



# *What Every Discerning DKG Editor and Webmaster Needs to Know*

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## **What is covered by copyright**

Copyright protects “original works of authorship” that are fixed in a tangible form of expression. The fixation need not be directly perceptible so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories:

- literary works
- musical works, including any accompanying words
- dramatic works, including any accompanying music
- pantomimes and choreographic works
- pictorial, graphic, and sculptural works
- motion pictures and other audiovisual works
- sound recordings
- architectural works

## **What is not covered by copyright**

- titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents
- ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration
- works consisting entirely of information that is common property and containing no original authorship (for example: standard calendars, height and weight charts, tape measures and rulers, and lists or tables taken from public documents or other common sources)

## **Copyright Myths**

- Anything you find on the Internet is copyright free. - **FALSE**
- If there isn't a copyright symbol © on the published work, it is permissible to use without permission. – **FALSE**
- It is acceptable to use a copyrighted work as long as you cite your source. - **FALSE**
- I copied it from a book I owned so I can copy/post it. – **FALSE**
- We are a not-for-profit organization so it is acceptable to use this since we will not profit from the use of the copyrighted material. - **FALSE**
- If I get caught using something that is copyrighted, I will just claim ignorance and nothing will happen. – **IGNORANCE IS NO EXCUSE, YOU WILL STILL BE SUED FOR MONETARY DAMAGES AND THEY DO NOT COME CHEAPLY!**

More information on copyright in the United States can be located through the [United States Copyright Office](#). Members from other countries should consult their countries' copyright offices.

## Definitions

**Attribution** – the ascribing of a work (as of literature or art) to a particular author or artist.

**Berne Convention** - is an international copyright agreement that mandates equal treatment of copyrighted works by Berne signatories, known as the Berne Union. It requires signatory member countries to recognize copyrighted literary or artistic works in the same way that its national copyrights are recognized. For example, U.S. Copyright law applies to anything published in the United States, regardless of the work's origin. All DKG countries belong to the Berne Union.

**Bot** – is a simple computer program used to perform highly repetitive operations, e.g. trawling websites to collect email addresses. Some copyright holders use these to find instances of copyright infringement.

**Copyright** – the legal rights to be the only one to reproduce, publish, and sell a book, musical recording, etc., for a certain period of time.

**Copyright infringement** - occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed, or made into a derivative work without the permission of the copyright owner.

**Creative Commons** – is a nonprofit organization that enables the sharing and use of creativity and knowledge through free legal tools.

**Derivative Work** - a new, original product that includes aspects of a preexisting already copyrighted work.

**Intellectual Property** - a work or invention that is the result of creativity, such as a manuscript or a design, to which one has rights and for which one may apply for a patent, copyright, trademark, etc.

**Public Domain** – A work of authorship is in the “public domain” if it is no longer under copyright protection or if it failed to meet the requirements for copyright protection. Works in the public domain may be used freely without the permission of the former copyright owner.

**Trademark** - includes any word, name, symbol, device, or any combination, used or intended to be used to identify and distinguish the goods/services of one seller or provider from those of others, and to indicate the source of the goods/services. It gives notice to the public of the registrant's claim of ownership of the mark, legal presumption of ownership nationwide, and exclusive right to use the mark on or in connection with the goods/services listed in the registration.

## Videos

Below are some videos that will give you more in-depth information:

[Copyright Basics](#)

[Copyright Across Borders](#)

[Creative Commons Kiwi](#)







## Google

There is a misperception that any image found on Google is copyright free, which is not true. To narrow your search to only images that are permissible to use in your newsletter or website use the search tools in Google. The following video will explain the process: [Quicker Google Images Search by Usage Rights License](#).

If an image is submitted to you for publication that you suspect might be copyrighted, the first thing you should do is contact the person who submitted it to find out where they got it and if they have written permission to use it. In the meantime, you can copy and paste an electronic picture into Google to find where it came from on the internet. To learn how to do this, watch this video [Google Search by Image](#).

## Creative Commons

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	This license lets you distribute, remix, tweak, and build upon the creator's work, even commercially, as long as you credit the creator for the original creation.
	This license allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to the creator.
	This license lets you remix, tweak, and build upon the creator's work non-commercially, as long as you credit the creator and license your new creations under the identical terms.
	This license lets you remix, tweak, and build upon the creator's work even for commercial purposes, as long as you credit the creator and license your new creations under the identical terms.
	This license lets you remix, tweak, and build upon the creator's work non-commercially, and although your new works must also acknowledge the creator and be non-commercial, you don't have to license your derivative works on the same terms.
	This license is the most restrictive of the six main licenses, only allowing you to download the creator's works and share them with others as long as you credit the creator, but you can't change them in any way or use them commercially.

## Where can I find information on a copyrighted work?

When you need permission from a copyright holder to use an article, book, etc., there are a couple of places you can go to determine the copyright holder.

The United States Copyright Office provides an [online search site](#) of works registered and documents recorded by the U.S. Copyright Office since January 1, 1978.

Another source is the [Copyright Clearance Center](#) to find out contact information for the copyright holder and in some cases find out immediately how much a license will cost to use that article in your newsletter or website.

Anytime you use copyrighted information in a DKG newsletter or website you MUST have written permission of the copyright holder to use it and have paid any license fee the copyright holder has requested before you use it.

A sample letter to a copyright holder asking for permission to use their work should contain:

- Information about yourself and why you are requesting permission to use the material;
- Identification of the title of the work and the full name of the author/artist/photographer that you want to use;
- Identification of what rights you are requesting and how you will use the work;
- A request that they confirm in writing that they are the copyright holder of the work and that they agree to give you the permissions requested and under what terms it is granted.

Written permission either received in a physical letter format or by email should be kept on file by the DKG newsletter editor or webmaster.

## Places to Find Images You Can Use

Read the directions carefully for these sites and follow their directions on how you may use the items found on their site. Some of these sites have photos for sale at the top of the page to pay for the website avoid those unless you are willing to pay the license to use them.

[Compflight](#) – search for images; make sure that you click the filter to search for Creative Commons works

[Creative Commons CC Search](#) – find content you can share, use and remix through the Creative Commons website.

[EveryStockPhoto](#) - is a search engine for creative commons photos.

[Flickr Creative Commons](#) – please note that only those pictures on Flickr under the Commons are copyright free.

[Foter.com](#) – hosts over 190 million free Creative Commons images from many online sources.

[FreeDigitalPhotos.net](#) - ALL the images on their website are available free of charge, for business, personal, charitable or educational use. These free images are small sized, but perfect for websites or draft printed work. If you need a larger sized version, they are all available to buy.

[Image \\*After](#) - a large online free photo collection. You can download and use any image or texture from this site and use it in your own work, either personal or commercial.

[MorgueFile](#) - contains free, high-resolution digital stock photographs and reference images for either corporate or public use. The purpose of this site is to provide free image reference material for illustrators, comic book artist, designers, teachers, and all creative pursuits.

[Pixabay](#) - is a repository for stunning public domain pictures. You can freely use any image from this website in digital and printed format, for personal and commercial use, without attribution requirement to the original author. There are currently 157,752 images available: 113,769 photos and 43,983 pieces of clipart.

[Veezzle](#) – is a search engine that will find free stock photos.

[Wikimedia Commons](#) - a database of 20,145,366 freely usable media files.

## **Copyright Infringement/Hold Harmless Policy**

The Administrative Board adopted in November 2013 this policy for use by the International Society the text of which states:

WHEREAS, in return for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Undersigned Chapter and State Organization of the The Delta Kappa Gamma Society International (hereafter, known as Chapter and State Organization) agrees to the following:

Chapter and State Organization agree to indemnify, hold harmless and defend The Delta Kappa Gamma Society International (hereafter known as International), and any of its Executive Board, Officers or Members, from any and all fault, liabilities, costs, expenses claims, demands or lawsuits arising out of, related to or connected with: actual or alleged claims, demands, causes of action liability loss, infringement on intellectual property, whether brought by an individual or other entity, or imposed by a court of law or by administrative action of any federal, state, or local governmental body or agency, arising out of the individual chapters of The Delta Kappa Gamma Society International's actions; and any and all acts or omissions of the Chapter and State organization. And should any such claim, demand or lawsuit arise or be asserted in any way whatsoever related thereto, whether arising under the laws of the United States or of the State Organization's Government, or under any theory of law or equity, Chapter and State organization will indemnify, hold harmless and defend International, from any and all costs, expenses or liability including, but not limited to, the cost of any settlement or judgment made or rendered against International, whether individually, jointly or in solido with Chapter and State organization, together with all costs of court and other costs or expenses incurred in

connection with any such claim, demand or lawsuit including attorney's fees, penalties, fines, judgments, awards, decrees, and related costs or expenses.

This agreement binds and obligates the Chapter and State organization and successors in office of the Chapter and State organization until it is otherwise terminated by the agreement of all parties.

### **Copyright Infringement/Hold Harmless Policy – model for states**

International is advising state organizations to adopt a version of this policy for the state level which can be found at [Copyright Infringement/Hold Harmless Policy - state organization model](#).

*Please note that the information above on copyright and Creative Commons is for informational purposes only and in no way is a legal opinion.*