

Copyright Quick-Start for Online Authors

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1 Introduction

You've written an article that you want to publish online, & you're wondering what kind of copyright notice to slap on it. Worse, maybe you're thinking you don't need to put a copyright notice on it.

Here is a brief description of how copyrights work & what type of copyright notice you want to use.

2 Why You Need a Copyright Notice

You definitely want a copyright notice on your work.

Some authors think they don't want a copyright notice because they don't want to restrict people from copying & reading the document, but the way the legal system works, it's in your best interests, & maybe society's best interests, if you take advantage of the copyright system.

3 A Suggested Copyright Notice

Let's say you want to ensure that anyone can read your document online. Use a copyright notice like this one:

Copyright © YYYY Your Name. All rights reserved. Permission to copy, transmit, and store this work, unmodified and in its entirety, is granted.

Of course, YYYY is the year your copyright begins. That's the year you wrote the document. Also, you probably know that *Your Name* is your name, not "Your Name".

To make the copyright symbol in HTML, you can use the `©` token. In \LaTeX , use the `copyright` token. If you are writing in plain text, use "(c)".

What this notice does first is claim all rights. That's according to the traditions of our legal system; illogical as it may seem to some, you just have to accept it & work with it.

Then it gives people the right to copy & transmit. In my opinion, these are necessary to allow people to read an online document because accessing an online document implicitly requires copying & transmitting. See [Sto02] for a discussion.

It also gives people the right to store your document. I have two cases in mind here. The first is to allow someone reading your document to save a copy on his file system for his convenience. The second is to allow other computers to mirror your site or to store a local copy. Google is one such site that stores local copies of documents. I figure these are all valid uses of a document. What's more, the spiders & crawler programs that collect documents probably don't know much about copyright, so they'll be copying your document anyway. You might as well allow for that now to avoid trouble for everyone later.

Finally, notice that the copyright notice says "unmodified & in its entirety". It helps ensure that people will not modify your document. In what way might someone modify it? Well, some unscrupulous people might replace your name with theirs to pretend they wrote it. Worse, someone might change your words so people who read the adulterated copy will believe you said something you didn't.

So that's my currently favorite copyright notice for online publications. It allows people to read your document, e-mail copies to friends, & save local

copies. It allows mirrors & search engines to cache copies. It tells people not to modify your document.

Notice that the copyright notice does not prevent anyone from burning a copy onto a CD & selling it or from putting a copy on their own web site & charging people to access it. I agree that those would be the acts of smarmy, arguably unscrupulous, business middle-men or other scum, but what would be the harm? I mean, your document is already freely & easily available online. So what's the harm if someone is dumb enough to pay someone else money for it? If you wanted to make money by selling copies of your document, then unlimited online distribution & my suggested copyright notice aren't for you, anyway.

4 Where to Put the Copyright

Where should you put the copyright notice?

In a single-file document, I suspect it goes best after the title & before the body of the article.

In a multi-file document, I suspect it goes best on the bottom of the title page if you have one or on the first page, after the title & before the body of the article begins. It *might* also be a good idea to put it at the end of the document, maybe even in some kind of "About this document" file that is part of the document.

Also, if your document has a source form & a displayed form, put a copyright notice in a comment in the source as well as in the document to be viewed by the reader. For example, in an HTML file, put your copyright notice in a comment which the browser won't display. That's in addition to the copyright notice you placed in the document's text & which the browser will display for the human reader. Similarly, in a L^AT_EX source file, put a copyright notice in a comment as well as one in the text which will be displayed.

So why the two copyright notices? It's definitely a CYA¹ maneuver. I think it's based on the idea that the source is itself a document which happens to create the document which is viewed. Since they are separate documents, they each require their own copyright. Possibly this is odd, I'll admit, but I also think it's a refreshing insight on the part of our commonly technically confused legal system.²

¹Cover Your Ass

²I wonder if it's possible to have differing copyrights on the two documents. What if the source was heavily copyrighted but the viewed document was in the public domain? That might be the case of a CGI³ program (source document) & its output (a stock quote, which is a fact & so cannot be copyrighted). What about a source that was in the public domain but produced copyrighted viewed documents? Would this be the case with a publicly-owned utility program at a job center that created a resumé for you? Surely your resumé can be copyrighted by you.

5 Linking

These days, some people will sue about anything. Wouldn't it be nice if we were all civil to each other instead of taking each other to civil court? We could get so much more done. But I digress. I'm supposed to be talking about copyright.

Though it's not exactly copyright, the issue of linking is related to copyright.

Linking is the hypertext version of citations from the print medium. Some people don't want other people to link to their online documents. In my opinion, too much "you can't link to my document, *neener, neener*" pretty much defeats the point of the Web. Nevertheless, such people exist.

You're probably not a person like that. You want people to read your work & make use of your ideas. So other people don't think you're lawsuit-happy, you might want to mention in your document that it's OK for them to link to it. Also, if there is a special URL they should use, it would be good to mention that. A good reason to specify the URL is that some of the URLs in your document might not be the same between versions, compilations, installations, or requests. So it's good to point out the URL that won't change so people will link to it & not to some internal, changing URL that might not be there the next time.

Is linking permission part of copyright? I'm not sure. I suspect it's appropriate to give permission to link & the URL to use for linking in a paragraph right after the copyright paragraph.

I notice that [Fuj96] tells how to cite the document, complete with the URL to use. A paragraph like that, immediately following your copyright notice, might be perfect.

The issue of permission to cite an online document is still an open one.

6 Fair Use

You probably want to ensure that people may quote passages from your document in their own writings, & you noticed that my suggested copyright doesn't allow for that explicitly. Never fear. The Doctrine of Fair Use comes to the rescue.

The Doctrine of Fair Use gives certain rights to your readers even when you've claimed all the rights. I'm not sure whether the Doctrine of Fair use is a law or a concept. Either way, it has been tested & upheld many times in the courts for many years. Basically, it's legally recognized as an exception when your copyright notice begins with "all rights reserved".

The main Fair Use right granted to your readers is the right to quote passages of your document in their own. There's a limit to the number of words they may quote before they are guilty of plagiarism, but it's fairly large. Whenever you wrote an essay in school & quoted from an article or book, you were taking advantage of this right of Fair Use.

7 Public Domain

Many authors want to place their document in the public domain. Don't do it unless you thoroughly understand what the public domain is.

If a document is in the public domain, a society (that's the public) can do anything they want with it, including modify it or forget who wrote it. It's inconsistent to claim that your document is in the public domain except that people must give you credit for writing it. When you place a document in the public domain, you give away all rights to it. So don't put a document in the public domain unless you really, truly, don't care what people do with it. Maybe you shouldn't a document in the public domain unless you want people to do anything & everything to it.

By the way, originally, a copyright expired on a document fifty years after the author's death. At that point in time, the document automatically entered the public domain. An interesting effect, I think, of this point of law is that if the document was widely known & valued while the author was alive, then when it enters the public domain, people will remember who wrote it, continue to value it, & hopefully build something new from the ideas in it. What could be a better tribute to the document's author? On the other hand, if the document was never of much use or value, people might not detect if someone plagiarizes it & republishes. The worst insult to the document's author might be that no one even bothered to plagiarize his document.

At the time of this writing, public domain has never been tested in the courts so no one can be exactly sure how the courts would interpret it. It's possible that the courts might decide that an author releases all rights when he places a document in the public domain but that he cannot release the responsibilities. That interpretation might be unlikely, but it's not impossible, & it is another reason not to place your document in the public domain.

Here's a final reason not to put your document in the public domain. Our society doesn't know what to do with un-owned resources, including documents. It encourages someone to take ownership. If you release all rights (including ownership) to your document by placing it in the public domain, it's possible that someone else might remove it from the public domain & claim ownership. Now, what if that person were less scrupulous than you & tried to limit people's right to read the document? It's possible that the best way to ensure people's right to read your document is for a scrupulous person to claim ownership.

8 Copyright & Software

This article is about copyright applied to online works meant to be read by humans, not executed by computers. I'm sure that distinction will disappear as humanity better learns to use the online medium, but for now, copyrights & license agreements for software are a different can of worms. A decent discussion of Gnu's General Public License & a list of other open source & free⁴ software

⁴“Free” as in freedom, not free beer.

is at [Fou02]. It might help get you started if that is your interest.

9 More Information

A Brad Templeton has a brief introduction to copyright online. [Tem00]

[Fuj96] is a very interesting discussion of how the online medium effects or might effect copyright law & society.

For insights into what a copyright system designed for the online medium might resemble, read [Nel97]. For those who don't know, Ted Nelson coined the term "hypertext" & first imagined a network called Xanadu which would have been much more ambitious than our current World Wide Web.

If you have the stamina for it, the definitive discussion of copyright law in the United States is at the Copyright Office's web site⁵.

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Log

02-Sep-2002 Corrected the HTML symbol for copyright. Thanks to Pascal Costanza for catching that.

End.

⁵<http://lcweb.loc.gov/copyright/>