Evangelical Lutheran Church in America
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Tips for web managers – copyright

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With the ease of access to information, it is possible for web managers to use material without realizing or understanding the need for permission of the author/creator of the work. After all, a vast amount of "interesting" information is only a Google search away, may have no attribution and a quick cut and paste is all that needs to be done to populate your web pages.

What may be easy today may cause time-consuming legal problems in the future. Here are 10 tips to help you avoid unnecessary legal trouble when using the work of others on your site.

1. **Assume that all work on the Internet is protected.**
   You cannot use someone else's work simply because it has been posted electronically (a popular myth). No matter where you find the material, permission is often needed to reproduce artwork, photos, music and text.

2. **Read online agreements.**
   Clip art, royalty-free work, shareware, freeware – many companies "offer" materials for reuse but they also offer limitations. To be safe, make sure that you read the "fine" print before you "click to accept" the terms and conditions of an online agreement. You should also take up the offer to peruse the "read me" files that often come with these materials.

3. **When in doubt, ask permission.**
   There is an old adage floating around that says, "It is easier to ask forgiveness than permission." In the long run this is simply not true for copyrights, Getting explicit permission from the copyright owner is the best way to avoid a lawsuit. Not everyone understands forgiveness.

4. **Know your numbers.**
   Often there are licensing fees associated with the use of materials. Fees can be based on: the number of hits and visits to a page; location of the page within the website and the commercial or nonprofit status of the site. In a nutshell, have your website statistics ready before your ask permission to use material.

5. **Save by limiting your rights.**
   You can save money on fees by keeping your requests as narrow as possible. For example, don't ask for "worldwide rights, all languages" if you need rights only to the English version of a song. And you can sometimes save money by acquiring multiple items from one source. In some cases, you may also be able to lower your fees by offering to pay up-front instead of waiting 30 or 60 days.

6. **Watch your links.**
   Providing live links to material on other websites is another method to connect to information on another website. This is usually risk-free. However, linking to material that is already being infringed may create a liability for you.

7. **Be careful with "Fair Use."**
    Fair use is a copyright loophole that allows copying of copyrighted material done for a limited and "transformative" purpose (e.g., to make fun of a popular song or to quote a part of a book). Difficulties arise when a web manager believes that a specific use qualifies but the copyright owner does not agree — it can be a matter of interpretation and varying court decisions.

8. **Remove unauthorized material.**
    If someone complains or you receive a cease and desist letter that states that you are using unauthorized material, immediately remove the material while you investigate the claim and if necessary consult with your lawyer.

9. **Use disclaimers.**
    To minimize liability for any activities that may occur when a visitor is taken to another site via a link, you may want to include a disclaimer. A disclaimer is a statement denying an endorsement or waiving liability for a potential unauthorized activity.

10. **Make use of collectives or clearinghouses.**
    A useful source for locating licensable works and for copyright permission information are collectives or clearinghouses. These are organizations that organize and license works by their members.