

Camille Bennett

Copyright Development Paper

Bro. Robertson

CIT 235 TT 8 a.m.

Copyright in Web Development

There's a lot to consider when creating a website. How will it be compiled? What design strategies will be used? Who is the audience, and what content should be included? Will interactive or database features be implemented? Most importantly, though, web developers should be concerned about copyright issues. What are these concerns, exactly?

The Web Development Community defines a copyright as “a form of legal protection provided by the laws of the United States, and enforced by the United States and most other countries party to the Berne Convention. Copyright gives the authors of original works exclusive right to publish or reproduce those works; and to seek compensation from those who make unauthorized copies or reproductions of those works. “ (V7 Network)

Who enforces copyright regulations? “The [Copyright Law of the United States \(Title 17 U.S.C.\)](#) governs photocopying or other reproductions of copyrighted materials. Web page creators must adhere to United States and international copyright law. Web page creators must obtain permission from rights holders and/or creators before replication of texts, photographs, graphics, trademarks, video or sound clips on a University Web page. This responsibility and any

subsequent liability rest with the Web page creator, not the University. Full attribution for any material reproduced on a University Web page must be provided on the page. In addition, Web pages containing copied material must bear the proper copyright notice: "This material may be protected by copyright law (Title 17 U.S.C.)". (Holland)

There are essentially five exclusive rights copyright owners retain under the Copyright Act and related rules. Those are

- the right to reproduce the original work,
- the right to prepare derivative works based on the work,
- the right to distribute copies of the work to the public,
- the right to perform the copyright work publicly, and
- the right to display the copyrighted work publicly. (Tysver)

Daniel Tysver has also outlined a few of the larger, more immediate concerns centered around those five rights, and advice for staying legal as you develop your site:

- A sophisticated and subtle graphical presentation is the hallmark of some of the Web's most popular sites. The following "rules of thumb" are meant to guide a web page creator when selecting images for incorporation into a page.

- The best way to obtain images is to create them in a drawing or other image creation program. In doing so, however, it is best to start from scratch rather than from someone else's creation.
 - Taking images from third-parties. The simple rule is, "Don't steal someone else's images." The moment an original image (or string of text) is [fixed](#) on a hard drive for the first time, it is protected by copyright.
 - Some images, such as Microsoft's "Internet Explorer" logo, may be copied, but only if the would-be copier accepts the terms of a license defining the permissible uses of the image.(An example of a logo license agreement can be found on [MSNBC's web-site.](#))
 - Clip-art Libraries Provided with Software. Incorporating clip-art from... libraries into a page does not violate copyright law, as these images are licensed to the purchaser of the software for this purpose.
 - Some web sites provide images that are for use by others. These images may be used in a web page, as long as the terms proposed by the image creator are followed.
-
- The guidelines for text development are similar to those for obtaining images. Truly original text, developed by the creator of the web-site, may be used without copyright concerns. As with images, appropriating text from third-parties without permission is illegal, unless there is some substantial "[fair use](#)" justification for the taking.

- Developing Java Applets, JavaScripts, and ActiveX scripts. Like text and pictures, it is normally a violation of copyright law to appropriate scripting or programming from someone else without permission.

Understanding this, realize that your work is usually copyrighted as soon as you publish it, or post it to your website. The Web Development Community mentions that “the copyright symbol - notice of copyright - is not necessary... for the simple reason that all published material is automatically copyrighted. A few sources educate that, in most cases, copyright protection expires fifty years after the death of the author – or in the absence of a known author, 50 years after publication - and becomes public domain (determined in the Berne Convention).

There are some fair-use act exceptions to all the rules listed above, but to make sure your site development is fully compliant with all copyright regulations, it is better to make sure that your work is either documented appropriately, very obviously public domain, or completely original work and/or design you have created.

Links to informative and related documents (such as the official Digital Millennium Copyright Act) and copyright request forms can be found at the Office of Technology’s website, referenced below in the bibliography. I would also recommend further reading on the DRM. The Digital Rights Management (DRM) is a collective term for tools whose purpose is to enable owners of copyright works to control their use. DRM technologies impose constraints on the use of digital objects that correspond to the terms of the agreement between publisher and ultimate consumer. (Clarke) Links can also be found below.

Bibliography

Technology, Office of. "Copyright Regulations, Web Development." University of Maryland.

2008. <<http://www.oit.umd.edu/web/copyright/>>.

Holland, Claudia. "Copyright". George Mason University.(Date Unavailable)

<<http://webdev.gmu.edu/Copyright>> .

Tysver, Daniel A. "Web Site Legal Issues". Bitlaw.1996.

<http://www.bitlaw.com/internet/webpage.html>

Clarke, Roger. "DRM Will Beget DCRM." W3C Organization/Xamax Consultancy Pty Ltd. 2

January 2001. < <http://www.w3.org/2000/12/drm-ws/pp/xamax-clarke.html>>

The Web Development Community. "Copyright Law Explained". V7 Network. 26 March, 2006.

< <http://blog.v7n.com/2006/03/26/copyright-law-explained/>>