

WHAT CAN YOU DO TODAY?

As you read through Chapter 2 you might have realised one of two things –

1. You're not doing anything to protect your own copyright material OR
2. You're a risk of receiving a cease and desist letter or a take down notice for some of the material you have put online.

This first checklist is about what you need to do to ensure that all future content you place online is legitimate, and how to deal with the history of content you've already got in place.

The second checklist talks about protecting your own copyright and what you need to consider when taking steps to protect it.

1. CONTENT REVIEW – EXISTING CONTENT

Where did you get all the content you have placed online? Your most frequently visited pages are your highest risk, but technology allows companies to search all online content to find matches across all online content. The quickest and easiest way to respond to a claim of copyright infringement is to immediately respond with proof of your entitlement to use.

- Identify the 5 - 10 most frequently visited pages you have online.
- Check to see if you know where the content came from, including any writing, images and videos.
- Write down how you worked out where the content came from and whether that applies across the whole site, or is different at different times.
- If you created your own content, identify what system you have in place to prove that, or create one.
- If content was created by contractors, contributors or outsourcers, check what agreements you have in place for when that content was created, and if copyright ownership was covered.
- Create a file for proof. Include a description of when and who created content and what agreements or licenses prove you have the right to use it.

2. PLAN TO GRADUALLY REPLACE RISKY CONTENT

It's your business decision about whether you wait until you get a claim for infringement, or replace risky content. Being able to demonstrate good faith in replacing copyright content goes a long way to reducing the value of claims made against you.

- Identify all the content that puts your business at risk.
- Prioritise content that generates income, then images over writing and video content.
- Plan to systematically replace risky content with self-created, purchased or licensed content.

3. PROTECTING YOUR CONTENT

Decide what action you are prepared to take to protect your own content. Be realistic. If you had a manual that brought in \$300,000 in revenue, you should be prepared to take legal action to stop others distributing it for free.

- Identify your most valuable content – what promotes reputation or revenue?
- Create a system so that proof of ownership can be demonstrated immediately.
- Get a template copyright infringement notice/ cease and desist letter prepared specifically addressing your most valuable content, and what steps you are prepared to take to protect it.
- Have staff trained and a process in place for managing and responding to infringements of your copyright.

4. SECURE YOUR OWNERSHIP OF CONTENT

If you have clear business strategies around copyright, you increase the value of your business. Ownership of copyright can only be sold or given in writing. Make sure it is clear to avoid disputes.

- If you plan to outsource or contract content creation, have some standard copyright provisions for those contracts to secure ownership.
- Be aware that image creators often try to retain copyright and have a strategy to manage that communication.
- Decide whether or not you are ok with your contractors displaying your work as an example of what they do, and if not, say so in writing.
- Make sure your employees understand that the copyright in what they create belongs to the business.

5. CHOSE YOUR COPYRIGHT LICENCE

Make it easy for people accessing your content to understand what they can and can't do with that content. Most people will comply with your rules, as long as you let them know what they are.

- Work out what content you are happy for people to share, and how, if any.
- Include clear terms on your website about how copyright material can be used.

YOUR NOTES:
