



Look but Don't Touch

You go to a website and see something there you think is just way cool. An image, an article, a bit of animation, whatever. And you think, "Wow. That is just too cool. I want to use that on my site" (or "in my comp" or "for my next project"). So, you do a little click-and-hold action (for us Mac folk), and, voilà, you download that sucker.

Congratulations, you have just violated Federal law.

Most of the content you see on the web (and absolutely all of the content on the BAP site) is copyrighted by the original producer of that content. If it's an image, the photographer holds the copyright; if it's text, the author; and so on. And reproducing that content, in any way, without the permission of the copyright holder is a violation of Federal law.

Period.

No, really...I'm not kidding here.

The content doesn't even have to be registered with the Copyright Office of the US government. See, in the US the moment an original work is created, its copyright is also created and the holder of that copyright is the creator of that work.

And the moment you download it, you have reproduced it (that download is a copy of what was on the site, remember), and you could be in some serious trouble.

The penalties for copyright violation vary, but if the creator hasn't officially registered the material, you're looking at paying damages amounting to the lost value of that content. If he or she has registered it, you're looking at a hell of a lot more--like up to \$150,000 per willful violation. That means per image, by the way, so if you download three images from the same website and you know it's a violation of the law to do so, you're looking at paying \$450,000. Not to mention all the legal costs you'll get stuck with.

Now, if you're really devious (and I'm sure none of you are, but just in case), you could be thinking, "Well, I'll just do some manipulation to that content, then it's original and I'm home free!" Nope, uh-uh, that's called a "derivative work" and it's just as much of a violation as a simple download.

So, what does that mean for creatives who want to use images they see online for comps and the like? Well, most photographers & illustrators want you to look at their work and are more than willing to work with you. Often, all you need to do is ask and they'll be happy to let you use the image(s) for a low (or even no) fee. So don't download or copy anything for any use without giving the creator a call or email first.

Oh, and the copyright stuff at the bottom of each BAP site page? Well that's just our friendly reminder not to steal our stuff.