

The Beginner's Guide To Understanding Copyright Infringement

As you're creating something, you may wonder what copyright infringement actually is. It's necessary, if you're creating a work -- albeit written, musical, videos, software or some other form -- that you know the definition of copyright infringement. This issue is very complicated, and not very easily spelled out in plain English.

Copyright infringement is defined by the jurisdiction -- the United States of America has different copyright laws than the United Kingdom, or Australia, or Russia, or even China. Because of this fact, you should first, before anything else, check the laws in your jurisdiction (country, city and province) before using something that isn't in the public domain.

For our definition of copyright infringement, works in the public domain aren't copyrightable. Works that aren't copyrightable include ideas, works that aren't eligible (150 years-old documents, or older -- think Beethoven and Frankenstein), data that isn't categorized in a creative way (this could be a database, such as a phone book or other publicly-accessible data), or items that the owners have specified creative commons copyrights.

As you can see, copyright law is rather complicated. Wikipedia.org gives us the definition of copyright infringement as: "Copyright infringement (or copyright violation) is the unauthorized use of material that is protected by intellectual property rights law particularly the copyright in a manner that violates one of the original copyright owner's exclusive rights, such as the right to reproduce or perform the copyrighted work, or to make derivative works that build upon it. The slang term bootleg (derived from the use of the shank of a boot for the purposes of smuggling) is often used to describe illicitly copied material."

Our definition of copyright infringement includes the works of creative commons. Creative commons is an organization that allows for the copyright author to determine the uses available for people who want to use their works -- for such items as for audio, images, video, text, educational materials, and software. It allows for the copyright owner to allow people to use their works for non-commercial, commercial, no derivatives, share alike, or just by giving attribution. Creative Commons is a license granted by the copyright holder, and can be used in both online (electronic Internet) works and offline works.

The real definition of copyright infringement comes from your jurisdictions statutes. In the United States of America, our jurisdiction's copyright laws are contained in Title 17 of the United States Code, §501 - §513. You can also find a definition of copyright infringement through such organizations such as the European Union or World Trade Organizations.

Copyright Infringement Statistics

Copyright infringement statistics, by most standards, are inflated. Most recent copyright infringement statistics cite that almost 30 percent of software is pirated in the United States of America. This means they think 30 percent of the software on your computer is illegal.

However, copyright holders have good reason to worry that we're violating their rules: the number of suspects referred to the United States attorneys with an intellectual property lead increased twenty six percent in the period between 2002 and 2004 -- and this number is rising. Copyright infringement statistics are difficult to come by, but it's plain to see it's affecting every aspect of intellectual copy.

Copyright infringement statistics show a lot of violations in pirating software and music. Many unsuspecting people, from college students to thirty-something professionals, download music on a consistent basis, and often it's not downloaded legally. Often times, someone will download a song off a MySpace or YouTube page, without giving thought to who owns the copyright and if it's legal for them to have it.

Copyright infringement statistics, brought to us by the music recording industry, would have us believe that online infringement is seriously hurting the recording industry. Statistics also show that many people are downloading games off the Internet. With the litany of games available to us -- from complete alternate worlds such as World of Warcraft to the more mainstream "The Sims" series -- people are clamoring for PC games. They're fun, intelligent games that play on a system everyone has -- a computer. Because of this, people are always looking for new games to play and download, and they may download a game without knowing that it's not "freeware" (as many Internet games are).

In addition to computer games, copyright infringement statistics also show that movies are downloaded in abundance on the Internet. Many peer to peer file distribution sites and programs (such as Kazaa) allow transferring of large files; plus they're easy to find online. Using a tool provided by one of many suppliers, users can search for any item they like -- and, of course, the system is abused and people download copyrighted movies and entire DVDs instead of publicly available works.

Copyright infringement also branches into written works, such as articles, books, poems, etc. Many times, a student will copy a paragraph or two without realizing the implications of such copying. While they may think of it as "borrowing," if it's used on a grander scale, the person could be opening themselves up to a large court fight, especially if it's used commercially.

As you can see, copyright infringement statistics show us that many people use copyrighted works illegally. Do your best diligence when using another's work -- and ask for permission every time you want to use something that you haven't created. Chances are, if you just ask the question up front you'll save yourself from becoming a copyright infringement statistic and save yourself from a major lawsuit.

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Richard Cunningham is a freelance journalist who covers [copyright law](#) for www.ResearchCopyright.com. Download his free e-book, "Copyright Basics" at [ResearchCopyright.com](http://www.ResearchCopyright.com).

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