Copyright Myths:

Getting It Wrong About Protecting Your Rights

Common fallacies about creating and using copyrighted works

ADVOCACY | CREATIVE COMMUNITY | BUSINESS RESOURCES

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Copyright Myths:

Getting It Wrong About Protecting Your Rights

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Our Mission

The purpose of the Graphic Artists Guild is to promote and protect the social, economic and professional interests of its members.

We are committed to welcoming, serving and improving conditions for graphic artists at all skill levels while raising standards for the entire industry. In addition to creative professionals, our members include educators, intellectual property lawyers, artist representatives, and others in related and supporting industries.

Table of Contents

Introduction 1

Creating Copyrighted Works

Myth 1: Ideas are copyrighted to the person who thinks of them. 2

Myth 2: If I mail my illustration to myself, I've copyrighted it. 3

Myth 3: My work isn't copyrighted until I register it with the Copyright Office. 4

Myth 4: I'm not a professional artist or I'm a new artist, so my work has little copyright value. 6

Myth 5: Parody and satire are the same thing, so if I use a copyrighted work in a satire, it's fair use. 7

Myth 6: I'm not infringing copyrights if I just use a small amount of a work, or if I copy a photograph or artwork in a different medium. 8

Using Copyrighted Works

Myth 7: If I don't see a copyright notice on something, it's not copyrighted 10

Myth 8: Anything that is published online is "public domain," particularly if it doesn't have a copyright notice 12

Myth 9: Because an artwork has a Creative Commons license tag, I can use it any way I want. 14

Myth 10: If I don't make any money off of using a copyrighted work, then it's okay to use it. 16

Myth 11: Even if artwork is copyrighted, sharing it helps the artist by giving them exposure 17

Myth 12: Copyright only benefits big corporations and media companies; for everyone else, it's censorship. 19

Resources 21

Introduction

On its face, "copyright" seems like a simple right: it's the right to copy (or to determine who copies) your creation (or work). In fact, copyright is far more complex, and encompasses a bundle of rights. Copyrights are exclusive rights which are granted to a creator as soon as their work is fixed in tangible form (which includes digital form). In the United States, those rights include:

- the right to reproduce the work;
- the right to prepare derivative works based on an original work;
- the right to distribute the work (for example, by sale or by licensing);
- the right to publicly perform the work;
- the right to publicly display the work;
- the right to authorize others to do any of these things with your work.

Copyright permits creators to earn a living from their works – by licensing them, or by selling all the rights to the work, or by displaying their works to show their talent and skills and attract new clients. But copyrights are also valuable because they permit creators to control how and where their work appears and is used. Artists have asserted their copyrights to stop hate groups or organizations they don't agree with from using their artwork. (In the case of the "Pepe" frog cartoon that became the beloved mascot of alt-right groups, the original illustrator Matt Furie leveraged his copyrights to block right-wing organizations from using it.) Indigenous communities have turned to copyrights (and trademarks) to protect their works from commercialization by outsiders.

By granting creators such exclusive rights, copyright is a vital engine for economic empowerment for artists. For that reason, it's important to understand what your copyright can and can't do for you. But copyrights are also widely misunderstood by those who want to use copyrighted works and by the very creators who rely on copyrights to control and monetize their works.

To counter this misinformation, we've compiled some of the most common copyright myths for you. The myths are divided into two broad categories: myths related to the creation of copyrighted works, and myths about how copyrighted works can be used by others. For each myth, we've provided a detailed explanation that will hopefully give you some context to better understand your rights as a creator or user of copyrighted works. At the end of the document, we've provided a list of resources related to each myth.

Creating Copyrighted Works

Myth 1: Ideas are copyrighted to the person who thinks of them.

Ideas are not copyrightable, but the original expression of an idea is protected by copyright.

In other words, copyright does not exist until the tangible form of an idea is created. Once an idea is fixed in tangible form, such as a drawing, a written text, or digital art, it becomes a copyrightable work. The list of copyrightable works is extensive. It includes musical, literary, and dramatic works, sound recordings, pictorial and graphic works, and compilations.

However, not every creation is copyrightable. For example, "useful articles[1]" cannot be copyrighted under US copyright law. Examples of useful items include machines, clothing, and furniture. To be copyrightable, a work must also contain a minimum amount of originality. This means that things such as titles, names, slogans, short phrases, facts, and lists are not copyrightable. However, these uncopyrightable works can be protected by a trademark or a patent acquired through the US Trademark and Patent Office (USPTO).[2]

The main thing to remember is that Ideas are not copyrightable; only their execution in tangible form is. The creators of that tangible form hold its copyright. If a client describes an idea to an independent designer or illustrator, the artist who executes the design or illustration holds the copyright, not the client. Generally the client and the artist agree to the licensing of those copyrights in a written contract. Copyrights cannot be granted to the business without consent from the artist.

1 A good way to grasp the concept of 'Useful Article' is to understand the distinction between a digital font and a typeface. A digital font is a computer file or program that instructs your display or printer how a character is displayed. Since software programs are copyrightable, digital fonts are protected by copyright. Typefaces – the design of characters and letters – are considered useful objects and are therefore not copyrightable.

2 Another form of IP which graphic artists rarely deal with is trade secrets, which protect valuable confidential information such as formulas and processes.

Myth 2: If I mail my illustration to myself, I've copyrighted it.

Although it appears to be a quick and easy solution, artists who mail themselves their own work are not magically granted any sort of enforceable copyright protection.

This method of establishing copyright ownership is referred to as a "poor man's copyright" (PMC). You may believe utilizing this method will provide some form of legal copyright and establish the date your work was created. This is a faulty assumption. The U.S. Copyright Office states unequivocally about PMC: "There is no provision in the copyright law regarding any such type of protection, and it is not a substitute for registration."[3]

PMC myths come in various shapes and forms. Some believe that they can send themselves an email to prove that their work was created on a certain date, since an email provides a time and date stamp. Others believe that storing their work in a bank safety deposit box, or having it notarized, will establish copyright protection. Although these methods may provide evidence that a creator possessed the work in question on a specific date, they neither prove authorship nor do they offer the creator any actual protection.

Myths like PMC will likely persist as long as creators are concerned about how to prove copyright ownership. To legitimately prove copyright ownership, you should take specific steps. The best way to establish copyright ownership is to register your works with the U.S. Copyright Office[4]. You should also archive your preliminary sketches and other records that may establish the timeline and creation of the work (such as photos, videos, and social media posts of works in progress).

The myth of the Poor Man's Copyright originated with creators seeking to remedy a loophole that existed in copyright law before 1976. Before the Copyright Act of 1976, only published works could be registered with the Copyright Office. Artists were concerned that they wouldn't be able to demonstrate that they owned the copyright to their unpublished work. Some thought that mailing work to themselves would provide that proof. The Copyright Act of 1976 remedied the issue by permitting both unpublished and published works to be registered with the Copyright Office.

3 US Copyright Office, "Copyright in General (FAQ). https://www.copyright.gov/help/faq/faq-general.html

4 Graphic artists can register a group of 10 unpublished works in a single registration, making it possible to more affordably protect those sketches and drafts. The Copyright Office recommends registering works before they are published.

Myth 3: My work isn't copyrighted until I register it with the Copyright Office.

The creator of a work owns the copyright to that work, regardless of whether it is registered with the Copyright Office or not.

The moment you have created something in tangible form, such as written text, artwork, photographs, sound recordings, screenplays, music, lyrics, etc., you are the "author" of the work and the owner of its copyright[5]. You possess that copyright, regardless of whether you registered the work with the Copyright Office or not. You may use your work or assign the copyrights to it in whatever way you please.

Even though you own the copyright to your work regardless of whether your registered it, registering your copyright creates a public record of your authorship. It also gives you added protections and remedies if someone breaches your copyright. If you register your copyright within three months of the work being published, or (for both published and unpublished works) before a copyright infringement occurs, your registration is considered "timely". If you ever need to bring a copyright infringement lawsuit against someone, a timely registration will enable you to seek statutory damages and attorney fees. If your copyright registration isn't timely – if you register your copyrights after an infringement occurs – you'll only be able to receive actual damages, which can be difficult to prove and often are lower than statutory damages.

Register your works through the government's website (https://www.copyright.gov/). Be sure you are registering your work through the Copyright Office and not a private service masquerading as an official registration service. While there are businesses which offer copyright registration services, the Copyright Office offers plenty of tutorials and guidance, and the process is relatively simple.

Ideally you should register the copyright to your work before it's published, as unpublished works[6]. Under copyright law, the definition of "published" is a technical one: the distribution of copies of a work to the public by sale or lease (licensing), and the offer to distribute

5 An exception to this rule is if a work is created as a "work made for hire" (WMFH). In WMFH, the hiring entity owns the copyright to any works created. Generally WMFH applies to works created by an employee within the scope of their employment. WMFH may also apply to work created by contracted workers, if some conditions are met.

6 Unpublished works other than photos can be registered in groups of up to ten works. Photographs can be published in a group of 750 published or unpublished photographs. (Published and unpublished photographs cannot be mixed together in a single registration.)

copies to a group of people for further dissemination. This technical definition of publication can be confusing, particularly for works which are posted online. For that reason it's best to register your artwork as unpublished before you post it to social media or websites with sharing options enabled, or before you send the final work to a client.

To avoid confusion on publication status, the Copyright Office recommends registering your work before it's published. However, registering your work after it's been published also establishes *prima facie*[7] evidence of your ownership of the copyright. Except for photos, you can only register published works individually. Aside from photographs, published works of visual art may not be registered in groups.

If your work is infringed, you can pursue a number of options to enforce your copyright. Remember that you can't bring a copyright infringer to court until you register your copyright.

- Send a cease and desist letter and (for works posted online) issue a DMCA take-down notice.
- Consult an attorney to see if you should file a civil lawsuit in federal district court.
- If your copyright claim is of low value (with a potential total award of $30,000 or under), file a claim with the Copyright Claims Board as an expedited, inexpensive option to federal court.

7 In a court of law, *primae facie* evidence – evidence "at first sight" – is evidence accepted as correct until proved otherwise.

Myth 4: I'm not a professional artist or I'm a new artist, so my work has little copyright value.

The value of your copyright is not limited to the monetary gain you can derive from your work. Copyright permits you to assert your authorship, control when, where, and how your work appears, and protect the integrity of your work.

Stating your work has little value because you're an unknown artist raises two huge questions: 1) who determines what is the value of a creative work, and 2) is the only "value" of copyright the monetary gain the copyright holder might derive from the work? Copyright protects the right of the creator to determine how and when their work is reproduced, distributed, displayed, and otherwise used. Those rights are the core of copyright. Some perceived value of the work is not.

It is true that when a court weighs the monetary awards in a copyright case, they consider the market value of the work, and the damage the infringement has done to the copyright holder's ability to monetize that work. But the "value" of a work is not necessarily tied to the creator's experience, fame, or professional longevity. Professional associations such as the Society of Illustrators and publications such as Creative Boom publicize student and up-and-coming illustrators. Within a short period of time, these young artists cross a threshold from being relatively unknown to being sought after. Within a short period of time, the value of their work – the same work – may change dramatically.

Additionally, the value of a work cannot be predicted based on its, or its creator's, history. A relatively unknown artist may be "discovered". Artwork which has fallen out of favor because it's considered "dated" may become desirable again as its retro style comes back into vogue. A work created for a certain event may become valuable on the anniversary of that event (for example, artwork created for the original Woodstock music festival). The market for visual works of art is wide and varied, and works of very divergent styles are valued.

Copyrights are not only valuable for protecting the creator's ability to monetize their work. Copyright also lets the creator determine where their work is used. Copyrights have been leveraged to prevent hate groups from using an illustrator's work, or to stop fashion companies from appropriating and trivializing sacred indigenous imagery. Copyright prevents organizations and individuals you would never want to be associated with from appropriating your work, creating the impression that you endorse their points of view or mission. Such control of your work – how, when, where, and by whom it is used – is invaluable.

Myth 5: Parody and satire are the same thing, so if I use a copyrighted work in a satire, it's fair use.

Parody and satire are not the same thing. A parody is uses humor to comment on something, whereas satire uses a work to poke fun at something else entirely.

You may already know that a parody is considered a fair use of copyrighted material, whereas satire generally isn't. That means you can permissibly use a copyrighted work in a parody, but not in a satire. Although parody and satire both use humor or exaggeration to comment on something, parody and satire are not the same thing.

Parody is a type of commentary which pokes fun at a subject, such as a movie, a song, or a piece of art. A parody mimics an original work in order to ridicule that work. Parody must imitate something in order to make fun of it. In that sense, parody is a form of commentary, and commentary is considered a fair use of copyrighted works. Examples of parodies include the Austin Powers films, Weird Al Yankovich's "White and Nerdy" parody of "Ridin" by Chamillionare and Krayzie Bon, or artist Tim Doyle's "Change Into a Truck" spoof of Shepard Fairey's Obama "Hope" poster.

Satire, on the other hand, uses a work as a vehicle to poke fun at something else entirely. Satire needn't use that specific work to make its point; satire can stand on its own two feet[8]. Satire uses humor, irony, or exaggeration, often to make broad commentary on society, politics, attitudes and biases, or the world at large. Examples of satire include *The Onion*, the film Dr. Strangelove, and the book *Slaughterhouse Five*.

One copyright case in particular demonstrates the risk of confusing satire with parody. In the book, *The Cat NOT in the Hat: A Parody by Dr. Juice*[9], an author creatively retold the story of the OJ Simpson murder trial with simple rhyming couplets and illustrations mimicking Dr. Seuss' distinctive style. Dr. Seuss Enterprises sued for copyright infringement. Although the plaintiff claimed their work fell under fair use, as a parody the court disagreed. They found that the book was a satire because the book did not poke fun at Dr. Seuss. Instead, it used the Dr. Seuss style and characters tell the story of the murder trial. Any other distinctive style of illustration and text could have been used to accomplish that goal.

8 In *Campbell v. Acuff-Rose Music*, Inc., the Supreme Court decision stated "Parody needs to mimic an original to make its point, and so has some claim to use the creation of its victim's (or collective victims') imagination, whereas satire can stand on its own two feet and so requires justification for the very act of borrowing." https://www.law.cornell.edu/supct/html/92-1292.ZO.html

9 United States Court of Appeals,Ninth Circuit. **D***R. SEUSS ENTERPRISES, L.P., Plaintiff-Appellee, v. PENGUIN BOOKS USA, INC.*, https://caselaw.findlaw.com/us-9th-circuit/1384979.html

Creating Copyrighted Works

Myth 6: I'm not infringing copyrights if I just use a small amount of a work, or if I copy a photograph or artwork in a different medium.

Both of these myths stem from a misunderstanding of "fair use" and "transformative." There is no bright line (such as a percentage of a work) someone can use to determine if their use of a copyrighted work is allowed.

Artists often believe they're safe to use someone else's work if they just use a little piece of it. Sometimes people will be advised that using just a small percentage of a work is okay – for example under 10%. Many artists also think it is safe for them to copy a photo in a painting or drawing, or to reproduce another piece of art so long as they're using a different medium. None of these myths is entirely true, and come from a basic misunderstanding of fair use.

If you want to use an existing work in creating your own work, you first need to understand the concept of "derivative works." A "derivative work" is one which is derived from a preexisting work. A creator's career and reputation relies on the body of original work they create and the derivative works stemming from that. The right to create a derivative work is one of the exclusive rights of a copyright holder. Only they can grant someone else that right.

However, US copyright law provides for a way for copyrighted works to be used legally, without permission of the copyright holder, if that use is deemed "fair" to the creator/copyright holder and of a benefit to society at large. The fair use doctrine in US copyright law creates a balance between the public good and the rights of creators. The purpose of fair use is to encourage the spread of ideas while encouraging the creation of new works. Under "fair use", the use of copyrighted works for specific reasons, such as commentary, for educational purposes, or for parody is deemed "fair", in part because the creator of the original work will not be harmed or put at a loss by this use of their work.

When evaluating if the use of a copyrighted work is "fair use", four factors are considered:

- Purpose and Character of the Use (is the use noncommercial, educational, scientific, or historic)
- Nature of the Copyrighted Work (is the original work based on fact, or is it fictional)
- Amount and Substantiality of Copyrighted Work Used (how much and what portion of the work is used)

- Effective of the Use on Potential Market for Work (what economic damage would the use incur upon the copyright holder)

That third factor – the Amount and Substantiality of the Copyrighted Work Used – is what gives rise to the myth that using only a small portion of a copyrighted work is fair. The problem with relying on just a quantity of the original work used is that the "substantiality" portion used is ignored. In other words, one could use just a tiny portion of an existing work, but that portion might be the heart of the work. It could be the one the visual element that makes a work of art unique and recognizable, or the few sentences from a book that defines the crux of the book's theme and message. Copyright infringers have been successfully sued for infringement when they have used only a small portion of a copyrighted work because the portion they used was so critical to the original work[10].

In recent years, "transformative use" has also been considered when weighing whether the use of a work is "fair" or not.* Artists often misunderstand "transformative use" to mean that it is okay if they copy an existing work (like a photo) in a different medium. In copyright, "transformative'" means taking an existing work and imbuing it with "new expression, meaning, or message" that did not exist in the original. However, there is no bright line to determine if a use is transformative. Although courts interpret "fair use" differently, in general merely copying a work in a different medium (such as rendering a photograph in watercolor) is not considered transformative enough that the use of that work is considered fair.

A famous example of the danger of copying works into new media is the Obama "Hope" poster by artist Shepard Fairey[11]. Artist Shepard Fairey created the poster by tracing an Associated Press news photo. The poster was published to great acclaim, but Fairey made no mention of the original photographer. A group of photographers were able to successfully demonstrate that Fairey had infringed on an existing photo. They superimposed Fairey's artwork on the original photo, demonstrating that the poster was an exact trace of the photo. Fairey was sued for copyright infringement by the AP, the holder of the copyright to the photo. After it came to light that he had submitted false documents to hide the infringement, Fairey admitted his guilt. Eventually AP and Fairey settled out of court.

If you are inspired to create something based on another creator's work, the best course of action is to ask the original artist for permission. A polite query will often yield positive results, especially if you offer to include a credit to the original artist in the resulting derivative work. The copyright holder may decline to give you permission to use their work, or they may ask you to license it. That could lead to opportunities for collaboration and the development of a profitable relationship for both of you. Your very best course of action, of course, is to create something new and original.

10 In *Harper & Row v. The Nation*, the publication The Nation quoted passages from President Gerald Ford's memoir. The book's publisher, Harper & Row, sued for copyright infringement in a case that ended up before the Supreme Court. Although The Nation only quoted a tiny portion of the book – 300 words out of a total of 2,250 — they lost the case. The decision by the Supreme Court held that, by directly quoting Ford's words, The Nation was not engaging in news reporting but in fact abrogating the copyright holder's exclusive right of first publication. https://www.nytimes.com/1985/05/21/us/high-court-sustains-ford-memoir-copyright.html

11 Sharon Wu, "Shepard Fairey Pleads Guilty In Copyright Case" Feb 27, 2012, NYU Local. https://nyulocal.com/shepard-fairey-pleads-guilty-in-copyright-case-72ea5005481b

Myth 7: If I don't see a copyright notice on something, it's not copyrighted.

An image may be under copyright even if there is no copyright notice or a signature. Artists are not required to display a copyright notice to have their work be considered copyrighted.

The idea that if a work doesn't display a copyright notice it isn't copyrighted actually has a historic origin. Prior to 1989, copyright owners in the United States were required to put a copyright notice on their publicly distributed works. But in March of that year, the United States signed on to the international copyright agreement, the Berne Convention. In order to bring US copyright law in alignment with the Convention, the US copyright law dropped the requirement that copyright holders must display a copyright notice. Since then, copyright holders are not required to include a copyright notice on their works; it's entirely optional.

The idea that works which don't display a copyright notice aren't copyrighted persists though. People who nab work off the Internet sometimes do so under the mistaken notion that if an illustration doesn't show a copyright notice, it's free to use. That's rarely the case – artists often do not include their copyright notice, and clients who commission illustration don't always permit the artist to include their copyright notice within the artwork.

Even though it's no longer required, there are very good reasons why a graphic artist should put a copyright notice on their works (and not just to notify clueless Internet users that your work is under copyright). A copyright notice falls under what is called "copyright management information" (CMI). CMI basically is information that ties you as the creator or copyright holder to your work. CMI can be the copyright notice, metadata that you embed in your image, or a watermark that you overlay on your image.

If you're posting your work online, you should definitely embed your metadata. If you embed your metadata properly, Google Search results will display a Licensable Image Badge[12] showing that you're licensing your images, and will even provide links to the image's webpage, and to a page with your licensing terms. You should also consider putting a watermark overlay on your online images. This is particularly important if you're posting work to social media, since most social media platforms will strip out your metadata. Including your copyright notice in the artwork is also a good idea.

12 Graphic Artists Guild, "Google Launches Licensable Image Badge" September 10, 2020. https://graphicartistsguild.org/google-launches-licensable-image-badge

Including your copyright notice, watermark, or metadata doesn't just notify everyone else that this is your work. It actually gives you an advantage should you ever have to pursue a copyright infringer in court. If a copyright infringer nabs your work, removes your copyright notice or watermark, and then reposts that work, they've committed a violation of the Digital Millennium Copyright Act. Additionally, the fact that they removed your CMI shows that their infringement of your work was willful -- they can't claim they didn't know your work was under copyright. Both of those things mean you could be awarded substantial damages, even if you didn't register the copyrights to your work before the infringement occurred.

So what does a properly constructed copyright notice look like? According to the Copyright Office, a copyright notice should display the copyright symbol ©, followed by the year the image was published, followed by your name. If your work hasn't been published, the Copyright Office recommends using the year the work was created and stating that it is unpublished (for example "unpublished sketch by Art Winkle © 2021 Art Winkle").

Myth 8: Anything that is published online is "public domain," particularly if it doesn't have a copyright notice.

A work doesn't become "public domain" and free for anyone to use just because it's posted online. Typically, a work is only public domain if its copyright has expired, if the copyright holder has intentionally dedicated it to the public domain, or if it is a federal government work.

This myth has its roots in a basic misunderstanding of what the term "public domain" means. According to the Merriam-Webster dictionary, public domain is "the realm embracing property rights that belong to the community at large, are unprotected by copyright or patent, and are subject to appropriation by anyone." In other words, in copyright terminology, a work that is in the "public domain" is one which is not protected by copyright. Public domain works can be used by the public freely, for any purpose. However, bear in mind that no-one can "own" something that is in the public domain – it belongs to everybody. (For example, if you create a lovely t-shirt with a public domain photo provided by the Library of Congress printed on it, you can't sue anyone else using that photo for copyright infringement.)

Works which are published online are not automatically public domain just by the fact that they appear on the Internet. Consider how many works which are clearly copyrighted appear online: films available on streaming websites, podcasts, news articles and photographs, etc. While the Internet makes works easy for the public to view and enjoy, that doesn't mean those works are "public domain" and free to use.

There are several ways in which a work may enter the public domain, including.

- The copyright on the work may have expired. The term of copyright for creators is the life of the copyright holder, plus 70 years after their death. Every year, scores of works – films, books, photographs, illustrations – go out of copyright and enter the public domain.
- The work was created before March 1st, 1989 and didn't include a proper copyright notice. Prior to that date, copyright holders were required to show a proper copyright notice on their published works. Works which didn't display that notice were not protected by copyright and entered the public domain.
- The work was produced by the US federal government. However, be aware that works which appear on government websites may have been produced by independent contractors who can claim copyright to the work. Also, only postage stamps created before 1971 are clearly in the public domain.

- The creator dedicated the work to the public domain. Some creators have taken individual creations or even the body of their works and dedicated them to the public domain, so that anyone can use them.

While public domain images are a great resource for graphic artists, be careful on where you source them. Some websites which carry public domain images do not vet those images and misrepresent images which are still under copyright. Even if you are using a trustworthy source to find public domain images, check rights descriptions in the captions of images or on the web page carrying the image. Many libraries and archives carry a mix of both public domain and under copyright images. You can't assume that all the images they've published are free for you to use. Credible sources for public domain images include the Library of Congress, the Smithsonian, libraries which have published collections online, collections which have been dedicated to the public domain by the photographer or rights holder, and federal agencies. (Again, check the rights terms before using any images from these sources – collections generally marked "public domain" may include images which have rights restrictions.)

Also, bear in mind that an image marked "public domain" in the United States may not be in public domain outside of our borders. For example, a US government work may be under public domain in the United States (after all, our tax dollars paid for that work), but be under copyright in Canada. Additional restrictions might also apply to a public domain image, such as moral rights for the creator, rights of publicity or privacy for the individuals depicted in a photo, or patent or trademark. This can cause confusion when using public domain images.

This is borne out on the Creative Commons website. Images which carry the Creative Commons CC 1.0 Universal license have been dedicated to the public domain. Users can also tag images they believe are public domain with the CC Public Domain Mark[13]. However, the Creative Commons fact page on the Public Domain Mark warns that restrictions may still apply to images tagged with this mark. Images tagged as public domain may still be under copyright in some jurisdictions globally, and additional rights, such as rights of privacy, may apply.

A caution on open source resources: Do not make the mistake of assuming that text and images you acquire from sources such as Wikipedia and Wikimedia are "free to use" however you want. Many open source resources utilize CC licenses, or have generous but still limiting license terms. Wikipedia cautions users that Wikipedia pages are licensed by the CC BY-SA licenses. If you include text from Wikipedia pages in your materials, you must include an attribution and link back to that page. Images in the Wikimedia library are either under some sort of license, or a clearly labeled "public domain." If you do not see the term "public domain" or the CC0 license applied to a Wikimedia image, do not assume you can use it. Look for the licensing terms and, if you can't find any, avoid using that image.

13 Creative Commons, Public Domain Mark 1.0 https://creativecommons.org/publicdomain/mark/1.0/?ref=openverse

Myth 9: Because an artwork has a Creative Commons license tag, I can use it any way I want.

Only one Creative Commons license – the CC0 license – permits you to use a work any way you want. Every other license has some form of restriction.

Creative Commons (CC) is the non-profit organization which has created simple licenses that permit people to easily convey the terms by which others can use their work. The organization was founded with the stated goal of making works more freely available on the Internet. (In fact the founders of CC legally challenged unsuccessfully the extension of the term of copyrights.) CC created a set of easy to use and understand licenses which permitted creators to share their work in a way that is consistent with copyright. Those licenses include a license that permits creators to dedicate their works to the public domain.

Because of this history, and the organization's stated goal of making sharing and remix culture more accessible, many people think that anything tagged with a CC license is free to use. This misconception is exacerbated by the fact that the license tags themselves are limited to a set of letters. Unless the user actually clicks onto the license tag (if it is properly hyperlinked), or researches what the tag means, they won't be aware of the limitations each CC license puts onto a work. Simply seeing that an image is tagged "CC" does not mean you are free to use it; chances are the work is not in the public domain.

Of the seven tools CC supplies, only one is for a copyright holder to dedicate the work to the public domain. The other six are licenses with varying degrees of limitation, from requiring credit to the copyright holder, to limiting use to non-commercial uses only. Additionally, the CC license may require you to similarly license whatever work you create. The last tool is the Public Domain Mark, which is meant to tag old works out-of-copyright globally.

- **CC0:** Public domain dedication – the copyright holder gives up entirely their copyrights to the work. Reusers can distribute, remix, adapt, and build upon the original work with no limitations or conditions.
- **CC BY:** Reusers can distribute, remix, adapt, and build upon the original work in any medium or format, but the creator must be given credit. Commercial use is permitted.
- **CC BY-SA**: Reusers can distribute, remix, adapt, and build upon the original work in any medium or format, but the creator must be given credit. Any adaptations of the original work (including remixes) must be shared by you under the same CC BY-SA license. Commercial use is permitted.

- **CC BY-NC:** Reusers can distribute, remix, adapt, and build upon the original work in any medium or format, but the creator must be given credit. Only non-commercial use is permitted.
- **CC BY-NC-SA:** Reusers can distribute, remix, adapt, and build upon the original work in any medium or format, but the creator must be given credit. Any adaptations of the original work (including remixes) must be shared by you under the same CC BY-SA-NC license. Only non-commercial use is permitted.
- **CC BY-ND:** Reusers can copy and distribute the work in any medium, but in unadapted form only (no remixing or alteration is permitted). Attribution must be given to the creator. Commercial use is permitted.
- **CC BY-ND-NC:** Reusers can copy and distribute the work in any medium, but in unadapted form only (no remixing or alteration is permitted). Attribution must be given to the creator. Only non-commercial use is permitted.
- **Public Domain Mark:** This mark identifies very old works which are no longer under copyright. It should not be used on works which may still be under copyright in some jurisdictions globally.

Creative Commons also warns users of images tagged with any CC license that they should be careful to not imply that the licensor of the image endorses the user or the use of that image.

On rare occasion, images have been falsely tagged with a CC license or other free license[14]. That highlights a large problem with CC licenses: it provides a deceptively simple licensing solution that can confuse users. For example, users may not realize they're applying a CC license when they upload images to an image-sharing platform, or users may not understand how licensing works and apply an inappropriate license. Images may also have been erroneously tagged with the Public Domain Mark by users who do not realize the image is still under copyright somewhere in the world.

If you would like to license your artwork via Creative Commons, be sure you understand the terms and implications of each licensing option. Creators have been tripped up by CC licenses. In one case, photographers were outraged when Flickr used over 50 million images for its Wall Art service, without permission or remuneration to the copyright holders[15]. Flickr was well within its rights, since it only used images that had been tagged with CC licenses that permitted commercial use of the images. In another case, Apple Academics Publisher collected scholarly articles without permission into a tome they sold for over $100[16]. The publisher was able to use the articles because each had been tagged online with the CC-BY license.

14 Johnathon Bailey, "The Problem with False Creative Commons Licenses", Plagiarism Today, June 11, 2013. https://www.plagiarismtoday.com/2013/06/11/the-problem-with-false-creative-commons-licenses/

15 Graphic Artists Guild, "Flickr Wall Art Puts a Spotlight on Creative Commons Commercial Licenses", Jan. 15, 2015 https://graphicartistsguild.org/flickr-wall-art-puts-a-spotlight-on-creative-commons-commercial-licenses/

16 Rick Anderson, "CC-BY, Copyright, and Stolen Advocacy", The Scholarly Kitchen, March 31, 2-14 https://scholarlykitchen.sspnet.org/2014/03/31/cc-by-copyright-and-stolen-advocacy/

Myth 10: If I don't make any money off of using a copyrighted work then it's okay to use it.

If you use a copyrighted work without permission, you're infringing the copyright, whether or not you make any money off of using it.

An artist's work has value to them beyond licensing. Even when not generating revenue through licensing, an artist's work is an advertisement to their skill and their professional judgment. Their work represents them as a brand. When someone else uses an artist's work, even if that use does not generate revenue, it places the artwork in a context not of the artist's choosing and thus falsely represents the artist. This unauthorized representation can adversely affect the artist's reputation, business relationships, legal responsibilities, and mental well-being.

Additionally, when someone uses artwork (particularly when the artwork is used online), the work is no longer published in a way that the artist controls. That ruins the artist's ability to license that work and derive a living from it. A potential client will license artwork because the artist is granting them some promise of exclusivity – the artwork hasn't been otherwise used, and the client's brand or message will be amplified by association with the artwork. When someone copies an artist's work out of their portfolio and uses it, the artist can no longer promise the client exclusive use of the artwork – they don't know where it's appeared or how it's been used.

Art directors, designers, ad agencies, and publicity firms may think that using an illustrator's work for comping without permission is acceptable. "Comping" is using artwork in a comprehensive sketch for a proposal or unfinished design to a client or potential client. In fact, comping is not permissible and is a violation of the artist's copyright. Agencies have been successfully sued for copyright infringement for using photographs in advertisement comps, even when the final ad did not use the infringed photo. The unauthorized use of an illustrator's work poses an additional risk for the artist. If a comp is created with an illustrator's work, the client may approve the comp, but another illustrator will be hired for a lower fee to generate the final artwork emulating the style of the comped artist.

If you want to use an illustrator's work in a comp, ask permission. The Graphic Artists Guild supports the Ask First campaign, which cautions users to always ask before using artwork in comps. The illustrator may ask for a small usage fee and assurances that their work won't be further distributed. Both requests are reasonable and fair to the artist.

Myth 11: Even if the work is copyrighted, sharing it helps the artist by giving them exposure.

Artists have plenty of ways to get "exposure" – and by sharing their artwork without their authorization, you may actually be hurting their ability to license it.

There's an old trope that has a lot of truth to it: "Artist dies of exposure." People are under the mistaken belief that artists are so desperate for publicity that sharing their work does them a favor. Sometimes this argument is given by fans of a work, who may truly just want to share their delight in it. But this same argument has been used by unscrupulous users who are simply looking for free images and trying to leverage the artist's very real need for attention from potential clients to their advantage.

There are so many arguments as to why the willy-nilly sharing of an artist's work hurts them. Imagine if an illustrator posts a work to their portfolio, someone copies it and posts it to social media, and it goes viral. All of a sudden it's appearing everywhere. The artist has now lost the ability to promise a client who wants to license the work "exclusivity" to the work. Clients license works from illustrators and designers because they want to use a unique, compelling image to associate withs their business or product. They license the work so that they have some exclusive use of it. Once an image has gone viral, it's no longer exclusive. It has little value to the prospective client because that image is everywhere. Seeing it won't make the public think of them or their product or service.

The artist also loses control of their image. Once that image has been shared online, it can spread anywhere. It might have text plastered on top of it and be shared as a meme. It might be nabbed by a company that prints it on t-shirts or makes pins out of it, meaning that if the artist wants to sell merchandise with their image, they have to contend with a copyright-infringing competitor. Or, worst yet, the image might be picked up by a hate group. (That happened to Matt Furie[17], the creator of the Pepe the Frog character that was picked up by alt-right groups. He eventually registered the copyright to Pepe, and leveraged his copyright to regain control of the image.)

Often when images are shared, the person sharing the image doesn't include the name and link to the artist. Even when the fan is diligent and includes that information, someone resharing their post may forget to include it. If the artist's watermark, credit line, or metadata isn't included in the artwork, it could become an "orphan work" — a copyrighted work where the

17 Graphic Artists Guild, "Pepe the Frog Creator Settles with Alex Jones in Copyright Infringement", June 20, 2019. https://graphicartistsguild.org/pepe-the-frog-creators-settles-with-alex-jones-in-copyright-infringement/

identity of the copyright holder is unknown. Having artwork become “orphaned” is a huge problem for artists: the artist can’t track where their artwork is appearing, and those who would want to license the work don’t know who the artist is.

So how and when can you share a favorite artist’s work, without harming the artist? First, check to see how they’ve set their portfolio pages. If they’ve included sharing icons on the image, you can share it on social media -- the artist has clearly demonstrated they want you to enjoy their work on social media. (Always include the artist’s credit line in your post, including their name and portfolio URL or web address of the original image.) If you want to use the artwork in any other way -- by posting it to your blog, for example -- you must ask for permission from the artist. They will appreciate your outreach. Depending on your use, they may ask for a licensing fee. But most artists are reasonable in their fee requests, and are willing to negotiate.

Remember: artists may need publicity, but that publicity needs to be respectful of their copyrights and recognize the very hard job they have in marketing and licensing their works.

Myth 12: Copyright only benefits big corporations and media companies; for everyone else, it's censorship.

Millions or individual creators rely on copyright to derive a living, protect the integrity of their work, and ensure their name and reputation are connected to their creations. Copyright also encourages the development of a vibrant creative economy everyone can enjoy and benefit from.

Only big business benefits from copyright has long been a rallying cry of the anti-copyright movement. That stance conveniently ignores the fact that millions of individual creators and small studios – writers, photographers, illustrators, designers, composers, songwriters, choreographers, artists, filmmakers, animators, etc. – rely on copyrights to derive a living, protect the integrity of their work, and ensure that their name and reputation are connected to their creations. The US Department of Labor estimates that there are 2.57 billion artists in the US workforce. That is a huge number of individuals who rely on copyright as a fundamental cornerstone of their business.

To understand how important copyright is to individual creators, one just needs to look at the damage copyright infringement does to their bottom line. Since the advent of the Internet, copyright infringement has become rampant. Data collected for our Handbook: Pricing and Ethical Guidelines shows that income for illustrators has barely risen since 2003 and has actually declined considerably when accounting for inflation[18]. That coincides with a steady decline in the incomes of creative professionals. According to a survey of visual artists submitted to Congress, more than 60% of respondents had found an infringement of their work, and more than 70% of them reported that the infringement appeared online. Copyright infringement deprives artists of no only the commission of the stolen work, but the income that work could have generated from licensing.

Yet even as copyright infringement has become rampant, individual creators and small studios are hard pressed to defend their copyrights. The idea that copyright only protects large corporations is a reflection, in part, of the unbalance that exists in the US copyright system. Under this system, all copyrights are treated equally, whether the copyright to the work belongs to a large film studio, media company, or publisher, or to an individual illustrator. For a single work, standard registration, an individual artist pays the same registration fee to

18 See *The Graphic Artists Guild Handbook: Pricing & Ethical Guidelines* p 196 (16th ed. 2021). The 2003 edition of the Handbook shows income for illustrators ranging from $30,750 to $57,250. See *The Graphic Artists Guild Handbook: Pricing & Ethical Guidelines* p 115 (11th ed. 2003). Had illustrator salaries kept pace with inflation, the 2021 salary range would be approximately $46,000 to $85,000. See U.S. Bureau of Labor Statistics, CPI Inflation Calculator, https://www.bls.gov/data/inflation_calculator.htm

register as a large copyright holder. Individual creators have historically had to use the same federal court system to defend their copyrights as large copyright holders.

Copyright registration fees are expensive at the income level of most individual artists, and infringement lawsuits in federal court are extremely expensive. Large copyright holders don't have the same financial barriers as individual artists. They can afford to register large amounts of works, and can more easily afford to defend their copyrights in court. The result is that notable copyright cases generally involve those with deep pockets, reinforcing the impression that copyright only benefits large copyright holders.

The passage of the CASE Act in late 2019 addresses this imbalance in the copyright system. It established the creation of a Copyright Claims Board, a tribunal in the Copyright Office that will hear only small, voluntary copyright cases – essentially a small claims "court" for copyright. The Graphic Artists Guild advocated strongly for the CASE Act[19]. We are also advocating for additional measures to make the copyright system equitable for individual artists and small creative firms: a deferred examination registration process which will lower registration fees, permitting graphic artists to register works in the same group registration options as photographers, and revamping the DMCA process.

19 Graphic Artists Guild, "Take Action: What is The CASE Act, and How Can You Support It" May 8, 2019. https://graphicartistsguild.org/ask-your-member-of-congress-to-support-the-case-act/

Resources

Myth 1: Ideas are copyrighted to the person who thinks of them.

- **US Copyright Office, "Copyright Basics"**. https://www.copyright.gov/circs/circ01.pdf
  This circular provides some good explanations of the basics of copyrights: what kinds of works are protected, what kinds of works aren't, who can claim copyright, how long does copyright last, and how you can best protect your copyrights.

- **Fontfabric, "Font Licensing: The Ins and Outs of Legally Using Fonts"**. https://www.fontfabric.com/blog/fonts-licensing-the-ins-and-outs-of-legally-using-fonts/
  Fontfabric's type designers give the low-down on legally using fonts, and on the difference between typefaces and digital fonts. Note that this article clarifies that typefaces are protected by copyright in Germany and the UK, but not in the United States.

- **Peter Ackerman, "The 4 Main Types of Intellectual Property and Related Costs"**. https://www.innovation-asset.com/blog/the-4-main-types-of-intellectual-property-and-related-costs
  Written for business owners seeking to understand how to protect their business' intellectual property, this article provides an easy explanation of patents, trademarks, copyrights, and trade secrets, and the procedure to apply for or register for each.

Myth 2: If I mail my illustration to myself, I've copyrighted it

- **Bamberger, Alan. "Copyright Registration Law and Your Art Pros and Cons of Registering Your Art"** ArtBusiness.com. https://www.artbusiness.com/register_and_copyright_art_for_artists.html
  This article lays out for artists the reasons why you should register your copyrights, and provides relevant links to the Copyright Office's registration pages.

- **Farkas, Brian, "Poor Man's Copyright."** www.nolo.com, Nolo, 17 July 2019. https://www.nolo.com/legal-encyclopedia/poor-mans-copyright.html#:~:text=Mailing%20something%20to%20yourself%20may,enforceable%20unless%20it's%20formally%20registered
  This article goes a bit more into depth on what the Poor Man's Copyright is, and why it doesn't provide the legal protection creators need.

- **U.S. Copyright Office, "Copyright in General"** Copyright in General (FAQ), U.S. Copyright Office. https://www.copyright.gov/help/faq/faq-general.html
  This list of simple copyright FAQs includes the Copyright Office's statement on Poor Man's Copyright.

Myth 3: My work isn't copyrighted until I register it with the Copyright Office

- **Copyright Alliance, "What are the Benefits of Registration?"** https://copyrightalliance.org/faqs/what-are-the-benefits-to-registration/
  The Alliance summarizes the key reasons why you should register your copyrights.

- **Copyright Office, Visual Arts Registration**. https://www.copyright.gov/registration/visual-arts
  The portal to register your works of visual art includes a library of video tutorials and links to pages explaining the different registration options.

- **Stark.law. "Published vs. unpublished"**. https://stark.law/insights/2018/published-vs-unpublished
  This article goes deeper into why US copyright law makes a distinction between "published" and "unpublished" works, and why publication status can sometimes be difficult to discern.

- **Copyright Alliance, "What is the difference between "Published" vs. "Unpublished" works, why does it matter, and how does the difference relate to Online vs. Print publishing?"** https://copyrightalliance.org/faqs/difference-between-published-unpublished-works/
  The Alliance identifies why publication status is important for copyright registration.

- **Lisa Shaftel and Linda Joy Kattwinkel, Esq. "Hey, That's My Work on Their Website!"** 2007, Graphic Artists Guild, Tools & Resources, 2007. https://graphicartistsguild.org/hey-thats-my-work-on-their-web-site/
  This how-to article gives step-by-step advice on how to utilize the DMCA process to have your work taken off of a copyright infringer's website.

- **Copyright Office, "CCB FAQs"**. https://ccb.gov/faq/
  The Copyright Office has published a page of FAQs to answer questions about what the Copyright Claims Board and how the small copyright claims procedures can be filed.

Myth 4: I'm not a professional artist or I'm a new artist, so my work has little copyright value

- **Graphic Artists Guild, *The Graphic Artists Guild Handbook: Pricing & Ethical Guidelines***, 16th edition, 2021. https://graphicartistsguild.org/the-graphic-artists-guild-handbook-pricing-ethical-guidelines/
  For illustrators and designers unsure of how to price their work, the Handbook provides comprehensive guidance on how to negotiate with clients, evaluate what to charge, and conduct a professional business relationship. The Handbook includes tables of current pricing by project type and industry.

- **Terry Hemphill, "Looking Back to Look Forward: Illustration Styles of the Past 30 Years,"**, Adobe Creative Cloud, March 10, 2017. https://creativecloud.adobe.com/discover/article/looking-back-to-look-forward-illustration-styles-of-the-past-30-years
  Terry Hemphill gives a broad overview of 30 years of illustration, showcasing the sweep of genres and styles that have emerged since the onset of digital image making.

Society of Illustrators, Student Scholarship.
https://societyillustrators.org/student-scholarship/
The Society of Illustrators annual student competition showcases the 300 works culled from almost 9,000 entries submitted by illustration professors nationwide. The Society also provides scholarships to the top 25 students.

Myth 5: Parody and satire are the same thing, so if I use a copyrighted work in a satire, it's fair use.

- **Law & Artist #11 Fair Use Part 2 Parody v Satire**, video - 5min. https://www.youtube.com/watch?v=6tOM6uO_k2c&list=PL1paqckANBkByt9gwdH3l5vq7H8DINuLY&index=11
  In this engaging video, cartoonist Mark Monlux interviews attorney Daniel Abraham on the difference between parody and fair use.

- **Copyright Alliance, "Why Is Parody Considered Fair Use But Satire Isn't?"**
  https://copyrightalliance.org/faqs/parody-considered-fair-use-satire-isnt
  The Alliance gives a concise answer as to why parody is fair use, but satire isn't.

- **Logan McEwen, "Copyright Fair Use: Distinction between Parody and Satire"**, Marks Grey Intellectual Property Blog, July 18, 2019. https://www.marksgray.com/copyright-fair-use-distinction-between-parody-and-satire/
  This is another good explanation of the difference between parody and satire, drawing upon examples from popular culture to show the distinction.

Myth 6: I'm not infringing copyrights if I just use a small amount of a work, or if I copy a photograph or artwork in a different medium

- **US Patent Law.cn, "What is the Difference Between a Transformative and a Derivative Work in United States Copyright Law?"**, December 6, 2017. http://uspatentlaw.cn/en/what-is-the-difference-between-a-transformative-and-derivative-work-in-united-states-copyright-law/
  This explanation of the difference between transformative and derivative works was written for Chinese businesses seeking to understand nuances of US copyright law. The article is clearly written and presents a difficult topic in easy to understand language.

- **Linda Joy Kattwinkel, "Trademark, Copyright, and Related Legalities"**, Graphic Artists Guild, Tools & Resources, 2008. https://graphicartistsguild.org/trademark-copyright-and-related-legalities/
  Attorney Linda Joy Kattwinkel dissects the complicated legal issues to consider when creating a derivative work off of an existing trademarked logo.

- **Linda Joy Kattwinkel, "Fair Use or Infringement?"**, Graphic Artists Guild, Tools & Resources, 2004. https://graphicartistsguild.org/fair-use-or-infringement
  Attorney Linda Joy Kattwinkel explores the fair use implications of displaying works in your portfolio, and using existing works in the creation of collages.

Myth 7: If I don't see a copyright notice on something, it's not copyrighted.

- **Copyright Office Circular 3: Copyright Notice.** https://www.copyright.gov/circs/circ03.pdf
  This circular by the Copyright Office outlines how a proper copyright should be structured, and what the requirements were for works published between January 1, 1978, and February 28, 1989.

- **Burns, Leslie. "CMI and the DMCA"**, Burns the Attorney blog, June 29, 2016. https://www.burnstheattorney.com/2016/06/29/cmi-and-the-dmca/
  Attorney Leslie Burns goes into why including CMI such as a copyright notice or watermark gives you valuable protection under the DMCA.

- **Burns, Leslie. "Your Notice is More than CMI"**, Burns the Attorney blog, July 13, 2016. https://www.burnstheattorney.com/2016/07/13/your-notice-is-more-than-cmi/
  In her follow-up article on copyright notices, Leslie Burns goes into the additional benefits your copyright notice provides, particularly if you need to take an infringer to court.

- **Carl Seibert, "Using Google to Sell Your Work" Guild Webinar**, December 16, 2020 ($35, free for Guild members). https://graphicartistsguild.org/product/badges-metadata/
  In this webinar, photographer Carl Siebert went over the how-to and why of embedding metadata so that your work is licensable through Google. He'll answer:

- **Carl Siebert, "Resources for Graphic Artists Guild webinar" (on Google licensable badges and embedding metadata).** https://www.carlseibert.com/guild/
  Carl Siebert pulled together a comprehensive set of resources on metadata and enabling Google's licensable badge feature. The resource list included templates illustrators and photographers can download to guide them through the process.

Myth 8: Anything that is published online is "public domain," particularly if it doesn't have a copyright notice.

- **Adam Myers, "What Is the Public Domain?"**, Copyrightlaws.com, 14 March 2022. https://www.copyrightlaws.com/what-is-the-public-domain/
  Adam Myers gives an in-depth discussion of what public domain is, how works enter the public domain, and copyright protection for adaptations of public domain works. He also covers public domain in other countries.

- **Rich Stim, "Public DomainTrouble Spots"**, Copyright & Fair Use, Stanford Libraries. https://fairuse.stanford.edu/overview/public-domain/trouble-spots/
  This article reviews areas where a work may not be simply in the public domain, such as multi-layered works (in which some elements may be under copyright), modified works, trademarked works, foreign works, and works first published outside of the US.

- **Public Domain Sherpa, "10 common misconceptions about public domain".** http://www.publicdomainsherpa.com/10-misconceptions-about-the-public-domain.html
  This article covers a wide range of myths about public domain, including out-of-print books, federal works, and required permissions.

- L**ibrary of Congress, Search results for "Enter the Public Domain"**, Library Blog. https://www.loc.gov/search/?in=&q=enter+the+public+domain&new=true
  Every January, the Library of Congress publishes an article reviewing notable works which have entered the public domain as their copyright expires.

- **Copyright Office Circular 22, ''How to Investigate the Copyright Status of a Work".** https://www.copyright.gov/circs/circ22.pdf
  This Copyright Office circular provides guidance on how to investigate whether a work is still under copyright.

- **Creative Commons, Public Domain Mark 1.0.** https://creativecommons.org/publicdomain/mark/1.0/?ref=openverse
  The Creative Commons informational page on their public domain mark warns of other restrictions which may still apply, such as moral rights or rights which exist in certain jurisdictions.

Myth 9: Because an artwork has a Creative Commons license tag, I can use it any way I want.

- **Creative Commons, "About the CC Licenses".** https://creativecommons.org/about/cclicenses/
  The different Creative Commons licenses are outlined here, from most to least permissive.

- **Creative Commons, "Use & Remix".** https://creativecommons.org/use-remix/
  This article gives clear guidance on how Creative Commons licensed images should be properly attributed.

- **Copyrightlaws.com, "How to Choose the Best Creative Commons License"** 14 March, 2022. https://www.copyrightlaws.com/creative-commons-licenses-choose-best/
  This article explains the terminology used in CC licenses to assist copyright holders in selecting the best license for their needs and philosophy.

- **Kelly Keller, "5 Expensive Problems with Using Creative Commons for Small Businesses"**, Small Business Trends, March 9, 2015. https://smallbiztrends.com/2015/03/using-creative-commons.html
  Kelly Keller cautions that Creative Commons licenses are not as simple as they seem, and highlights concerns small businesses should be wary of when electing to use CC licenses, or works protected by CC licenses.

- **David Wiley, "Three Things You May Misunderstand About the Creative Commons Licenses"**, Improving Learning, October 24, 2018. https://opencontent.org/blog/archives/5735
  David Wiley covers some often overlooked aspects of the BY, SA, and ND conditions of Creative Commons licenses.

Myth 10: If I don't make any money off of using a copyrighted work, then it's okay to use it.

- **Bea & VandenBerk, "Avoid Copyright Infringement"**, 2018. https://www.beavandenberk.com/ip/copyright-tm/avoid-copyright-infringement/
  This article explores the very limited provisions which permits religious organizations to use copyrighted works, and cautions against unauthorized use by churches.

- **School Webmasters, "Do You Make This Mistake With YOUR School's Website?"**. https://www.schoolwebmasters.com/Blog_Articles?entityid=189689
  School Webmasters gives guidance to school staff on how to properly source images for school websites and non-educational materials.

- **Armand J. (A.J.) Zottola and George E. Constantine, "Can My Nonprofit Use that Photo? No. Yes. Maybe?"**. Venable LLP, March 9, 2018 https://www.venable.com/insights/publications/2018/03/can-my-nonprofit-use-that-photo-no-yes-maybe
  Amanda Zottola and George Constatine advise non-profits to properly source images and caution against assuming their use would fall under fair use.

- **Linda Joy Kattwinkel, Esq., "Comping and Infringement"**, Graphic Artists Guild Tools & Resources, 2006. https://graphicartistsguild.org/comping-and-infringement/
  Attorney Linda Joy Kattwinkel elucidates how comping does not measure up to a fair use of copyrighted works, demonstrating the point with examples from court cases.

Myth 11: Even if artwork is copyrighted, sharing it helps the artist by giving them exposure.

- **Tim Kreider, "Slaves of the Internet, Unite"**, New York Times Op Ed, October 26, 2016. http://www.nytimes.com/2013/10/27/opinion/sunday/slaves-of-the-internet-unite.html?_r=0&adxnnl=1&adxnnlx=1384105676-M+1GEhMVSxAjoXqWg7t07Q
  Cartoonist Tim Kreider's manifesto decries a cultural shift, in which creative work has been devalued and artists are expected to provide free labor for exposure.

- **Brette Sember, J.D., "Fair Use and Fair Dealing in Social Media"** Legalzoom, February 05, 2021. https://www.legalzoom.com/articles/fair-use-and-fair-dealing-in-social-media
  Brette Sember provides guidance on posting images to social media.

- **National Law Review, "Pause Before You Post – Copyright Issues in Social Media"** November 24, 2020. https://www.natlawreview.com/article/pause-you-post-copyright-issues-social-media
  Marketing professionals are cautioned to protect their company's intellectual property, and to ensure they are not exposing their company to a copyright infringement lawsuit, when posting to social media.

- **Marloe DeVries, "Copyright: using images you found online"**. https://marloesdevries.com/blog/copyright-using-images-found-online/
  Marloe De Vries explains, from an illustrator's perspective, when and how her work can be ethically and legally shared online.

- **Rich Stim, "The Basics of Getting Permission"**, Copyright & Fair Use, Stanford Libraries. https://fairuse.stanford.edu/overview/introduction/getting-permission/
  Rich Stim covers how to evaluate if you need to get permission to use a copyrighted work, and what you should take into consideration when asking for permission.

Myth 12: Copyright only benefits big corporations and media companies; for everyone else, it's censorship.

- **Hart, Terry. "Who Benefits from Copyright?"**, Copyhype, May 5, 2011. https://www.copyhype.com/2011/05/who-benefits-from-copyright/
  Terry Hart demonstrates that copyright ultimately benefits the general public over the general public, using remarks given by Supreme Court Justices and Registers of Copyright.

- **Matthew Barblan, "Copyright as a Platform for Artistic and Creative Freedom"** SSRN, Elsevier, May 6 2016. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2776797#
  In this scholarly paper, Matthew Barbian argues that by securing for artist a property right in their work, copyright empowers artists to pursue their professions in a diverse, vibrant marketplace.

- **Graphic Artists Guild, "Remedies for Small Copyright Claims: Additional Comments"**, Comment letter submitted to the Copyright Office, October 18, 2012. https://www.copyright.gov/docs/smallclaims/comments/noi_10112012/GAG_NOI2_Remedies_for_Small_Copyright_Claims.pdf
  At the end of this comment letter are the results of an extensive survey of visual artists on the incidences and outcomes of copyright infringement.

- **Graphic Artists Guild, "The Guild Welcomes the Introduction of The CASE Act into the House and Senate"**, May 1, 2016. https://graphicartistsguild.org/the-guild-welcomes-the-introduction-of-the-case-act-into-the-house-and-senate/
  The Guild's statement on the introduction of the CASE Act outlines why individual artists and small studios need a small copyright claims solution.

- **Copyright Office, Copyright Claims Board**. https://ccb.gov/
  The website for the Copyright Claims Board, designed to hear low value copyright cases, includes FAQs, an overview, and a Handbook on how to bring a small copyright claim.