

Avoid online copyright pitfalls

Don't get caught out

Just about every business has a website and use social media to promote their company, and this effectively makes them online publishers. To avoid copyright problems business owners need to understand their obligations under copyright law. Reproducing words or images without permission can result in a fine of up to £50,000 or prosecution under the recently introduced Digital Economy Act.

If you control the content of your own website, write a company blog or contribute to industry forums, it's essential that you understand your rights and obligations. Copyright protects any original work in any medium and in the UK it is assigned automatically. This means that once a work exists, in whatever form, it is protected.

Know the law

Whatever the material, the copyright probably belongs to whoever created it, and you will need their permission to use it. Don't assume that different rules apply online because copyright law protects any original work, whatever the medium. Companies planning to reproduce material from another online source should first check the source's copyright policy. This can often be found on their website, or you can get in touch to ask permission. You may be able to obtain a limited-use licence to use the material, although be careful to check any restrictions. Alternatively, you could simply paste a website link to the item as this doesn't constitute an infringement.

Companies that are found to be in breach of copyright will typically be asked to remove the material. There is also the risk they'll become liable for any damages to the other party. On a practical level, the cost and disruption of having to redesign branding can be disastrous, so always investigate copyright ownership first.

Disclaimers are not enough

It is advisable to publish a disclaimer on your website offering to address any inadvertent copyright breaches. But don't labour under the misconception that a disclaimer offers you any protection in law. It's no excuse for not establishing the copyright of the material in the first place. Bear in mind that simply acknowledging the source alongside the content is not a defence. Unless you have obtained permission, using an article from a website or reproducing logos is likely to constitute an infringement.

Get control your own copyright

You must be certain that you own the copyright to your own material. For example, if you employed a design agency to update your website, make sure you obtain full assignment of rights for the work. Keep records of when any work was created in case you need to back up your claim. If you suspect that your copyrighted material is being used unlawfully, there are several steps you can take.

In most cases, the transgressor will be unaware that they're breaching the law by using somebody else's work, so the simplest measure is to get in touch to ask them to remove it. You could also support your case by writing a firm letter outlining that they are in breach of copyright.

REMEMBER

Taking things through the courts can be complex and time consuming, not to mention expensive, so it's best to try and resolve things at an early stage. If it can't be resolved, the next stage would be to ask a solicitor to draft an official letter, followed by legal action.