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MISCONCEPTIONS ABOUT COPYRIGHT

Separating copyright fact from fiction

Copyright law can be difficult to navigate. Employees continuously share published content as part of their daily business routine. These information exchanges encourage innovation, discovery and growth. These same exchanges may however be violating copyright law and placing your organization at a greater risk of infringement. Here are some common misconceptions surrounding copyright and information sharing at the workplace.

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Our company's newest product is featured in an influential trade journal. Our PR department cooperated with the reporter. It is 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 of people.

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.

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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. So, for example, in a business context, to use more than brief quotations from copyrighted materials lawfully, you must ordinarily secure permission (or hold some other kind of license) from the respective copyright holders or their agents.

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Many articles I read online have tools that allow me to share the piece with others in all sorts of ways like on Facebook, Twitter, and LinkedIn. Since they seem to be giving content away and encouraging people to share it, it makes no difference if I just copy and paste the same content into an email, post it to my intranet site, print it out and make copies or use it in my presentations.

Even if content is posted on a website, it is protected by copyright law. If publishers encourage you to forward their content to others through a mechanism they provide, that does not mean you may use it any way you would like.

In this case, these article tools are part of a publisher's business strategy. It expands the exposure of the publisher's content and brings additional visitors to its sites, while maintaining control of its works. If you want to do something that is not expressly allowed, you must obtain permission or have a license.

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We ordered paper reprints of an article, but I also want to email it to people. Because we paid for reprints, I do not see any reason why I cannot 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 (or only some limited electronic use may have been included with the original permission).

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I have permission to use the whole article, but I am only going to use a chart from it in a presentation.

Check your license agreement carefully before excerpting, abstracting or modifying content for which you have obtained permission to re-use. Permissions vary 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 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.

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I am only posting this newsletter article on my company's intranet site. We are the only ones who will see it, so I figure it is not a big deal.

Distributing copyrighted content by posting it to an intranet site is no different than photocopying it for each employee. It would require permission from the copyright holder or its agent.

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If I find something online, it is okay to reproduce 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 websites, along with links to their sources, in order to critique that content.

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I contacted the publishers to request permission to use their content, but they never got back to me. I assume this means they do not care and it is 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 copyright 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.

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

Not necessarily. Re-use permissions included in subscriptions vary widely, and where re-use is licensed, most such licenses 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.

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It is no big deal if I use content without permission. I will not get in trouble.

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.



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