



# TOP 10

## MISCONCEPTIONS ABOUT COPYRIGHT

### Separating copyright fact from fiction

Copyright is often misunderstood. Employees rely on and collaborate using published content as part of their daily business routine. These uses of published information support innovation, discovery, and growth. These activities may, however, be violating copyright law and placing your organization at greater risk of infringement. Here are some common misconceptions around content access and use in the workplace and guidelines for educating employees on the responsible use of content.

- ① If I find content online that's free, it's okay to reproduce it in my company's blog. After all, it is just a blog.

Even though content is posted in public areas of a website or freely available, it doesn't mean that permission is not required or that it is free to make and share copies. It is important to check specific terms of use on websites which often detail how a user may / may not reuse online content, and secure proper permissions where needed.

Copyright law applies to blogs just as it does to any other original work. Generally speaking, content from blogs cannot be re-used without permission.

- ② My company has an online subscription to a journal, so it should be okay if I post articles from that journal on my company's intranet site for employee education or send copies to my customers.

Not necessarily. Distributing copyrighted content by posting it to an intranet site is no different than making photocopies for each employee. It requires permission. In some cases, distribution within the company may be permitted by the relevant journal subscription, but in many others, separate permission from the copyright holder or its authorized agent is required to make or share any additional copies.

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It's quite rare that subscription agreements allow distribution to persons outside the organization, so check the terms carefully before sending content outside your company. You may need to acquire additional permissions or purchase digital or print reprints.

- 3 A lot of articles I read online have article tools that allow me to share the piece on social media sites such as Facebook, Twitter, and LinkedIn. Since they seem to be encouraging people to share, it should be no problem to also use the content in a presentation.

Content available on public websites is still protected by copyright law. If publishers encourage you to share through a mechanism they provide (which retains their advertising, branding and the like), that does not mean you may copy or use it internally or externally any way you would like. In this case, these article-sharing tools are part of a publisher's business strategy. Their use expands exposure to the publisher's content more broadly and brings additional visitors to its sites, while maintaining control of how its works are accessed and shared. If you want to make copies or use it in a manner that is not expressly authorized, you typically need to obtain permission from the copyright holder.

- 4 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.

Even if the article mentions your firm or your organization cooperated in producing it, you must obtain permission from the copyright holder (or its authorized agent) before reproducing it or distributing copies to others. Distributing copies without a license may infringe on the rights of the copyright holder.

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

Including attribution does not eliminate the need to obtain the copyright holder's permission for use of content beyond the traditional limits associated with fair use. In a business context, to lawfully use more than brief quotations from copyrighted materials, you typically must secure permission from the respective copyright holders.

THIRDS

6 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.

An order for paper reprints does not automatically include the rights to create or share electronic copies. Most copyright holders sell or license content based on format and type of use. Before changing the format — for example, from paper to electronic — check your agreement with the publisher or vendor carefully. If the rights to distribute copies electronically are not expressly included, you should seek additional permission from the rightsholder.

7 I contacted the publisher to request permission to use their content, but no one ever got back to me. I assume this means they don'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.

8 If a journal article is published as Open Access (OA), I am free to use and share with other employees as I wish.

For OA content, it's important to understand the type of OA license under which the content is made available. There are [six main types of OA Creative Commons licenses](#)<sup>1</sup> each granting a different set of permissions for reuse under a specific set of conditions (for example, the requirement to provide attribution). While some of those licenses authorize use for business purposes, several of them specify that re-use is allowed only for non-commercial purposes.

- Attribution CC BY
- Attribution-ShareAlike CC BY-SA
- Attribution-No Derivs CC BY-ND
- Attribution-Non-Commercial CC BY-NC
- Attribution-Non-Commercial-ShareAlike CC BY-NC-SA
- Attribution-Non-Commercial-No Derivs CC BY-NC-ND

In addition, some rightsholders use their own forms of OA licenses that have different terms from the Creative Commons licenses. When using OA content, it is important to make sure you are responsibly using the content in a way that's consistent with the relevant OA license and your company's own OA policies.

TIPS

9 My company secured rights for employees in the U.S. to post a published article to our companywide intranet, so employees around the globe can also access the article and make copies for coworkers based outside the U.S.

Copyright laws, and the rights of copyright holders, may vary from country to country, so just because your U.S. based employees have permissions to share with employees around the world via your intranet does not automatically permit employees outside the U.S. to do the same. While your subscription may permit global sharing, it is best to consult your licensing terms to be certain before assuming the rights are the same for all employees regardless of where they are based.

10 It's no big deal if I use or share content without permission. I won't get in trouble.

Copyright protection exists to encourage the development of new and creative works that spur innovation. Using content in unauthorized ways may infringe on the legal rights of the copyright holder and could put you and your organization at risk.

In the U.S., 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). The copyright holder may be entitled to recover damages based on its lost profits; if those are hard to prove, the copyright holder can ask the court to award statutory damages which, depending on the user's willfulness, can range from \$200 to \$150,000 for each act of infringement. In some cases, it is even possible for there to be criminal liability.

As recent examples that copyright infringement can be hard to hide and can sometimes be painful to users who think that they will not be found out, in 2018-19 alone, Dow Jones, the publisher of The Wall Street Journal, publicly announced settlements with three infringers of different sizes for \$3,400,000, \$825,000 and \$700,000.<sup>2</sup>

Need help educating staff about their rights and responsibilities? Copyright Clearance Center (CCC) can help. We provide a wide range of copyright education, from the basics of copyright law to certification programs. We also offer licensing and content solutions to help take the guesswork out of copyright and minimize risk.

<sup>1</sup> Creative Commons About the Licenses (<https://creativecommons.org/licenses>).

<sup>2</sup> <https://www.dowjones.com/press-room/dow-jones-receives-more-than-1-5-million-in-recent-copyright-infringement-settlements/>



Copyright Clearance Center (CCC) builds unique solutions that connect content and rights in contextually relevant ways through software and professional services. CCC helps people navigate vast amounts of data to discover actionable insights, enabling them to innovate and make informed decisions. CCC, with its subsidiaries RightsDirect and Ixxus, collaborates with customers to advance how data and information is integrated, accessed, and shared while setting the standard for effective copyright solutions that accelerate knowledge and power innovation. CCC is headquartered in Danvers, Mass., with offices across North America, Europe and Asia. To learn more about CCC, visit [www.copyright.com](http://www.copyright.com).



#### LEARN MORE

To learn more about copyright education and solutions to manage compliance, contact CCC.

 **1.978.750.8400 (option 3)**

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