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Copyrights in the Digital Age: Writing

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Who is a writer and what do they write?

Who is a writer? Anyone who creates a written work, though the word usually designates those who write creatively or professionally, as well as those who have written in many different forms. What can you write? Novel, story, poem, essay, news column (article), notes, scribbling, captions, jokes, programs, song lyrics, cards, bookmarks, etc. Where can you write? Periodicals, books, notebooks, napkins, online - your writing can be published or not. Why do writers write? They have something to say and have a particular point of view in saying it. They want to remember something. They want to have others remember - record history, etc.

What is copyright? (Excerpted from: <http://www.copyright.gov/>)

Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright protects original works of authorship but does not protect facts or ideas or short phrases. It is comprised of a "bundle of rights": Right to Reproduce the Work, Right to Derivative Works, Right to Distribution, Public Display, Right to Public Performance, Right

Legal Issues Related to Writing - Part I

Public domain - this is the concept that works whose copyright protection has expired (usually 95 years after creation) is available for use by anyone. Work made for hire - copyright resides with the author unless the work produced was made for an employer during employment. Independent contractors may retain their copyrights through their contracts. Fair Use - a defense to copyright infringement that indicates the taking and use of the property had a legitimate, educational or cultural, non-commercial use. There is a four factor test courts use to determine if fair use applies.

Legal Issues Relating to Writing - Part II

Plagiarism - is not a legal term but in common usage indicates the taking of someone's writings and passing them off as one's own. Defamation of Character - communicating false information about a person, a group, a business, or a government that causes damage to their reputation and affects their livelihood; recent cases abound about defamation via Facebook and other social media postings. Protected Speech Online through the First Amendment has raised some issues when applied in the online environment.

Digital Changes Everything

Digital describes electronic technology that generates, stores, and processes data as well as the data itself. What can be digital? Text, imagery, sound, multimedia. Be aware that there is a difference between property that is created digitally and property that can become digitized (such as via a scan or recording to digital media). Digital Millennium Copyright Act was passed in 1998 under President Clinton. It implements two 1996 treaties of the World Intellectual Property Organization (WIPO) and criminalizes production and dissemination of technology, devices, or services intended to circumvent measures that control access to copyrighted works. In addition, the DMCA heightens the penalties for copyright infringement on the Internet and maintains that writers/authors have specific rights in the works they produce for online vs. other environments.