

Copyright Laws

With the movement to desktop publishing and Web pages, the issue of copyright has become a greater problem for everyone. Images created by others are easily obtainable for use on documents of every type. Fine-quality work can be integrated easily, making copyright violations more frequent. It is important for everyone today to be aware of these issues and to guard against such infringements on the rights of others.

A copyright protects someone who creates an original work. When you create something – a book, a play, or a single sentence – you can copyright it, thereby claiming that you created it, and you are the owner. The goal is to prevent unauthorized copying of that work by another party.

Copyrights were created by the Copyright Act of 1976, a federal statute. Copyright law protects all art forms, including electronic art forms. Fonts, drawings, photographs, sound files, video clips, and maps, among other items, are subject to copyright law.

If a piece is copyright protected, you must obtain permission from the artist in order to copy or use it, even if you only plan to use part of it. If you fail to obtain permission to use someone else's work, you are violating copyright law, and you could be liable for damages including statutory damages, legal fees, and compensation to the artist.

If you wish to use a particular multimedia element within your Web site and you haven't created it yourself, don't take chances. Always get permission from the artist, publisher, or owner of the piece. After obtaining a release to use a piece, be sure to read the agreement carefully. Although you can use some elements royalty-free on any Web site, using other elements requires you to pay the creator a royalty for each application in which you use it. As further insurance, you should always keep a log of your multimedia elements and the releases that accompany each piece.

Obtaining Permission

So what do you do if you want to use a portion of a copyrighted work in your own work? In order to do this, you need to obtain permission from the copyright holder.

Obtaining permission depends on the work in question. If you want to use an excerpt from a book, you will need to write a letter to the publisher, since they are the owner of the copyright. (Sometimes the author, or an organization other than the publisher, owns the copyright. Check the copyright page in the front of the book to make sure.) Each instance is different, but many publishers are willing to grant permissions to individuals for educational purposes. If you want to reproduce information you found on the Web, contact the Webmaster or author of the article to request permission.

Public Domain

Once a work's copyright has expired, that work is considered to be in the public domain, meaning that nobody owns it and anybody can reprint it as they please. This is why you can find so many different printed versions of classic literature from writers like Dickens, Bronte, and the like – the publishers do not have to pay any fees for the right to print those books. Artwork in the **public domain** can be manipulated and used without permission from the artist and without having to pay the artist any royalties for using it.

If you are uncertain as to whether or not an image is copyright protected, don't take chances; assume that it is copyright protected and seek the advice of a legal expert.

The only time you can alter or manipulate artwork is if:

- You receive permission from the original artist
- You create the piece yourself
- The creative work is clearly public domain
- The creative work is being used strictly for instructional purposes in an educational setting

Some Common Misconceptions About Copyrights

- ❖ "If It does not say it is copyrighted, it is not copyrighted." Original work published after March of 1989 is copyrighted, whether it says so or not.
- ❖ "I found it on the Internet, therefore it is okay for me to copy it." Most of the text on the Internet is indeed copyrighted. Copying information from the Internet is a serious breach of copyright, and can result in prosecution.

- ❖ "It is okay to put copyrighted material on my Web site because I do not charge people to look at it." It does not matter whether you are making a profit from the reuse of copyrighted material – you are distributing it, and that is illegal.
- ❖ "I have changed the material, so it is no longer copyrighted." Copyright law says that only the owner of the copyright can make "derivative works" – that is, new works based on the existing material.
- ❖ "I can reprint the material because it is considered fair use." Be careful! "Fair use" refers to the right to reprint brief excerpts from copyrighted works. However, there are no clear definitions on how much of a work can be used. Some examples of fair use include quoting a book in a book report or parodying a work.

The Ethics of GIF License

In 1994, CompuServe Inc., and Unisys Corporation, the developers of the GIF file format, announced their intention to require that all commercial software companies using GIF compression in their programs pay licensing fees. This announcement caused a considerable stir and resulted in the development of PNG file formats that were royalty-free. The average business user is unaware that a licensing fee is required because it is paid by the software company. It is a good reminder, however, that not only are software programs protected by copyright but so are the products created using those programs.

The Ethics of Classroom vs. Business

In a classroom, it's not unusual to experiment with well-known images such as Disney characters in order to perfect your image management skills. It's both fun and instructive to "morph" a mouse and an elephant so that one grows into the other. In a non-publication environment such activities are harmless. In the business world, however, this is not the case. Keep in mind that creators of copyrighted images are very protective of their rights. What looks like good fun to you might not be seen by others in the same way. Such actions could place your business in legal jeopardy. It's important to be aware that what is done in a classroom as a learning tool cannot always be done in the business world.

The Ethics of Modified Images

The use of filters on images created by others is a very ticklish copyright issue. The law states that you are

not allowed to make destructive changes to someone else's work. Even if you have copyright permission to use an image, you must get permission to make the changes, particularly those modifications that might be seen by the owner as defacing the work. While you might not view the use of a blurred filter as harming the image, the owner of the copyright might not agree with you. For any business use of a protected image, it is a good idea to get permission before printing or publishing a modified image.

The Ethics of Digital Modification

In an earlier era, a photograph was a permanent record of an event or moment in a person's life. It was difficult to change the picture once the image was imprinted on film. This is no longer the case. Today's digital technology, which includes scanning and software, makes it possible to edit any photograph and change the image in ways that will not be apparent. Thus, it is possible to alter what once was considered a permanent record. A lawn that was dead and brown becomes green. A person who "intrudes" on the perfect shot can be removed. Even a person missing from the event can be added to the final print.

The ability to change an image and a record has created discussion in the photographic community over what is ethical. If David uses software to give a homeowner's lawn a lovely shade of green, has he violated the image? If you remove someone from a photograph, does that alter the validity of your print? Are you obligated to tell your viewer that the visual record has been edited? You must use **ethics** to answer these questions for yourself.

The Ethics of Scanning

The ability to scan a photograph, graphical work, or text document creates an ethical dilemma. Just because you can scan someone else's work and use it on your computer doesn't mean you should. Laws on copyright and ownership still apply. You should seriously consider these issues before scanning documents. Of particular concern is the issue of scanning a work and then modifying it to make it appear to be your own work. Copyright laws clearly address this issue.

Student use of some works in school is allowed under fair use guidelines. Businesses do not have these same rights. It's important to keep this in mind when making the transition from school to the world of business. Creating business documents from scanned material must be done with care to avoid placing your business in jeopardy of copyright infringement, for which financial penalties can be addressed.

The Ethics of Clip Art Restrictions

Clip art is a useful tool to add interest to a print document. The problem is that you may become so comfortable with it that you forget about any copyright limitations on its use. Once you move from school to the business world, you need to be aware of these limitations. Not all clip art can be used in print publications distributed to the public without permission from the copyright holder.

You need to investigate the restrictions that come with your software when you purchase it. If you cannot find out the restrictions, you must contact the publisher to verify that you have permission to use the artwork or to gain permission.

The Ethics of Music in Presentations

It's very tempting to copy music either from a CD or from the Internet to use in a presentation. The fair use rules that apply to schools allow you to use up to 30 seconds of such sound in a school presentation. This same law of fair use does not cross over into commercial use. If you need to use music for a business presentation, you must seek permission to include it. Another option is royalty-free music CDs that are available for purchase at reasonable prices. Royalty-free means you cannot sell the music but you can use it for commercial purposes. It's a good idea to have one or more of these CDs available if you do not want to have to acquire permission each time you want to use music in a presentation.

Keep in mind that while downloadable music on the Internet is often advertised as being free for all use, often this music has been pirated (stolen) and the site offering it to you does not own the music. Don't put your business or employer at risk by using music that has questionable ownership.

Sources

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