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Things You Might Like to Know about Copyrights

By Jan K.

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You may be under the false impression that before you can get your text published, you must "get the copyright" to your own written material. You might also think that in order to get the copyright, you must "apply" for it. This is just not so. In the following few paragraphs, I'll give you some simple facts about copyrights that may help you in your quest to get published.

First, it is important to understand that you cannot "copyright" an idea; you can only copyright what you have written.

That is, you might have just written the greatest self-help manual on how to breed guppies. And you did, indeed, file for your copyright with the Library of Congress. Three weeks after completing the formal copyrighting process, you find out that the manager of your neighborhood pet store (where you've been buying your guppies) has just sold the TV rights to a new hit show "Breeding Guppies" and he is using many of the same principles that you've outlined in your manual on how to go about guppy breeding.

So, naturally, since this is the 21st Century and you live in America, you want to sue the guy. You think you have a sure thing, and you are dreaming of the million-dollar award that the jury is sure to give you. But...you'd better not put a down payment on that Guppy Farm in Iowa just yet.

Things You Might Like to Know about Copyrights

The manual you wrote, the exact words, phrases, sentences, paragraphs, and chapters that you wrote, belong to you. It is illegal for anyone to reproduce or use any of that text, in part or in whole, for profit without your permission. However, you must be able to prove that your exact words have been stolen before you can get an award for copyright infringement. So, you know that guy with his hit TV series? Well, unless he's reading from your manual word-for-word, or attempting to sell your manual as a supplemental text that he's written, then he's probably doing nothing illegal. He's just using

the idea of breeding guppies.

You do "own" the copyright to your text, all its words and clever phrases. And you don't even have to file with the Library of Congress in order to have the copyright on your text. The copyright is conferred upon you the minute you write your New York Times Bestseller. All you have to do is be able to prove, beyond any doubt, the date that you wrote the material. For your protection, then, it is wise to print and date your material, and establish with a third party through a written communication that you have just finished your text. At that time, you can legally affix the copyright symbol (the letter c inside a circle) to your work.

Now here's where a formal copyright comes in. By filing with the Library of Congress (and paying them their required application fee), you can establish definitively a date of copyright that will stand up in any court of law. Any judge or jury will defer to your date over someone else who can merely claim by word of mouth that his text came before yours. It's a good idea to formally copyright any text that you are planning to market. So, if you're convinced that the world population-at-large is in desperate need of "Breeding Guppies, What Every Ichthyologist Needs to Know" and you plan to sell it on Ebay for \$19.95, you should apply for a formal copyright.

Just having the copyright, however, doesn't mean that other people can't quote your work. They may do so, as long as you are given full credit for having written it prior to their use. This is called a "reference" or a "citation" and generally, whatever passage is being quoted will appear offset in quotation marks (so that the reader can visualize which words belong to someone other than the

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author of the text in which the quote appears). Of course, at present the contingent of Copyright Police is not up to tracking down every single instance of copyright infringement, and chances are that not everyone cites original authors as scrupulously as they should, so beware of whom you casually let look at or read your text (or to whom you give a copy).

Copyrights are not forever. Typically, a copyright lasts for 50 years past the natural life of the original author. Authors' heirs may sometimes re-apply for copyrights, but generally written texts that are this old are considered "public domain" and may be reproduced without paying the author's family a royalty fee.

In the publishing world, you will find that many publications require that you relinquish your copyrights to the work in return for having your work published. This is a fairly standard procedure—unless

your name happens to be Stephen King or Danielle Steele. Once you've relinquished your copyright to a given work, you can not sell or submit that text again unless you get express approval from the publisher that now owns the copyright.

There are sites on the World Wide Web where you can post your work for others to read or use as they see fit, so-called "free sites." In cases such as this, there should be a disclaimer that anyone who uses or reproduces your work must give you full credit. Whether this happens all the time is certainly a matter for some speculation, but your safeguard is that you own the copyright and if you find that someone is profiting from your work and that you have not been compensated, you can file a copyright infringement suit against them.

As of the date of this article, the current copyright fee is \$30. All the instructions and necessary forms can be found on U.S. Copyright Office's web site: <http://lcweb.loc.gov/copyright/>. I have copyrighted several texts and advise that you mail your application with a "Return Receipt Requested" from the U.S. Post Office. This is your proof that the Copyright Office has received your copyright application.

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Intellectual Property Law

By Joe Regan

Intellectual Property Law can be quite confusing at times. Copyrights, trademarks and patents all have a role in protecting your hard earned content and knowing their role is half the battle.

Intellectual property in itself refers to the creations of the mind, including such things as: artistic works, literary works, inventions, names, images, symbols, and designs used in commerce. In other words, the intellect that is the possession of an organization or an individual is considered intellectual property.

Intellectual property is divided into two categories, copyrights and industrial property.

Copyrights give the authors of an exclusive work, exclusive rights to that work for a limited amount of time. Copyrights cover such literary and artistic works as novels, poems, plays, films, songs and other musical works, artistic works (drawings, paintings, sculptures and photographs) and architectural designs. Copyrights, which must be renewed periodically, allow the creators of a piece of work, the opportunity to benefit from that piece of work.

Industrial property includes patents, trademarks, industrial designs and geographic indications of source.

Patents give the inventors of a new product, a certain (limited) amount of time in which he/she may prevent others from making, selling or using the invention without authorization.

A trademark is an intellectual property protection which is used to protect the distinctive features that distinguish one product from another. Those features can include such things as: symbols, colors, brands, names, sounds, smells, shapes, and signs.

Fortunately, Intellectual property laws benefit the creator of a property, by rewarding that creator for his/her innovation and creativity. Also, society as a whole benefits from intellectual property laws, by the fact, that these laws encourage creativity, therefore allowing the rest of us to benefit from the wide range of products and services that are produced.

Any violation of a trademark, patent or copyright could constitute the grounds for an intellectual property lawsuit. If you feel that you have been victimized it would be wise to consult a qualified attorney in your area. Find an attorney or law firm, which specializes in intellectual property law. Know your rights and protect them accordingly.

Joe Regan writes articles for many major websites including but not limited to:

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, and

. Joe can be contacted

at

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