



Ecommerce for Artists

An integrated, modular curriculum developed collaboratively by CraftNet member schools and artists as an introductory guide to establishing an entrepreneurial Web presence. Created with the generous support of the Appalachian Regional Commission.

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MODULE 9: Ensure Protection for You and Your Customer

How can I protect (copyright) my work that I post online?

The Copyright Act of 1976 is designed to protect a broad range of creative and intellectual works. Your work is under copyright protection the moment it is created and you have fixed it in a tangible form.

There is a quite a bit of misunderstanding about how to obtain a copyright. No action is needed to secure a copyright because something called common-law copyright protects everyone. However, that protection does not allow for the creator to claim any damages if the work is copied. Such protection is not in place until a copyright is registered with the federal government. Registration is recommended for a number of reasons. The act of copyright fixes a date for when the work is “fixed in copy” for the first time, so it proves when the work was created.

Registration involves completing an application form and submitting it to the Copyright Office, along with the correct fee (fees will vary according to what is being copywritten) and a copy of the materials to be copywritten. The address is: Library of Congress, Copyright Office, 101 Independence Avenue, SE, Washington D.C. 20559-6000. It takes about four months to process an application.

For further information on copyright, go to <http://www.copyright.gov>.

Do I really need a lawyer for this whole process?

Obtaining a copyright is a relatively simple process. However, this site is not intended to provide legal advice. It is meant purely to guide you in your questions. You should keep in mind that to form a strong business team, you will need to contact a lawyer.

Does Creative Commons offer an alternative way to protect my work?

Creative Commons is a nonprofit organization that offers a set of licenses and free legal tools that permit authors, scientists, artists, and educators to easily mark their creative work with the freedoms they want it to carry, consistent with copyright. Artists can use “CC” to establish terms ranging from “All Rights Reserved” to “Some Rights Reserved. For example, your designation might permit a fellow artist or a nonprofit organization to download and post online photographs of your work free-of-charge, but clearly require that commercial uses of the same images would require financial compensation. For more information, visit the Creative Commons website: <http://creativecommons.org/>

Should I watermark images to protect them?

A watermark is an overlay image that protects a primary image by lightly marring its visual integrity. There are two kinds of watermarks:

- A visible watermark is translucent yet clearly documents who owns the image. At the same time, the original image shows through. This method is, by the way, the most popular way of protecting images. You can still showcase original images, even though the copyright protection is clearly readable. Remember, though, that a small watermark can be removed digitally.
- An invisible watermark is also laid over the primary image. It cannot be seen, but still can be detected if there has been an attempt to alter it. However, because it cannot be seen, your copyright remains embedded and established. This strategy for protecting images is used far less frequently.

In short, it probably is a good idea to consider protecting your images in some way, and watermarking offers you sound options.

For further information, visit: http://www.research.ibm.com/image_apps/watermark.html
www.watermarker.com/how-to-protect-digital-images.aspx.

ACTIVITY: Visit the tutorial on how to watermark an image at <http://www.psptoybox.com/tuts/psp7/watermark.html>. Then choose one of your images and follow the steps to test the method.

If I don't watermark my images, are there other ways to protect them?

If you don't want to watermark your images, there are several other ways of protecting them. They include:

- Reduce the size of your images. This can be a very effective way of protecting your images. These smaller, preview images will be high-enough quality for showing the images on the Web, but not for printing.

- Reduce the quality of the images. This is not the best method for protecting your images. You are trying to build an image of your art, and poor quality images do not help that.
- It is possible to disable the right click on the mouse. This lets the user know that the images are copyrighted and not to be saved for themselves.

If images are so easily co-opted or stolen on the Web, should I even post high-quality photos of my work?

Consider the underlying purpose of your presence on the Web. Research indicates that there is a relationship between sales and the quality of the images on a site. If you don't post any images of your artwork, you won't run any risk of having your images stolen. And yet, if you don't show your images, you won't be delivering your art to a larger market and most likely will not pick up any sales.

It comes down to your personal preference. Caution and balance are not bad approaches. If you are going to use a specific design again in future work, you might want to consider using a different context for showcasing it.

I really thought that everything on the Web was available for public use, and so I regularly use information from the Web. What is the rule for fair use?

Global online exposure has made this whole problem of copying or "borrowing" another artist's ideas far easier and, regrettably, more prevalent. However, the guide to what is considered fair use can be stated rather simply: Don't be the person who uses someone else's design and then sells what is created. Just as you don't want others to impinge upon what you create in order to make a profit, you shouldn't use what they create.

Also, be aware of instances in which you may unintentionally infringe on another's rights, such as in the case of using a photograph taken by someone else who has not granted you permission to use it. Err on the side of caution: Don't use a photograph that you didn't take yourself, unless the photographer or owner of the image has granted you the right to use it.

ACTIVITY: Go online to research the difference between creating, out-and-out copying (plagiarizing), and using with acknowledgement (citing).

- *Discuss with a group of artists the concerns surrounding these issues.*
- *Consider if or when it is okay to copy to learn or for inspiration?*
- *What is the ethical line that needs to be drawn between using a design for inspiration and creating a derivative piece?*

Is there any liability for me if a customer's private information is compromised?

Yes, there is a liability factor involved. You will want to consult with the attorney on your team for more specific information. There are at least two important issues:

- **Privacy Policy.** Federal law specifies that if you collect personal information (for example, name, nationality, social security number, gender, address, phone number, credit card number), you must have a privacy policy posted on your website. This policy needs to tell the customer how they can expect you will handle the information about them. In other words:
 - * How will you use the information?
 - * Will you share the information with others?
 - * How will you collect the information and keep track of it?
 - * How will you ensure that sensitive information is handled?

If you provide private information about children younger than 13, you must include a privacy policy that follows the rules of COPPA (Children Online Privacy Protection Act).

You might also want to reference the information provided in Section 7: “Add Income Through Sales.”

- **Terms of Use.** This is a policy that tells your customer what they can and can't do with information on your website. Some points you might want to include are:
 - * Can the customer copy content?
 - * Can the customer download information?
 - * Can the customer hand out information they have copied?
 - * Can they publish information on their own website or in another format?
 - * How do they provide citation information?
 - * How do you handle liability issues with links to other sites?

For more information about security issues, you might want to visit:

www.ibls.com/internet_law_news_portal_view.aspx?id=1990&s=latestnews

ACTIVITY: Visit several artists' websites that have security information/policies. From what you find, begin a list of what you would want to include in your security policy on your website.