Copyright Law and the Web

- **Principle**: No one should be allowed to steal a creative work, either by taking credit for its creation or by receiving any revenue from its sale or use.
- **Copyright**: Protects not only the creator’s economic interests but also the integrity of a work (by authenticating its originality)
- Copyright rights can be transferred to another individual or company via a written contract
  - E.g.: the author of a book can transfer her copyright to a publisher in the publishing contract

Copyright: Q&A

- **Can one person be jailed for violating a copyright?**
  - Yes, but it’s unusual (usually this is treated as civil offense)
- **Can one be sued for damage even if s/he does not make a profit from copyright violation?**
  - Yes, because this might undermine the potential for a profitable print distribution
- **Does an author renounce copyright protection when a work appears online?**
  - No, unless the author includes a statement that says: “I grant this to the public domain” or transfers its copyright privileges to a third party by contract.

*From “Light on the Web”, by W.G. Lehnert (Addison Wesley)*
Copyright: Q&A (cont’d)

• Are all older written works in the public domain? How can I tell whether something is in the public domain?
  – An author is allowed to maintain copyrights on his/her work for her lifetime. After his/her death, his/her heirs can renew the copyright for another 70 years. After that, any material by that author becomes public domain

• Does an author have to mark a document with a copyright notice for it to be protected?
  – No; works created after April 1, 1989 are copyrighted and protected regardless of whether they contain a copyright notice

From “Light on the Web”, by W.G. Lehnert (Addison Wesley)

Copyright: Q&A (cont’d)

• Can an author license specific rights to the general public by including a statement describing rights and privileges being granted?
  – Yes, for example:
    • “Permission is granted to freely copy (unmodified) this document in electronic form or in print as long as you are not selling it. On the WWW, however, you must link here rather than put it on your page”
    • “This work may be redistributed freely, on whole or in part, but cannot be sold or used for profit or as part of a product or service that is sold for profit”

• Can I print copies of material online?
  – Yes, but only for your personal use. Otherwise, unless there is an explicit statement about allowable distribution, you should first obtain permission from whom owns the copyright

From “Light on the Web”, by W.G. Lehnert (Addison Wesley)
Copyright: Q&A (cont’d)

• Can I download a web page and mail a printed copy of it to a friend?
  – This is duplication and distribution, therefore you need permission from the author (unless the web page explicitly grants you permission to distribute it). The best thing to do is to send your friend the page’s URL.

• If a photograph or cartoon has been published in a magazine, can I scan it and put it online?
  – No, unless you get written permission from the author.

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Copyright: Q&A (cont’d)

• Can I incorporate files found elsewhere on my own web page?
  – You can link them, but not copy them (in this way, the author retains control).
  – You cannot incorporate graphics on someone else’s web page into your web page.
    • Referencing the URL of an image on someone else’s web server (“deep linking”) may be illegal.

• Can I alter files and make those altered files available online?
  – Yes but you must be careful to acknowledge the extent of your alteration and the source of the original document.
    • Otherwise you may be guilty of plagiarism.

From “Light on the Web”, by W.G. Lehnert (Addison Wesley)
Copyright: Q&A (cont’d)

• Can I freely distribute an excerpt from a larger document provided that I identify it and acknowledge the source?
  – It’s OK as long as you conform to the doctrine of fair use
    • E.g. writers and scholars referring to other works
    • You may quote 300 words from a book or 150 words from a magazine, with some constraints
    • If you quote a personal e-mail message, a web page or an unpublished document, you must first obtain permission
  – Unless an explicit statement prohibits the distribution of an excerpt
    • Such as “No part of this electronic publication might be reproduced without prior written permission”

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