

## NEWS & INSIGHTS

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# Does Your Presentation Infringe on Copyrights?

INSIGHTSARTICLE

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To get our audience's attention and keep them interested in your presentations, it's common to sprinkle in humor, music, and other items of interest to maintain attention. Thanks to the ease of finding, cutting, and pasting information on the internet and new scanning and copying technologies, it's easier than ever to include fun and interesting materials to get people's attention. By using this material, however, you may unwittingly be placing yourself and your company at risk for copyright infringement.

However, you may unwittingly be placing yourself and your company at risk for copyright infringement.

The use of cartoons, photographs downloaded from the Web, photocopies of trade journal articles, or music in presentations can be a violation of a third party's copyright and can result in costly damages being awarded. In fact, if you and/or your company infringe a third-party copyright, actual damages and profits will be awarded to the copyright owner.

Alternatively, the copyright owner can choose to obtain statutory damages which can reach \$30,000 per occurrence and can rise to \$150,000 for each violation if it is a willful infringement. Felony charges can also be brought if the violation involves more than 10 copies and a value of more than \$2500 and can result in imprisonment for up to five years.

To avoid being liable for copyright infringement, it's best to assume that any pre-existing work is copyrighted and that it requires permission from the copyright owner to use or copy. This does not apply to instances in which explicit permission has been given by the copyright owner to reproduce the work free of charge.

Remember the right for you to view something on the web or a journal is different from the right for you to display it in your presentation. While many people may think that the doctrine of "fair use" allows the use of copyrighted materials in presentations, this is generally not true in the corporate environment.

If it is important to use third-party material, you can request permission from the copyright owner and pay any required fees for the use to ensure the use does not violate the rights of the copyright owner. There are various collective management organizations that specialize in different categories of copyrights such as the Copyright Clearance Center ("CCC"), American Society of Composers, Authors and Publishers ("ASCAP"), Broadcast Music, Inc. ("BMI"), SESAC, ProMusic Rights, and Sound Exchange that serve as clearinghouses for the copyright owner. You need to pay careful attention to what the license from such an organization allows you to do with the copyrighted material.

Copyright infringement arises whether you are using copyrighted material internally or externally in a presentation. To be safe, you want to contact the copyright owner, which can be the author of the copyrighted work to obtain permission for your specific use. Often, owners enter into agreements with collective management organizations described in the article to manage the rights that are granted. Keep in mind, the right to view is different from the right to use or the right to make derivative works from the copyrighted material - you must make sure that you have all the rights you need for your use.

Finally, although Google provides advanced search capabilities which may enable you to streamline your search for free content, these are solely search aides. You still need to read the rights granted by the author of the specific copyrighted that is presented to you by Google and other search aides.

In summary, in this era of increasingly sophisticated tracking mechanisms and heightened sensitivity to copyright issues, we must all be aware of and avoid the risk of uninformed copying.

## **Related Services and Industries**

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