

Copyrighting newspaper easier, cheaper than ever

Protect your original content with ©

This year's Missouri Press Convention was fantastic, and if you didn't come, we missed you! It's always nice to have a chance to talk to all of you informally about what's going on in your communities. And I especially enjoyed the chance to talk about a variety of intellectual property issues with those of you at my part of the program.

Since the convention, however, I have talked with one of our members who made me realize perhaps I needed to go into more detail about the basic issue of copyrighting your newspapers, for those of you who may not be taking this step. If you aren't, you should be, because it's easier (and cheaper) now than ever before!

First, let me say that just because you haven't copyrighted the content in your newspaper doesn't mean you don't have exclusive rights to what you write. Copyright law is based upon the premise that the very act of turning your thoughts into tangible written content creates a protectable interest in that content.

But registration of your protectable material is an important step. You cannot sue until you have registered your copyrightable material. Your ability to recover for damages is limited until you have registered. And you cannot recover attorney fees if you have not registered. So you can see that registration is critical to protecting your interest in your content.

(And, I should note, you need to consider what you are registering. When you register your entire paper, you are claiming copyright in the material contained in it, in the format in which it is

laid out in the paper. You may or may not have a right to copyright individual material contained within the paper – for example, if you reprint AP stories in the paper, you are obviously reprinting under a license with the AP and you are not claiming a copyright to that material which the AP would tell you is specifically owned by the AP. However, at times, you may have content within your paper for which you want to claim a special, specific copyright, and that particular story will likely be something you may want to copyright on its own, separate and apart from the copyright you register for your newspaper as a whole.)



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When you want to designate that you claim a copyright for your material, you do that by inserting the copyright symbol (©) on the material that is copyrighted, whether it is the story or the newspaper as a whole. You should include the symbol, the year, and the owner of the copyright (ie: © 2011, The Maneke Law Group, L.C.).

As I said earlier, the registration process is very easy. I've always suggested to my clients that they can register their copyrights themselves, without paying for me to do that process, because filling out the forms is so simple.

And I discovered in answering this question for one of our members that it's easier now than ever before. There is one form that you can fill out online, rather than having to print and mail the form. You can even submit your copies electronically rather than mailing paper copies! And if you do it that way, your registration fee is less. You begin this process at the copyright site for the Library of Congress at www.copyright.gov/forms.

Once you have registered, you are good indefinitely. Yes, copyrights eventually expire, but I don't think any of us have to worry about that issue.

First, you need to know when the work was created. For works created after 1978, if held by a corporate entity, the copyright lasts for 95 years from publication or 120 years from creation. In short, if it's news, it sure won't be news at that point. If it's fiction, you might want to do some more thinking about this issue.

That's the short lesson on this subject, for those of you at my convention program who wanted to know more about a subject that I touched on briefly in reference to another topic. If you have more questions, of course, call me or check out the FAQ section on the copyright website.

And if you missed this year's convention, start making plans for next year when you can join the association in Columbia for the fun and fellowship, scheduled for Sept. 20-22. See you there!