

COPYRIGHT & PLAGIARISM FOR FOOD BLOGGERS by [Jeanne Horak-Druiff](#)

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1. What is copyright and how do I get it?

Copyright = a monopoly granted by the state to creator of an original artistic work (e.g. written works, artworks, sound recordings and photography) giving them exclusive right to exploit and make money from that creative work for the duration of their lifetime (+ at least 50 year thereafter), and the right to be identified as creator.

Comprises a bundle of rights, including the right to be named as author; the right to alter the work; the right to reprint or republish the work and be paid for it. Rights can be separated – even if you were commissioned to write a piece by a newspaper, you still retain the right to be cited as author.

Does NOT have to be registered – exists automatically as soon as you have given concrete expression to your creative idea (written the words down, painted the painting etc). Copyright registration (in countries where it is allowed) will only assist you in proving your ownership in a legal action.

2. What can and can't be copyrighted?

It is the EXPRESSION (in writing or graphics) that can be protected, not the idea itself.

All photographs can be copyrighted – usually the owned by the photographer, sometimes the person commissioning the photograph.

Recipes: a simple **'list of ingredients can usually not be subject to copyright**. BUT if the recipe includes a **written description/instructions/method of preparation** of any significant length, this will be classed as a literary work and will therefore be subject to copyright.

3. What is Creative Commons and how does it differ from copyright?

Creative Commons = nonprofit corporation making it easier for people to share and build upon the work of others, while still respecting the rules of copyright.

CC has made available a number of licenses that spell out copyright concessions e.g. you allow other bloggers to use your text with attribution for free, but still prohibit a newspaper from passing of your photo as theirs for commercial purposes.

PRO: It's less restrictive than copyright and allows for easier collaboration and development of ideas.

CON: people may get confused about what they can and can't do, or assume that all Creative Commons licenses allow the same actions (they don't).

4. How do plagiarism and copyright infringement differ?

Copyright is a technical legal issue about the ownership and rights to exploit the work. There is usually a financial aspect – in other words, somebody else is making money from your creative work. Appropriate to talk of copyright infringement where e.g. a newspaper swipes a photo off your blog for use in the paper and refuses to pay you for it. Plagiarism is about dishonesty – pretending somebody else's words, ideas or pictures are your own – students are very familiar with it! No money needs to be made by the plagiarizer for you to accuse them of plagiarism e.g. another non-professional blogger using your text and photo without crediting you. Plagiarism cannot exist where you acknowledge your sources; copyright infringement can.

5. How can I use material without infringing people's copyright?

You should be fine using other people's recipes if you are:

a) using recipes that are stated to be in the public domain, or

- b) using recipes where the original copyright has expired, or
- c) creating your own version of an “old standard” and adding your own method/instructions/description.

Interesting question – how much of a recipe do you have to change before you can say it’s “yours”? No hard and fast answer but proposed rule of thumb = if you change three ingredients and write your own instructions. If in doubt, use “inspired by” or “based on” and give credit.

In all other circumstances, ask for permission from the current copyright owner (the writer/blogger, or the publisher in case of published work).

The fact that you are not making money on your blog is NOT an excuse for plagiarism. Unlikely that you will be sued for taking a recipe that’s not yours, but it is extremely bad form and you can expect abuse from other food bloggers. Always, if possible, always **ASK FIRST**, even if you see no copyright notice. And **ALWAYS link back** to the original recipe and mention the original source in your post.

Sometimes even if you are making no money and give full credit, the corporate crazies send in their lawyers. Yes, these are bullying tactics. No, it’s not worth arguing about. Take the post down and laugh it off.

6. So how do I protect my words and pictures?

The fact that your photos and text are on the internet does NOT place them in the public domain.

1. Put copyright notices on **all photos** and copyright notice in the file properties/comments if possible. Copyright notices **on ALL pages of your blog**. Make them visible, not hidden away!! Not required and not foolproof but may act as a deterrent, plus displaying them means thieves can’t say “but I didn’t realise it was copyrighted”. Copyright notices are straightforward statements, there is **no need to get tied up with legal jargon**, the point is to state clearly and succinctly what you don’t allow people to do with your work.

What does a notice consist of? (*information from the UK Copyright Service website*)

- Copyright - the full word and/or the © symbol
- Year of publication (in case of website which is continually updated, list the period from first publication until the most recent update, i.e. 2000-2004)
- The copyright owner’s name E.g. Copyright © 2009 Jeanne Horak-Druiff.

Optional further statements:

- **All rights reserved** (Simply means that you withhold ALL rights to use your text/images the maximum extent allowable under law.)
- **Permission granted to reproduce for personal and educational use only. Commercial copying, hiring, lending is prohibited** (This kind of statement can be of mutual benefit as allowing reproduction may help to promote their message.)
- **May be used free of charge. Selling without prior written consent prohibited. Obtain permission before redistributing. In all cases this notice must remain intact** (This is a Creative Commons type of notice, specifying that the text/photos may freely be used but that all copies will identify you as the author)

2. Switch to a partial RSS feed if possible with a "Continue reading" link in the feed itself. If the "continue reading" link also includes the title of your post, then the aggregators are actually doing you a favor by republishing your content.
3. Less useful: set up a Google Alert with your blog name as the search term – you will get an e-mail each time somebody mentions you. Claim your blog on Technorati so that you can see who links to you.
4. Be a good blog friend and keep an eye out for other sites posting your friends content

<http://www.copyscape.com/> is a useful tool to check if somebody has stolen your text – can also add a “protected by CopyScape” banner to your blog.

If your content is stolen:

- **Take a copy** of the site at the time that you spot the infringement, in case you need proof of the infringement.
- **Contact the site owner** and in your letter:
 - Explain who you are
 - State the name/link of the post(s) you are objecting to.
 - State the reason why this is an infringement, i.e. an unauthorised copy, adaptation etc.
 - State that you believe this act constitutes an infringement, that your work is protected under law, and that this constitutes a breach of your legal rights.
 - State that this is unacceptable and must stop.
 - State what action is required to resolve the dispute - usually you would request that the photo or text be removed from their site immediately
 - Specify a deadline for your conditions to be met (e.g. a week, 28 days).
 - State that you are seeking legal advice and that the case will be pursued if they do not comply with your request within the time period., what they have done wrong, what you want them to do about it, and the timeframe they have to comply (a week, a month etc.)
- If you get no joy from them, **contact the ISP** that hosts the domain name (WHOIS is useful for determining this <http://www.networksolutions.com/whois/index.jsp>), or their **blogging platform**. Some countries e.g. the USA require these companies to take down any site that they know is posting stolen content. A DMCA notice is a notice in terms of the US’s Digital Millennium Copyright Act
- If no joy, **contact any advertisers** on the offending site. Google can suspend GoogleAds accounts of people posting stolen content.

If nothing works, **decide whether to name and shame them** on your blog and in a forum like FoodBlogScool and laugh it off, or to **spend your money or a solicitor**.

Do pursue all instances of content theft though - if you don’t take your own intellectual property rights seriously, nobody else will.