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SHOULD I COPYRIGHT MY WEBSITE?

By Andrew A. Gonzales, Esq.

The Internet makes it possible for businesses to reach millions of potential customers with a website. However, the Internet can be a source of liability for a company that is careless in publishing information.

If you have a blog, write articles, or manage an online magazine, chances are you have experienced—or will have—content stolen. The stolen content can be reposted on other blogs, article websites, and personal websites without proper attribution. Sometimes website content is copied in its entirety from your site to another website. There are also situations where your content is reposted with proper attribution, but without your permission.

The good news is that no matter how or why your content is used without your prior knowledge: there are measures you can take for such protection. There are even ways to prevent your content from being stolen in the first place.

How Do I Find Out If Content Has Been Stolen?

Set alerts which make it simple to keep an eye on your website content and potential piracy. Set alerts for both your domain name and business name so anytime they show up in the search engine, you receive notification.

Who Owns or Hosts the Site?

Contact the offending party directly to put them on notice to immediately remove infringing content. If this request falls on deaf ears, contact the online service provider [OSP]. OSPs are often more efficient when it comes to removing potentially infringing content than web owners.

The Digital Millennium Copyright Act [DMCA] is landmark legislation that updated U.S. Copyright Law to meet the demands of the digital age. You can also send a DMCA Takedown Notice to the OSP requesting that they remove or block the offending pages from the suspect website.

What is a Copyright?

Copyright is a form of protection given to authors of original works, including literary, dramatic, musical, artistic, and other intellectual works.

A copyright automatically comes into existence the moment an author fixes work in a tangible form. This protection gives the owner of a copyright several exclusive rights:

- to reproduce the work;
- to prepare derivative works (works that adapt the original work);
- to perform or display the work publicly;
- to distribute copies of the work to the public by sale, rent or lease.

Why Should I consider Copyright Registration?

You've probably noticed phrases like "All Rights Reserved" or "Copyright 2016", or perhaps the copyright symbol and a date at the bottom of a website. What does this mean? Do I need to copyright my website?

Registering a copyright with the United States Copyright Office is not mandatory. Copyright protection exists without registration; however, the "work" must be registered prior to filing an infringement case in court. In addition, the copyright owner will be eligible to receive statutory and actual damages as well as legal costs and attorneys' fees from a copyright infringer. Registration provides notice to the public that you own the work making it more difficult for someone to claim they unknowingly infringed upon your copyright. There is also added credibility registration brings to the work.

Should I Register my Website?

Copyright violation is illegal, but it can be difficult to prosecute offenders without copyright registration establishing a public record of ownership. If the content of your website is original (not a template), or if it includes an original work, it can be protected. Website registration will generally be made to

protect the textual, graphic and audio content of a site. All of these components should be submitted to obtain the broadest scope of legal protection.

Putting the Public on Notice

If a website contains copyrightable materials, a copyright notice should, at the very least, be placed on the site's home page. Although not required by law, it is not a bad idea to place notice on every page of the website. The circle 2[©] puts the world on notice that you claim a copyright in the work. The proper way to use the 3[©] is in connection with the year of first publication and the copyright owner's name (i.e. 4[©] 2016 Jane Doe or Copyright 2016 Jane Doe).

If you really want to make it clear that all aspects of your site are copyrighted, you may use a notice such as: All website design, text, graphics, selection and arrangement thereof, and software are the copyrighted works of Jane Doe 5[©] Copyright 2016.

Content theft on the Internet will always be a problem. Bear in mind that U.S. Copyright laws, cease and desist letters, careful monitoring, and all other actions can only get you so far. There is no 100% foolproof way to stop such action, but legal intervention may be warranted.

Andrew A. Gonzales, Esq. is an experienced attorney with over twenty-five years in practice. He focuses his attention on business and intellectual property matters. He provides sophisticated services to commercial and individual clients who need to effectively compete in a business environment. For more information, please call 914 220-5474 or visit www.golawny.com.