

Getting permission will keep you out of trouble

Give credit to source even when using a minor 'fair use' portion of material

When you look closely at nature, you can discern patterns in many things in the world around you. And so it is for the Missouri Press Hotline. Oddly enough, when I look at the kinds of calls I get, I can decipher patterns in them — times when I get a large number of calls about the same kinds of issues. Often that is what prompts these columns.

And so it is that I think it's time we talk again about copyright issues. With newspapers reducing staff, there are many papers using more freelance materials or press releases to fill the news hole. There's no need to avoid doing that, but it needs to be handled properly to keep yourself out of trouble.

Obviously, press releases probably arrive every day by the dozens. Materials that arrive from companies touting their products are clearly sent to you by the manufacturer in hopes you'll use the material for a story. Technically, the company owns the copyright — the reproduction rights — to the material in that press release. But I guarantee you that if it is a real press release from the manufacturer of the product, they are overjoyed for you to use their material, and if you desire to reproduce it word for word, they will be excited beyond words. No one will sue you for that!

However, material about a product that you may find in some other publication is copyrighted by whomever published that article. You may not, for example, reproduce an article about Apple iPads from a Consumer Reports publication. I'm sure you all know that.

At any rate, if you believe your readers need to see these columns, then know

that the politicians will never complain about copyright infringement when you republish their thoughts. On the other hand, if you read political commentary that you want to share with your readers in a political flyer or somewhere on the Internet, I suggest that the proper method of using it is to contact whomever is listed as the publisher of the flyer or the owner of the website and request permission to reproduce the material in your newspaper.



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But wait, you are thinking! I thought "fair use" allowed us to reproduce content from other publications in our paper because it was for news purposes and not for commercial purposes. And that is true, so long as you attribute the source and, of equal importance, take only a very small portion of the content of the material.

How much is a small portion? There's no scientific formula — no set number of words which, if you fall within, you are "home free." This relates more to

the "gist" or "heart" of the material and whether you have taken so much that you've diminished the market for the re-sale of the original material.

This is an area where you should tread with caution. I'm happy to talk with you about any particular situation, and that's one of the issues covered by the hotline. But, the simple solution, of course, is always just to contact the owner and request permission to reproduce the material.

And whenever you obtain these reproduction rights, it never hurts to get that permission in writing. Is it the right to reproduce without payment? You certainly want that in writing to protect you later!

Is it rights to reproduce the content in your print product only, or does it include the right to reproduce it on the Internet? Does the owner of the copyright understand that your Internet content will be online forever?

These are all good issues to consider when you negotiate those rights. And I'd be happy to find in my forms some kind of release that might work for whatever situation you might have, if you would like some kind of form release available to you.

Just know that the worst thing you can do is to simply assume you can lift material from whatever source might cross your desk without considering who owns the copyright to the material. You don't like it when radio stations pick up the newspaper at the top of the hour and read your stories to their listeners. We need to show the same respect for others' rights if we want to protect our own!