



Using Materials From the Internet

Overview of Copyright Law

Copyright law protects original works of authorship ranging from literary works to sound recordings. Rights accrue the moment that the content is “fixed” in a tangible medium of expression. This means that works written on paper, programmed onto a webpage or recorded on a digital tape have been fixed in a medium and are protected by copyright laws. To receive *full* federal rights and remedies, the work must be registered with the Copyright Office. The rights of registration include statutory damages and attorney’s fees.

Much of what is posted on the Internet is protected by federal copyright law, despite the fact that it is available free of charge and/or does not contain a © copyright symbol or notice. A good rule of thumb is to always attribute your sources and obtain permission from the copyright owner before posting an article or provide a link from your Web site to the article.

Frequently Asked Questions

- 1. What material is subject to copyright laws?** The safest assumption is that all materials available on the Internet are subject to copyright laws. This includes photographs, charts and other graphics.
- 2. When is Permission required?** Re-posting or republishing an article in its entirety always requires permission from the copyright holder, unless the original posting specifically indicates to the contrary. Permission may not be required when using small excerpts from a copyrighted source under the Fair Use Exception. See question number seven (7) below. Linking to an article, rather than re-posting, may also avoid the permission issue.
- 3. How do I obtain Permission?** You may contact the publisher or the author of the materials to obtain permission directly. Another option that may be more efficient for those regularly obtaining copyright owners’ permissions is to go through a licensing agency such the Copyright Clearance Center. Their website is located at www.copyright.com.
- 4. Why is there a hyperlink entitled “Terms of Use” on a webpage?** Many websites will post a Terms of Use type of document as a link on the bottom of their home page. Reading this document will allow you to determine whether the site owners intended to grant you a license to copy or re-post or otherwise republish the material on their website. It may also indicate how to contact them to obtain permission to utilize their materials.

5. **What is the difference between Linking and Deep Linking?** This is a method by which you may direct your users to content on another site by providing a hypertext link, or hyperlink. This method of linking directs users to the website's home page, not the specific page containing the article which you would like to share. The user must navigate the site to find the article in question. Deep linking is the use of a link that brings users directly to a specific page containing the desired article.

6. **May I modify content?** You may not edit or create another work based upon a copyrighted work without prior permission from the copyright holder. Since only an expression of an idea or fact is copyrightable, and not the idea or fact itself, you may use the information and credit the source.

7. **What is fair use?** The Fair Use doctrine is an exception to copyright law which permits one to copy segments of an otherwise protected work in certain circumstances. Four factors are used to evaluate whether a particular use is fair: (1) the purpose of the use; (2) the type of work being excerpted; (3) the amount being used as compared to the copyrighted work as a whole; and (4) the impact of the use upon the market for and value of the original work. See 17 U.S.C. 107.

Some examples of possible fair uses are as follows: using a paragraph from a copyrighted two page piece to report news of a piece of legislation; copying two sentences of an editorial for a critique; using a three-page chapter from a 350 page book to inform an audience about a topic. Fair use is a narrow exception and an attorney should be consulted prior to relying on it.

For more information, please visit the Federal Copyright Office's website located at: www.copyright.gov.



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