

## Copyright Law and Web Design: Where do you draw the line?

There is no fine line, period. It comes down to the ethics of the individual person and the laws that can be enforced. The focus of this discussion is to specify the issue and see why this is. When it comes down to reading the book “Eclipse,” it is fairly easy to remember that the content that is so highly entertaining is owned by the author Stephanie Meyer. And if you want to use any of the content you have to get permission. Copyright law for authors is the life of the author plus 70 years. But when it comes to web design, where do you draw the line? A book doesn’t change much from publication ten years down the road but html code? CSS design? In a recent business law class, I learned that you cannot patent or copyright an “idea,” only unique requirements are allowed for anything that is invented or created. Web design has become a whole different ball game, however, making the grey area between right and wrong a lot more grey.

In 2001, Walt Disney was faced with an interesting law suit. Apparently GoTo.com had been using a green-light logo before Disney put something of similar design on its Go.com web site. So what is the big deal? I don’t see the inventor of the traffic light getting mad at GoTo.com for implementing the “green-for-go-idea” on their web site, why are they all bent out of shape? GoTo.com does not own the green light idea. In the article, “Copying Web Design: How Much Is Too Much?” GoTo.com claimed that the reason they jumped on Disney was because “that the effect was likely to ‘confuse consumers into thinking that the two web sites were from the same company,’” and that it’s “trademark infringement” (Maxwell 2001). The fact of the matter is, if the function that was created behaves as a common tool, “they’re considered ‘ideas,’” a

“utilitarian object” like the play button on a DVD player (Maxwell 2001). In the case of GoTo.com it may seem that the green traffic light was a trademark of what they stand for, giving their company meaning and identity. So what would happen if there wasn't a fight for the right?

Innovation is pushed along by the incentive of some sort of high return. Laptops get better all the time because of the competition between the Microsoft world and the Macintosh world. The incentive for innovation is established by the ownership and authorship of the end result. Now it may seem that private copying for personal use is a trivial fight but “widespread copying in the aggregate could radically reduce the incentive to create any given work of authorship” (Lunney 2001). In other words, why would anybody want to create anything for nothing? The fight is so daunting that “lawsuits against each individual private copier would become prohibitively expensive and politically unwise. Digital technology therefore presents a potentially serious, and otherwise unchecked, threat to the incentives thought necessary to ensure a continuing supply of creative works” (Lunney 2001). Where do you draw the line then? We have to be able to pin point some general issues to see where to start. Two of the hottest issues where the lines are the fuzziest are the main “creation of a web page” and “web site links” (Cox 1996).

Sometimes a company may think that by hiring a web designer for their business, the end result becomes their property. This starts the issue because, “copyright law allows only very limited types of "works" to be for hire. If a work is not in an allowable category, it cannot be a work for hire-no matter what the parties have agreed to. Work-for-hire categories include atlases, tests, test answers and movies, but generally do not include computer programs, such as web design" (Cox 1996). Links make any page on the internet accessible which makes it easier to

open the doors to copying of copyrighted material. There is not much we can do at this point.

There are some easy guidelines to follow however.

Sam Byassee says, “When you put your own copyrighted information on your site, be aware that you are opening yourself up to people from around the world who may download and use your material in violation of copyright law” (Byassee 1998). Also, ask permission to if you use anyone else’s material, whether it strictly says it is copyrighted or not. Restaurants have to ask permission from the copyright owner to play their music in the business (Morrison 2007). These are just a few pointers in order to start somewhere.

There is no fine line, period but we can make a difference for both the consumer and the producer by understanding where both parties come from and avoiding the grey area altogether.

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