to respect copyright infringes on the legal rights of the copyright holder, and could put you and your organization at risk.

If the copyright holder registered the work with the U.S. Copyright Office prior to the infringement, the copyright holder may sue for compensation (and an injunction). Court-ordered compensation can range, depending on willfulness, from \$200 to \$150,000 for each infringing copy. You may also be criminally liable if you willfully copy a work for profit or financial gain, or if the copied work has a value of more than \$1,000.

## THE BEST WAY TO ENSURE COPYRIGHT COMPLIANCE

As the world's leading provider of copyright licensing and compliance solutions, Copyright Clearance Center makes it easy for your employees to use the copyrighted content they need to drive your business.

Our Annual Copyright License permits employees based in the United States to use and share content from millions of titles—newspapers, magazines, books and more—within your company. It eliminates the need to obtain and track individual permissions from the thousands of rightsholders we represent. This not only increases compliance, but helps to create an ethical culture as well. For international companies, we offer a multinational license that extends the coverage of the Annual Copyright License to employees based outside the United States.

For more copyright education resources, visit our Education Center at [www.copyright.com/education](http://www.copyright.com/education). To learn more about how the Annual Copyright License can give your employees the freedom to use and share the information they need, call us at 1-800-982-3887 extension 2627, or e-mail us at [licensing@copyright.com](mailto:licensing@copyright.com).

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