



**Notice:** This guide is for informational purposes only and does not provide legal advice or create an attorney-client relationship. You should contact an attorney to obtain advice with respect to any particular issue or problem.

## Law in Brief: Guideline to Copyright Law

### Why is copyright law relevant?

Regardless of the type of farm or food vending business you operate, you use words, images and artwork to communicate with the public. A YouTube video about your business, an inviting webpage explaining your farm history and its mission, or visually appealing graphics used on advertising all are the product of human creativity and can be copyright protected. This guide examines how to protect your own copyrighted materials and avoid improper use of copyrights belonging to others.

### What is a copyright?

Copyright protects the creative expression of an idea, such as:

- writings,
- music,
- photographs,
- video/film,
- computer programs,
- and more.

Copyright protection exists from the time the work is written down or recorded – what copyright law calls ‘in a fixed, tangible form.’ **Others cannot use, copy, modify or publish the work without your permission.** Copyright protection lasts a long time, but not forever – typically for the life of the creator, plus 70 years.<sup>1</sup>

### What is not protected by copyright?

Copyright does not protect:

- Ideas, facts or anything not in fixed, tangible form
- Names or slogans (but they may be protected by trademark if used for a business)

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<sup>1</sup> For more information on copyright terms, check out <https://www.copyright.gov/circs/circ15a.pdf>.



## How can I protect my copyright?

### *Do nothing*

Once created, you do not have to do anything more to own a copyright. But there are steps you can take to help prevent others from using it without your permission.

### *Label your creative work*

Labeling a creative work is not required. But including a copyright notice informs others that it is copyright protected and you are the owner. A copyright notice has several elements:

- the copyright symbol, typically © or “Copyright;”
- the name of the copyright owner;
- the year of first publication of the work;
- optionally, a statement of rights retained by copyright holder.

Here is a sample copyright notice, which can be placed in an obvious location such as the bottom of the webpage.

© 2019 Your Business Name. All rights reserved.

### *Register a work with the United States Copyright Office.*

Registration is optional and can be done without an attorney.

- Complete a submission form (see, <https://www.copyright.gov/registration/> for the correct form);
- Pay a small fee (see, <https://www.copyright.gov/about/fees.html> for fee schedule; \$35 for a basic filing); and
- Electronically submit a copy of the work to the U.S. Copyright Office.

Registering a copyright has certain advantages, such as providing a public record and presumption of ownership. Additional information on how to register a copyright can be found at <https://www.copyright.gov/fls/sl35.pdf>.

## Do I own works created by employees or independent contractors?

A business owns the copyright of work done by an employee as long as it was created on the job (“work for hire”). Under all other circumstances, the author holds the copyright.

But many times, a business works with independent contractors, interns or volunteers. To secure rights to use the copyrighted work from a non-employee author, a business can:


- Get permission to use the copyrighted work, preferably in writing.
- Transfer ownership of the copyright to the business (should be done in writing).

- Have the work done as “work for hire” - work for hire is a work that is specifically requested or commissioned and is agreed ahead of time to be a work for hire. The agreement should be in writing. See <https://www.copyright.gov/circs/circ09.pdf> for more information on work-for-hire.

## How can I use copyrighted materials belonging to others?

Businesses should respect the copyrights of others and seek permission (e.g., a license) from copyright holders to use or modify protected materials. This permission is called a license, which sets out the specific ways in which copyrighted materials can be used and may require a licensing fee.

### *Situations in which a license may not be needed.*

- Linking to content from other websites; embedding videos from video-sharing sites; or retweeting Twitter feeds. The creator/source of the content/video/tweet should be clearly identified, and content should not be modified.
- Using public domain materials.
  - Works are in the public domain after copyright expiration. Determining copyright status can be complicated. A comprehensive summary can be found at <https://copyright.cornell.edu/resources/publicdomain.cfm>
  - Works can be expressly dedicated to the public. Public domain material may bear the symbol .

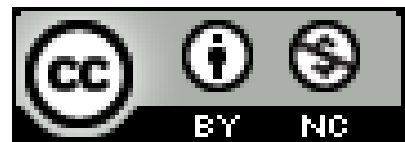
### *Obtain a free license through Creative Commons.*



Creative Commons provides a simple way to give the public permission to share and use creative works. Creative Commons content won’t cost money to use, but you do need to agree to the terms of the license.

A license may include one or more of:

- giving credit to the creator;
- non-commercial use;
- no modification of the original content; and
- if content is modified, agreement to let others use the new, modified version.

Content that is available under Creative Commons displays a Creative Content license notice, an example of which is shown at right. The notice includes the double C symbol and icons representing licensing terms, such as attribution to the author



() and prohibiting commercial use (). The full licensing agreement can be found on the Creative Commons website. All you need to do to use the content is abide by the terms indicated in the license. For more information, see <https://creativecommons.org/>.

***Ask permission to use copyrighted materials.***

- Ask permission before using third party content, e.g., posting photos on your Facebook or Instagram account. People often are happy to let you use their content for free; it is recommended to get agreement in writing.
- Check website legal notices. Many websites include "terms and conditions of use" (usually a link) that explains the actions that are allowed (and disallowed) with website content.

**Other Resources:**

U.S. Copyright Office: [www.copyright.gov](http://www.copyright.gov)

This guide was prepared by Mary Rose Scozzafava, Ph.D., Senior Fellow at Conservation Law Foundation.

*Looking for legal help?*  
*Contact the Legal Food Hub to see if you qualify for **free** legal assistance!*  
legalfoodhub.org  
[legalfoodhub@clf.org](mailto:legalfoodhub@clf.org)  
1-844-LAW-GROW (1-844-529-4769)