

Copyright Basics for Bloggers & Writers

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Lately, I've seen a lot of discussion about copyright issues. Specifically, what is legal to use on a blog, social media or in a book.

First, I want to state right up front that I am NOT a lawyer and none of what I've said constitutes any kind of legal advice. All I'm trying to do is share what I've learned about how to be responsible online.

That said, at the end of this post I'm going to give you some links to the places where I found my information so you can go check out the specifics for yourself.

Copyright Myths—How Familiar are you with the Law?

This true/false quiz will give you a good idea of how accurate your information about copyright is.

1. I can legally post any picture on my blog if I link back to the place I got it. This isn't even remotely true. Photos, sketches, graphics, any kind—are covered by the same copyright law as our written words.

Unfortunately, there is lots of *sharing* going on over the Internet and it's not legal. When we borrow photos (and quote songs) without permission, even when we acknowledge where we got it, we are stealing. I truly believe that's not the intent, but we need to educate ourselves on what's right and what's not and then lead by example.

2. I cannot legally use a song's title in a post, article or book. Song titles are the ONLY part of a song we may use legally. There is something in the copyright law called *fair use*. Without boring you by quoting the law, it means that you can refer to part of a work without being sued. Contrary to what some think, there is no set number of words or percentage that makes up *fair use*. Instead, there are four factors used to define it.

- The purpose and character of your use.

- The nature of the copyrighted work.
- What amount and proportion of the whole work was taken.
- the effect of the use upon the potential market for or value of the copyrighted work.
- Because of the small size of a song, say compared to a book, the courts have decided that quoting ANY portion of a song, except the title is a copyright infringement. The reason you can quote a title? Titles cannot be copyrighted.

3. I can legally use someone's blog post as long as I give them credit and don't change anything. You cannot legally borrow someone's blog post without their permission, even if you give them credit or link back to it. Now, there are some sites that post guidelines for you to follow to be able to use their posts. But this doesn't mean it's legal to do so for another site.

4. I can legally use music or a song as background for an original video as long as I credit the source. I imagine many of you got this one correct. There has been so much written and so many fines leveled in regard to stolen music, it's almost common knowledge that you cannot borrow a song or music for your own purposes.

5. I can't legally post YouTube videos on my blog or website. This one was a little tricky. You can legally post YouTube videos on your site, because what you're doing is linking, not reposting. Even when you embed videos, they are still linked to YouTube.

6. If I don't make money off of it, it's legal for me to use. Whether you profit from borrowing someone else's work has no bearing on the legality.

7. I can legally quote a small percentage of the words to a song in a post, article or book. We are all used to being able to quote passages from books and not get into any kind of copyright infringement. I am here to tell you, that is NOT the case with a song. The only part of a song you may quote is the title.

If you've seen songs quoted in published books either someone paid a use fee or the author wrote the song himself. I've known of two authors who self-published books and had to pull the books because of songs quoted without permission.

8. If I don't have a copyright symbol on my work it's not covered by copyright law. Copyright symbols are visual REMINDERS that what you're reading belongs to someone. Just because there isn't one doesn't affect the status of what you see in print or online. If someone wrote it, it's copyrighted.

SPECIAL NOTE: You do not have to apply for a copyright for your work...EVER. You can *register* your copyright, but it's expensive and cumbersome to do. And it's rarely necessary.

9. Fair Use means I can quote 200 words of a work without getting into copyright infringement. Not true. There is no definitive number of words that can be used under the fair use portion of the copyright law. The law is written vaguely on purpose, because the infringement depends on so many things, including but not limited to, the length of the original work and the portion of the passage quoted.

10. I can legally pin anything to one of my Pinterest Boards. I don't know about you, but I LOVE Pinterest! I guess I'm just a visual kind of girl. But there are a lot of folks getting into trouble on Pinterest right now. We have to follow ALL the copyright rules when we're pinning, just like when we're posting on our blogs. And, if you violate a copyright with one of your Pinterest boards you, and you ONLY, are liable for any fines or charges. You agreed to this when you opened your Pinterest account and accepted their terms of use. If you want to read them again, here is the direct link: <http://pinterest.com/about/terms/>

But there is one slight loophole. If someone or some business has a Pinterest button on their website, you can assume they want their stuff to be pinned and you should be okay.

11. I can legally post a picture of a book cover I recommend or am reviewing. This is an instance of *Fair Use*. As long as you're not saying the book in question is written by you (if it's not) you can legally post a review and use the cover.

12. Copyright on written works expires 70 years after it was first published. A lot of folks have heard that copyrights expire after 70 years. In some cases that's true...but not all. There are some instances when copyright expires 70 years after the author/creators death. There are also times when copyrights are renewed. Beyond that, there are other exceptions, so while the 70 year rule is a good place to start—it's not the place to end.

I have an opinion about all the borrowing that is happening around the Internet. I may be an optimist, but this is my personal opinion.

I think a lot of bloggers are generous folks...to a fault. They frequently offer their own work to others for free. With this mindset as a foundation, it doesn't always occur to

them to think of what they're doing as stealing—they don't see other's borrowing as stealing, after all.

That said, I applaud the generosity with our own work. But, we should also be willing to guard the uniqueness and value of the work of others.

Resources

Good explanations of copyright

<http://www.copyright.gov/laws/>

<http://www.rbs2.com/copyr.htm>

<http://www.bitlaw.com/copyright/index.html>

<http://library.findlaw.com/1999/Jan/1/241476.html>

Public Domain Info

<http://copyright.cornell.edu/resources/publicdomain.cfm>

YouTube Info:

<http://www.thesitewizard.com/general/embed-youtube-video-copyright-matters.shtml>

http://www.youtube.com/t/copyright_education