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Framing, Defining, and Implementing a Copyright Compliance Policy to Manage Risk in a Digital Publishing Environment

CAPSTONE REPORT

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Running Head: IMPLEMENTING A COPYRIGHT COMPLIANCE POLICY

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to Manage Risk in a Digital Publishing Environment

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Abstract

Digital technology allows unprecedented access to information (Armstrong, 2005). This study examines selected literature published between 1990 and 2010 to provide communications professionals working in the United States with a 14-point guide to help frame, build, and implement a copyright compliance policy related to the use of digital graphic elements including photos, maps, and pictographs. Focus is on the use of a policy to reduce financial liability as part of a larger risk management program.

Keywords: Copyright, intellectual property, compliance, policy, plan, infringement, enforcement, organization, business, corporate, risk, liability; digital, electronic, document, publication, graphic element, image, picture, photo, map, graph, graphic

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Introduction to the Literature Review

Purpose

The purpose of this study is to analyze literature that describes how to best frame, define, and implement a copyright compliance policy (*Copyright compliance policy*, 2005) (related to digital graphic elements [*Digital graphic element*, n.d.; *Graphics*, n.d.; *Graphic design*, n.d]), as part of an organization's larger risk management program. The goal is to provide a template for a single, consistent approach to copyright compliance (Butler & Parker, 2009), that serves both as a resource to address daily graphic element copyright issues, (Butler & Parker, 2009) and a plan to reduce a company's liability and risk, the probability or threat of damage or loss (*Copyright compliance policy*, 2005; *Risk*, n.d.) in a digital environment (National Research Council, 2000). The template is designed to help an organization ensure available digital copyrighted graphic elements, including artwork, art, graphics, non-textual matter; photographs or other visual representations in a printed publication (*Graphics*, n.d.; Seadle, 2002), are used properly in the context of professional communication (Butler & Parker, 2009); with the intent to ensure needed protection against copyright risk (Weiner, 1997).

The study addresses the question: "What steps can an organization follow to institute a copyright compliance policy?" Emphasis is on copyright protection for the use of digital graphic elements in corporate communications (*Corporate communication*, n.d.), including photos, maps, and pictographs, but not on software, text, or digital music files.

Authors (*Author*, 2008), writers, and editors who work in technical and marketing communications (*Marketing communications*, n.d.) publish varied types of materials in a number of ways for their employers (Lutzker, 2003; *Technical communicators*, n.d.; U.S. Department of Labor, 2010). *Authorship* can refer to the creator, the publisher, or a commissioning party or

employer (*Author*, 2008). The exclusive rights granted to authors allow control and exploitation of the creation for a period of time, as mandated by the U.S. Constitution to encourage creative expression (Lutzker, 2003). Sprigman (2009) notes that by providing property rights that rights holders can assert against copyists, we enable rightsholders – at least those in possession of commercially-valuable works—to charge a higher than competitive price. We hope that this lure will stimulate investment in creative works (p. 319).

Digital technology allows unprecedented access to and sharing of information (Armstrong, 2005). When copyrighted information is used without the permission of the copyright owner, copyright infringement occurs (*Copyright infringement*, n.d.; Ezor, 1996; Samuelson, 2001). While academia has a long-standing protocol for source notation, current guidelines or examples of what protocols are needed in business is lacking (Krapels & Davis, 1999). As it is written, copyright law can be contradictory and a challenge to interpret (Litman, 1997; 2003). Campbell (2006) contends that:

However wobbly the philosophical justification for an author’s right may be, the economic fact is that there would be no incentive for authors to create works of social value absent the economic incentive that copyright provides, and that fact in itself is justification for copyright as it presently exists. (p. 6)

Butler and Parker (2009) state that a workplace can be copyright compliant through the “design, development, and continuance of a compliancy process achieved by establishing copyright policies and procedures, training, evaluating, and maintenance” (p. 10). Landes and Lichtman (2003) indicate that contributory infringement (p. 114) and vicarious liability (p. 115) are two situations where courts have held third parties (such as employers) liable (p. 114). Contributory infringement is a situation where one party materially contributes to the

infringement conduct of another party (Ginsburg, 2001; Landes & Lichtman, 2003). Vicarious liability is a situation where one party has control over another and directly benefits from the other's infringing (Landes & Lichtman, 2003). Donoghue (2010) states that through the simple acts of explaining copyright laws and the consequences of infringement, a company can remove potentially millions of dollars in future corporate liability, which can result in a financial claim against an organization (*Liability*, n.d.).

Three facets of a copyright compliance policy are examined in this study:

1. The need for a copyright compliance policy in any organization (Donoghue, 2010) that uses communications staff to publish documents using digital graphic elements (*Digital graphic element*, n.d.; *Graphics*, n.d.; *Graphic design*, n.d);
2. Analysis of copyright compliance policies related to digital graphic elements (Butler & Parker, 2009); and
3. A copyright compliance policy implementation plan focused on the use of digital graphic elements that could be used in an organization, based on available literature (Butler & Parker, 2009).

Problem

The global electronic communications network that is the Internet (Lutzker, 2003) can expose the company's most valuable resources to third parties. "Digital copies are easy to create, modify and manipulate, and extremely easy to distribute widely over networks," (Russell, 2010) more quickly than ever (Rabinowitz, 2009), and more inexpensively than ever before (Litman, forthcoming 2011). As noted by Jackson (2007), "in addition to laws regulating document destruction and retention, companies must increasingly guard against hackers and loss of valuable intellectual property through electronic means" (p. 2).

According to Thorp (2004), “fundamental to the proper management of anything is the establishment of a management system” (p. 1). Businesses have policies in place for programs such as how to create a greener workplace, how to perform employee evaluations, and how to report a health and safety violation (Sethuraman, 2007). Butler and Parker (2009) believe that “all organizations should have copyright policies” (p. 9). Donoghue (2010) presents the same notion, and says that corporate copyright compliance policies should become a key element in a business compliance structure aimed at avoiding exposure to related legal and financial risk.

In the field of information management, corporate compliance policy is part knowledge management, part information design, and relevant to all published communications (Weiner, 1997). “Copyright and trademark are crucial in any Web-based commerce, and businesses that ignore or are unaware of them are vulnerable to potentially costly litigation” (Mykytyn, Mykytyn, & Harrison, 2005, p. 4). Employees need to be educated about copyright laws (Donoghue, 2010). Lipinski (2006) notes that:

While it may never be possible, short of looking over every employee’s shoulder at every moment, to monitor and control the behavior of each employee, a compliance program that minimizes the risk of liability can ensure that when infringement does in fact occur, it is identified and remedied in due course, thus decreasing the likelihood of suspicion and discovery by others, including the copyright owner, and thus reducing the opportunity of exposure to litigation or the threat of litigation by the copyright owner.

(p. 47)

Harris (2009) suggests that a copyright compliance policy can provide a guidance procedure for managing copyright issues.

Significance

The acquisition of copyrighted materials (America.gov, 2008) is easier than ever in the digital age (Peek, 2000). The digital revolution has dramatically increased the opportunity to share ideas and communicate information to ever-broader audiences (Armstrong, 2005). The high-speed transmission of a variety of materials can encourage creation and dissemination with its low cost, and also can enhance the material's value because of the ease with which it can be linked to other valuable material (Litman, 2001). "In order to achieve an environment which enables information sharing all over the world, it is also necessary to achieve an environment where copyright is managed appropriately regarding all digital contents published on the Internet" (Murakami, Y., Okawa, K., & Murai, J., 2010, *Conclusion*, para. 1).

Plagiarism, the unauthorized use of another author's original work (*Plagiarism*, n.d.), is more relevant in the digital age than ever before (Harms, 2006). In relation to digital graphic media, infringement can include reports that use graphs or photos without permission, digital presentations that include photos copied from the Internet (Lutzker, 2003), and use of Internet images in social media and social networking used for the organization (Donoghue, 2010). More than ever, the Internet presents interesting challenges for owners, creators, sellers, and users (Davis, 1998; Lessig, 2004).

Failure to use information properly in business communications can result in inefficiency, exposure to risk, security incidents, failure to meet customer obligations, financial liability, and negative publicity (Jackson, 2007; Moohr, 2003; Sethuraman, 2007). According to Lemley and Reese (2004), while suing copyright infringers is passé, in the digital world the high stakes are in suing those who facilitate infringement (p. 102), and "suing facilitators is much more cost-effective than suing direct infringers in the digital world" (p. 145). "Copyright owners are happy

to sue facilitators instead, because there are fewer of them and both damages and the benefits of injunctive relief are substantial” (Lemley & Reese, 2004, p. 106). Butler and Parker (2009) state that “oftentimes copyright is addressed in the workplace only after a blatant infringement is discovered or a cease and desist letter is received” (p. 9). As noted by Donoghue (2010), a copyright compliance policy can be a simple and inexpensive way to address current infringement problems and prevent future problems for a business.

Outcome

The intended outcome of this study is a guide that examines copyright compliance policy related to digital graphic elements in an organization, including:

1. The need for a copyright compliance policy in any organization (Donoghue, 2010) that uses communications staff to publish documents using digital graphic elements (*Digital graphic element*, n.d.; *Graphics*, n.d.; *Graphic design*, n.d).
2. Analysis of copyright compliance policies related to digital graphic elements, currently in use in organizations (Butler & Parker, 2009).
3. A copyright compliance policy implementation plan focused on the use of digital graphic elements that could be used in an organization, based on available literature (Butler & Parker, 2009).

This guide is designed to serve as a resource for communications professionals who use digital graphic media to publish on a digital platform. It is intended for use by professionals in the United States (Lemley & Reese, 2004) is presented in the Conclusions section of this paper.

Audience

The primary intended audience for this guide is communications professionals, which can include members of a publications, communications, or marketing staff; technical specialists;

technical editors; technical writers; graphic designers, and anyone who works collaboratively on communications (*Marketing communications*, n.d.; *technical communication*, n.d.). These communications professionals may be responsible for ensuring copyright compliance on three levels: in information they create; in information created by others; and in the use of publications tools and processes that other people use to do their jobs correctly, efficiently, and profitably.

The common characteristic among these professionals is that they often use digital graphic elements (*Digital graphic element*, n.d.; *Graphics*, n.d.; *Graphic design*, n.d) as they create communications for profit, including reports, presentations, memorandums, brochures, Web sites, advertisements, and usually with no intent to infringe upon copyright laws (Donoghue, 2010). The issue with copyright compliance policy is not about disclaiming liability; the issue is about “taking responsibility for that which you can control and creating accountability where it belongs” (Ebbinghouse, 2009, *Conclusion*, para. 3). In the digital age, it is wise to assume that all works are protected by either copyright or trademark law unless conducive information indicates otherwise (Stim, 2000). Information has value if it gives rise to actual or potential commercial advantage for the owner of the information (Brinson & Radcliff, 1994a).

Delimitations

Topic. Copyright is a type of intellectual property protection (*Intellectual property*, 2010). Other topics related to intellectual property include trademarks, patents, industrial design rights, trade secrets, and jurisdiction (*Intellectual property*, 2010). The topics of fair use and public domain are also related subtopics of intellectual property (Templeton, 2008). This literature review is limited to procedures that address the use of copyrighted materials published by communications professionals in organizations. There are situations where materials

classified as intellectual property, trademarks, or public domain are relevant to the copyright discussion, but the primary focus is on copyright compliance in published digital graphical materials.

Focus. This study focuses specifically on works of authorship described as digital graphic elements that are particularly of interest to professional communicators, including pictorial and graphic works, photographs, maps, paintings, drawings, graphic art, and display ads (Brinson & Radcliff, 1994b). Other types of copyrighted digital information, such as software, text, or digital music files, are not considered.

Level of detail. The selected literature indicates that a range of compliance policies and protocols exist (Butler & Parker, 2009), depending on size of organization, business focus, and number of documents published regularly. The outcome of this study is a guide presented for larger organizations, but is designed so that it can be adjusted as needed (Butler & Parker, 2009).

Intended audience. The outcome of this study (a guide) is designed to direct communications professionals who publish digital graphic media on a digital platform. The audience should be in the position of using third-party materials such as pictures, maps, or graphic images in their publications. This study is not intended as a guide by professionals who are producing original content that would be categorized as the organization's original intellectual property. This study is intended for use by professionals in the United States, as copyright laws differ greatly between countries (Lemley & Reese, 2004).

Time frame. While the dissemination of information changed forever with the advent of the Internet (*Information age*, 2010), the Internet of the 1980s was very different from its manifestation in the 1990s (Davis, 1998). By the mid-1990s, intellectual property laws were being fine-tuned to apply to intellectual property in cyberspace and the digital age (Davis, 1998).

To restrict information produced in a different age of communication and publishing, and to select current and applicable materials, references published before 1990 are excluded from consideration.

Search strategy. The search strategy for this study restricts sources to those primarily addressing notions of (a) copyright, (b) compliance, and (c) policy in (d) organizations that (e) publish digital graphic elements materials, and not with related topics such as intellectual property and public domain (Templeton, 2008).

Selection criteria. Criteria used to select the databases, sources, and authors for inclusion in this study include relevance to the industry, scholarly credibility, and current applicability. Databases include a variety of topic-specific journal indices. Source materials include articles and books relevant to the subject. Authors are considered based on their body of work, the source of their publication, and the relevance and currency of their bibliographic materials used in their work.

Data Analysis Plan Preview

The data analysis approach used in this study is based on the idea of conceptual analysis. “In conceptual analysis, a concept is chosen for examination, and the analysis involves quantifying and tallying its presence,” (*Conceptual analysis*, para. 1) and then coding it into manageable content (Busch, De Maret, Flynn, Kellum, Le, & Meyers, 2005). Conceptual analysis relies on the elements of subjective analysis of credibility, reliability, and validity (Busch et al., 2005; *credibility*, n.d.).

Selected reference materials are coded through a series of steps that sort the materials into different categories through *selective reduction* – a process where the researcher selects words or phrases to focus on that are indicative of the questions used in the search and can be used to pare

the information into manageable categories (Busch et al., 2005). This study uses these steps in the coding process as a way to identify three facets of a copyright compliance policy:

1. The need for a copyright compliance policy in any organization (Donoghue, 2010) that uses communications staff to publish documents using digital graphic elements (*Digital graphic element*, n.d.; *Graphics*, n.d.; *Graphic design*, n.d);
2. Analysis of copyright compliance policies related to digital graphic elements (Butler & Parker, 2009); and
3. A copyright compliance policy implementation plan focused on the use of digital graphic elements that could be used in an organization, based on available literature (Butler & Parker, 2009).

Busch et al. (2005) provide this caveat to conceptual analysis: “It must be kept in mind that...while extremely useful and effective for providing this type of information when done right, is limited by its focus and the quantitative nature of its examination” (Step eight: Analyze your results, para. 1).

Writing Plan Preview

When copyrighted information is used without the permission of the copyright owner, copyright infringement occurs (*Copyright infringement*, n.d.). The information on copyright compliance gathered in the conceptual analysis process as outlined in the *Data Analysis Plan* section is organized and included in the *Review of the Literature* section of this paper. The writing plan uses a thematic approach, organized around a topic or issue (University of North Carolina, n.d.). Themes are described in relation to the three topic facets that guide conceptual analysis:

1. The need for a copyright compliance policy in any organization (Donoghue, 2010) that uses communications staff to publish documents using digital graphic elements (*Digital graphic element*, n.d.; *Graphics*, n.d.; *Graphic design*, n.d);
2. Analysis of copyright compliance policies related to digital graphic elements (Butler & Parker, 2009); and
3. A copyright compliance policy implementation plan focused on the use of digital graphic elements that could be used in an organization, based on available literature (Butler & Parker, 2009).

The themes together comprise a guide for use by organizations that are unsure about their own copyright compliance, looking for further information on copyright compliance, and that could use an implementation guide for their own copyright compliance policy.

Further description of the execution of the writing plan is presented in the *Research Parameters* section.

Definitions

Vocabulary used in this literature review is specific to the field of copyright and intellectual property studies (America.gov, 2008; *Terminology*, 2009). While some terms and definitions appear in the body of the text, the comprehensive list of terms and definitions used in this literature review is provided to inform the audience and ensure clarity.

Annotated bibliography – An annotated bibliography gives an account of the research done on a given topic. Like any bibliography, an annotated bibliography is an alphabetical list of research sources. In addition to bibliographic data, an annotated bibliography provides a concise summary of each reference and some assessment of its value or relevance.

Depending on your assignment, an annotated bibliography may be one stage in a larger research project, or it may be an independent project standing on its own (Knott, n.d.).

Author – Under the copyright law, the creator of the original expression in a work is its author. The author is also the owner of copyright unless there is a written agreement by which the author assigns the copyright to another person or entity, such as a publisher. In cases of works made for hire, the employer or commissioning party is considered the author (*Author*, 2008).

Contributory infringement – Condition where one party knowingly induces, causes, or otherwise materially contributes to the infringement conduct of another. The adverb *knowingly* is perhaps misleading in that it takes on an unusual meaning in this setting. It does not simply mean awareness of *infringement*, but instead implies some meaningful capacity to prevent or discourage infringement (Landes & Lichtman, 2003).

Copyright – The exclusive rights granted by statute to authors to control and exploit their writings for limited time, to carry out the mandate of the U.S. Constitution to encourage creative expression (Lutzker, 2003).

Copyright compliance policy – A copyright compliance policy, or simply a copyright policy, is a summary of the copyright procedures of your institution. The primary purpose of the policy is to provide a single, consistent approach to copyright compliance. The policy also helps comply with the requirements of the DMCA and the TEACH Act, and it serves as a resource to address day-to-day copyright issues (*Copyright compliance policy*, 2005).

Copyright infringement – As a general matter, copyright infringement occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed, or made into a derivative work without the permission of the copyright owner (*Copyright infringement*, n.d.).

Corporate communication – The activities undertaken by an organization to communicate both internally with employees and externally with existing and prospective customers and the wider public. Sometimes the phrase *corporate communication* is used to refer principally to external communication and sometimes to internal communication, but strictly speaking covers both. The term implies an emphasis on promoting a sense of corporate identity and presenting a consistent and coherent corporate image (*Corporate communication*, n.d.).

Credibility – A researcher's ability to demonstrate that the object of a study is accurately identified and described, based on the way in which the study was conducted (*Credibility*, n.d.)

Digital graphic element – The elements of graphic design are used to create graphic works.

They should not be confused with principles of design, such as balance and white space, but rather components such as color, type, and images. Commonly used elements in graphic design: *Shapes*: From ancient pictographs to modern logos, shapes establish layouts, create patterns, and build countless elements on the page. *Lines*: Lines divide space, direct the eye, and create forms. *Color*: Color can be applied to any other element to make an image stand out, to show linked text on a website, and to evoke emotion.

Type: Typefaces, size, alignment, color, and spacing can create shapes and images. *Art, Illustration, and Photography*: Photographs, illustrations and artwork tell stories, support ideas, and grab the audience's attention. *Texture*: Texture can refer to the actual surface of a design or to the visual appearance of a design (*Digital graphic element*, n.d.)

Graphic design – The art or profession of using design elements (as typography and images) to convey information or create an effect (*Graphic design*, n.d.)

Graphics – Artwork, art, graphics, non-textual matter; photographs or other visual representations in a printed publication (*Graphics*, n.d.).

Information age – The Information Age, also commonly known as the Computer Age or Information Era, is an idea that the current age is characterized by the ability of individuals to transfer information freely (*Information age*, 2010), and to have instant access to knowledge that would have been difficult or impossible to find previously. The idea is linked to the concept of a Digital Age or Digital Revolution, and carries the ramifications of a shift from traditional industry that the Industrial Revolution brought through industrialization, to an economy based on the manipulation of information. Commonly seen as an outflow from the Space Age, capitalizing on the computer

microminiaturization advances of that effort, with a fuzzy transition spanning from the advent of the personal computer in the late 1970s to the Internet reaching a critical mass in the early 1990s, and the adaption of such technology by the public in the two decades after 1990 (*Information age*, 2010).

Intellectual property – A term referring to a number of distinct types of creations of the mind for which property rights are recognized – and the corresponding fields of law. Under intellectual property law, owners are granted certain exclusive rights to a variety of intangible assets, such as musical, literary, and artistic works; discoveries and inventions; and words e-phrases, symbols, and designs. Common types of intellectual property include copyrights, trademarks, patents, industrial design rights and trade secrets in some jurisdictions (*Intellectual property*, 2010). In citations for this literature review, the term intellectual property can sometimes refer to items that are copyrighted (*Intellectual Property*, 2010).

Internet – The global electronic communications network that transformed the way works are published and forced updating and reevaluation of existing intellectual property rules (Lutzker, 2003).

Liability – General: claim against the assets, or legal obligations of a person or organization, arising out of past or current transactions or actions. Liabilities require mandatory transfer of assets, or provision of services, at specified dates or in determinable future. Also: Law: (1) Responsibility for the consequences of one's acts or omissions, enforceable by civil remedy (damages) or criminal punishment. (2) An obligation to do or refrain from doing something (*Liability*, n.d.).

Marketing communications – Coordinated promotional messages delivered through one or more channels such as print, radio, television, direct mail, and personal selling

(*Marketing communications*, n.d.).

Plagiarism – The unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one's own original work (*Plagiarism*, n.d.).

Publication – The distribution of copies to the public or any other transfer of ownership by means of sale, lease, loan, or otherwise giving away copies of a work. Prior to the 1976 Copyright Act, publication was the event that triggered the need to comply with the formalities of federal law to preserve a copyright (Lutzker, 2003).

Risk – General: Probability or threat of a damage, injury, liability, loss, or other negative occurrence, caused by external or internal vulnerabilities, and which may be neutralized through pre-mediated action (*Risk*, n.d.).

Technical communication – Technical communication is the process of conveying technical information through writing, speech, and other media to a specific audience. Information is usable if the intended audience can perform an action or make a decision based on it. Technical communicators often work collaboratively to create products (deliverables) for various media, including paper, video, and the Internet. Deliverables include online help, user manuals, technical manuals, white papers, specifications, process and procedure manuals, industrial videos, reference cards, data sheets, journal articles, patents, training, business papers and technical reports. Technical domains can be of any kind, including the soft and hard sciences, high technology including computers and software, consumer electronics, and business processes and practices. Technical communication jobs include

the following: technical writer, technical editor, technical illustrator, information architect, technical trainer, and technical translator (*Technical communication*, n.d.).

Terminology – The vocabulary of technical terms used in a particular field, subject, science, or art; nomenclature (*Terminology*, 2009).

Vicarious liability – A situation where one party, such as an employer, has control over another party and also enjoys a direct financial benefit from that other's infringing (Landes & Lichtman, 2003).

Research Parameters

Research parameters explain the processes used to frame the research design, conduct the research, document the sorting and coding processes, apply evaluation criteria, analyze the data, and then present findings.

Detailed Search Strategy

The detailed search strategy for this study includes the refinement of research questions, search terms, preliminary searches, and a record of progress for each.

Research Questions. The main research question addressed in this study is:

- *How can an organization best frame and disseminate a compliance policy in relation to the use of digital graphic elements in publications, as part of an organization's larger risk management program?*

Sub-questions are:

- *Why does an organization that uses communications staff to publish documents (Lutzker, 2003) that uses digital graphic elements (Digital graphic element, n.d.; Graphics, n.d.; Graphic design, n.d) need a copyright compliance policy (Donoghue, 2010)?*
- *How are copyright compliance policies that are related to digital graphic elements currently in use in organizations (Butler & Parker, 2009)?*
- *What are the basic elements of a copyright compliance policy implementation plan focused on the use of digital, based on available literature (Butler & Parker, 2009)?*

The process for locating literature for this study involves developing search strategies for two kinds of materials: materials which have been published from an applied perspective, and

may have an element of experience included (such as case reports), and materials which have been published from an academic perspective, and may have a larger focus on theory and are subject to peer review.

Search terms. References for the literature review are collected using the key search terms listed next. The key search terms are from success rates tested in the EBSCOhost communications/media database, and from general analysis of literature mined in initial searches, including the U.S. Copyright Office (1998), www.America.gov (2008), and the Library of Congress (2010). Keywords are screened and selected based on success rates in searches conducted in the Communications/Media database of EBSCOhost. Search terms are subject to further revision as search successes become more evident. Key search terms include:

- Copyright
- Compliance
- Policy or plan
- Infringement
- Organization
- Risk
- Digital
- Document
- Graphic element

Subtopic search terms include:

- Intellectual property
- Plan
- Enforcement
- Business, corporate
- Liability
- Electronic
- Publication
- Image, picture, photo, map, graph, graphic

Search strategy report. Table A-1 lists searches conducted, number of hits, quality of results, and comments on searches, and can be found in Appendix A at the back of this document.

Search engines. Literature is searched in Google, Google Scholar, Business.com, Bing.com, and Yahoo! search engines. These search engines provide source information from the commercial business—information that might not be available in academic sources.

Databases. Literature is collected using these indexes and databases: the UO Libraries Catalog, the Harvard Business Review, Directory of Open Access Journalism, Summit Union Catalog, WorldCat Index, ACM Digital Library, EBSCO HOST Communication & Mass Media Complete Database, EBSCO Business Source Premier, and FirstSearch/ERIC.

Additional literature resources. Additional literature from the bibliographic information is found in the current list of resources. Additional searches include researching additional works by authors in the bibliographic sources.

Professional organization Web sites and topic-specific Web sites. Additional literature, information, and compliance plans are mined from professional organization and

topic-specific Web sites, including the United States Copyright Office (www.copyright.gov), the Copyright Clearance Center (www.copyright.com), and the National Research Council.

Documentation Approach

One of the most important parts of the literature review process can be the documentation process (Hewitt, 1998). The approach to documentation for this literature review includes an initial collect, scan, and read process (Obenzinger, 2005) as outlined in Table 1.

Table 1

Documentation process

Step 1 – Collect: Bibliographic information for sources is recorded in a spreadsheet. The source materials are downloaded and stored (if possible). The abstract information is recorded, in addition to as much information as possible if the full-text of the source is not available.

Step 2 – Scan: Sources are reviewed for specific use of relevant keywords and for pertinence to the topic. Scans may range from cursory to detailed, depending on the material (Hewitt, 1998).

Step 3 – Code: Based on the information yielded, the prioritized material is read, concept occurrences are recorded, further coding is done, and notes are recorded using a computer word processing program.

After the initial documentation process, an eight-part selective reduction and coding system is used to code the sources, depending on which keywords are used, how they are used, and whether they are relevant to the topic (Busch et al., 2005). The coding system is further explained in the *Data Analysis Plan*.

Evaluation Criteria

Literature is collected using keyword searches through the University of Oregon library online, a variety of online databases, and onsite at the Boise State University library.

Materials published prior to the Information Age are filtered out for lack of relevance (*Information age*, 2010). Collected materials are evaluated in relation to both quality and relevance using these five criteria: authority, accuracy, objectivity, currency, and coverage (Beck, 1997):

- Authority: Beck (1997) asks if there is an author, and if the sponsor is reputable. For this study, criteria include whether the source is scholarly, influential in business, well published in the field of copyright, or present in reputable source bibliographies.
- Accuracy: For this study, criteria include whether the source generally is held to a higher standard of reliability.
- Objectivity: Is the source attempting to sell a product, or incite rebellion against copyright laws?
- Currency: For the sake of this study, sources published before 1990 are not considered.
- Coverage: Criteria for this study include whether the source is in-depth and not cursory, whether it is popularly referenced, and whether its offering is unique.

Using these five criteria, the content in each reference is recorded, how that content supports aspects of the study is recorded, and a document's credibility as a reference is recorded. Literature is selected for data analysis using these steps.

Data Analysis Plan

The data analysis approach in this study uses the idea of conceptual analysis. “In conceptual analysis, a concept is chosen for examination, and the analysis involves quantifying and tallying its presence,” (*Conceptual analysis*, para. 1) and then coding it into manageable content (Busch, De Maret, Flynn, Kellum, Le, & Meyers, 2005). Conceptual analysis relies on the elements of subjective analysis of credibility, reliability, and validity (Busch et al., 2005; *credibility*, n.d.).

The selected material is coded through a series of steps that identify key concepts through *selective reduction* – a process where the researcher selects words or phrases to focus on that are indicative of the questions used in the search and can be used to pare the information into manageable categories (Busch et al., 2005). This study builds on the eight coding steps outlined by Busch et al. (2005):

1. *Decide the level of analysis.* For this study, the level of analysis is on the presence of certain words that represent ideas examined in this study. Primary terminology is preferred, but in some instances, secondary terminology is accepted based on the author’s use.

Table 2

Terminology selected for coding during data analysis

Primary terminology	Secondary terminologies
Copyright	Intellectual property
Compliance	
Policy or plan	Plan
Infringement	Enforcement

Organization	Business, corporate
Risk	Liability
Digital	Electronic
Document	Publication
Graphic element	Image, picture, photo, map, graph, graphic

2. *Decide how many concepts to code for.* This study examines three related larger concepts: (a) the need for a copyright compliance policy related to digital graphic elements, (b) analysis of existing copyright compliance policies related to digital graphic elements, and (c) copyright compliance policy implementation plans. Presence of the terminology outlined in Table 2 relative to addressing these three concepts is recorded. The coding process is supplemented by an emergent process, where trends unfold and emerge through the coding process and are considered for inclusion (Kraft, 2010).
3. *Decide whether to code for existence or frequency of a concept.* The coding in this study focuses on existence of a concept, not frequency of a concept.
4. *Decide on how to distinguish among concepts.* For this study, a quick contextual scan of the material reveals if the topic is focused on the protection of intellectual property and not on the use of digital graphic elements in publishing. Sources dealing with intellectual property often mention interpretation of intellectual property and copyright law.
5. *Develop rules for coding texts.* Busch et al. recommend coding text under umbrellas (2005). For this study, texts are coded under presence of the keywords and concepts outlined in Table 2.

6. *Decide what to do with irrelevant information.* For this study, irrelevant information is ignored. An example of this is material that deals with the Digital Millennium Copyright Act of 1998 (U.S. Copyright Office, 1998).
7. *Code the texts.* Coding is done in two ways: both digitally for the references that have been collected digitally, and manually for the references that are not digital. A computer is used to catalog the coding. The presence of terminology is recorded, as is its pertinence to the topic.
8. *Analyze results.* Lastly, this study extrapolates the coded data into themes related to the three larger concepts that guide the coding process: the need for a copyright compliance policy related to digital graphic elements, analysis of copyright compliance policies related to digital graphic elements, and copyright compliance policy implementation plans. The plan for analyzing and synthesizing this information is outlined in the *Writing Plan*.

Writing Plan

The writing plan addresses the approach to presentation of materials in the *Review of Literature* and *Conclusions* sections of this document.

Review of the Literature Section. When copyrighted information is used without the permission of the copyright owner, copyright infringement occurs (*Copyright infringement*, n.d.). The information on copyright compliance gathered in the conceptual analysis and outlined in the *Data Analysis Plan* is organized and included in the *Review of the Literature* in order to address the main research question posed in this study, *How to best frame, define, and implement a copyright compliance policy related to digital graphic media, as part of an organization's larger risk management program.*

The writing plan uses a thematic approach, organized around the three concepts that guide coding:

Theme 1 describes the need for a copyright compliance policy in any organization (Donoghue, 2010) that uses communications staff to publish documents using digital graphic elements (*Digital graphic element*, n.d.; *Graphics*, n.d.; *Graphic design*, n.d). The position that copyright issues are more important than ever in the information age (*Information age*, 2010) is supported. This theme outlines a framework for how copyright works, how compliance plans work, and why they are important for use in organizations.

Theme 2 presents an analysis of copyright compliance policies related to digital graphic elements. Data is focused on the outlining and supports copyright compliance policies designed for use in the information age (*Information age*, 2010).

Conclusions Section. Theme 3 examines the design of a copyright compliance policy implementation plan focused on digital graphic elements in an organization (Butler & Parker, 2009), including example uses of compliance policies and successes as a result of overall compliance plans. Information is presented in the form of a guide that offers a perspective on the goals to be addressed in a copyright compliance policy concerning digital graphic elements and how to implement a policy to best ensure success.

Annotated Bibliography

The references listed in the Annotated Bibliography provide an overview of the key references used to develop this study (Knott, n.d.). Each of the 20 annotated references is evaluated for quality, value, and relevance to the topic. The annotation summarizes the main argument of a reference (Knott, n.d.) through inclusion of an Abstract, and provides an explanation of how the reference is used in this study. An evaluation of the credibility of the reference is provided through inclusion of a comment. These annotated references include a subset of references used for coding during conceptual analysis. This coding subset is indicated with an asterisk (*).

***Armstrong, T. (2005) Copyright clearance center. *Journal of Library Administration*, 42(3), 55-64. Retrieved April 28, 2010, from http://dx.doi.org/10.1300/J111v42n03_04**

Abstract. The digital revolution has been a boon to those who seek convenient, expanded access to information. It has dramatically increased the opportunity to share ideas and discoveries and disseminate information to ever-broader audiences. At the same time, it has raised concerns on the part of those responsible for ensuring that access to content remains within the guidelines established by copyright law. The challenge is to tap the unprecedented potential of digital technology while respecting the rights of those who create original works. Some of the most effective solutions capitalize on the very technology and attributes that gave rise to the digital marketplace. By automating the copyright permissions process, they seek to make copyright compliance as convenient as accessing information—and increasingly, they are succeeding. Current permissions services are available both at the point of content and as an integrated component of

existing information management software. In many cases, they provide one-stop shopping for content and permissions, and a convenient way to comply with copyright law.

Comments. Armstrong is a vice president for the Copyright Clearance Center, which is a reputable, influential, and important outfit, though a commercial one. This source generally should be held to a high standard of reliability in that it is published in the *Journal of Library Administration*, a reputable publication. While this article has validity, its final statement is a commercial pitch for the Copyright Clearance Center, of which Armstrong is CEO. This article is deemed relevant in that it helps outline the importance of copyright law and education, and helps frame the importance of finding a solution to copy compliance for publishers.

***Butler, P. & Parker, P. (2009). Proactive copyright: Workplace compliance. *TechTrends: Linking Research and Practice to Improve Learning*, 53(3), 9-11. Retrieved April 20, 2010, from <http://dx.doi.org.libproxy.uoregon.edu/10.1007/s11528-009-0276-8>**

Abstract. Oftentimes, copyright is addressed in the workplace only after a blatant infringement is discovered or a cease-and-desist letter is received. Then, too, some workplaces may feel that they are immune to copyright issues due to their educational nature; while private organizations, businesses, and industry may feel that the term “fair use” will never apply to them. In reality, all organizations need to be aware of copyright law and guidelines and how these fit into their groups’ needs and concerns. This article addresses the steps that, if practiced, can help to create and safeguard a copyright-compliant organization. Such steps include administration support, copyright training for all members of the organization, and the creation of copyright “experts” in the workplace.

Comments. Butler has published multiple works on copyright. The source for this document is *TechTrends* magazine, a respected educational journal. The piece is concise and informational, with no commercial angle. This article is among the strongest for keyword and subject matter relevance. This article is deemed relevant in that it supports the importance of a copyright compliance policy and gives steps for establishing, creating, and communicating one.

Campbell, J. (2006). Authorship, incentives for creation, and copyright in the digital 21st century. *Proceedings of the American Society for Information Science and Technology*, 3(1), 1-18. Retrieved June 7, 2010, from <http://dx.doi.org.libproxy.uoregon.edu/10.1002/meet.1450430168>

Abstract. Copyright in the United States is under enormous stress in the digital age. The cause of this stress often is described in technological terms, yet there are deeper systemic policy and legal factors at play. Specifically, there is an ever-increasing, and increasingly obvious, disconnect between the constitutionally based justification for copyright, and copyright's lived out implementation. That is particularly true regarding two key justifications for the expansions of copyright protection that have occurred since 1790: the concept of the author, and the necessity of providing a high level of control and financial incentives to authors to encourage the production of socially valuable works. This paper examines both of these justifications for expanded copyright protection and finds them unproven and, in fact, significantly lacking force under both philosophical and empirical analysis. We suggest that the U.S. abandon those justifications for copyright in today's digital world. We offer eight principles upon which a more integrated and relevant copyright system could be based, one in which policy, law, and practice could be

brought into coherence so that today's stresses on copyright would be minimized, and the Constitutional charge to promote "the Progress of Science and useful Arts" would be maximized for society as a whole.

Comments. Campbell is with the Department of Spatial Information Science and Engineering and chair of the Maine Intellectual Commons. This paper was presented at a technical conference. The content is technical in nature, and scholarly in nature.

Campbell's use of policy refers to United States law, not corporate compliance policies, but the reference's discussion of the state of digital copyright is pertinent.

Davis, J. C. (1998). Protecting intellectual property in cyberspace. *IEEE Technology and Society Magazine*, 17(2), 12-25. Retrieved March 31, 2010, from <http://dx.doi.org.libproxy.uoregon.edu/10.1109/44.682891>

Abstract. There is now a palpable tension between the users and the providers of information on the Internet. The providers require measures to protect their property, and users desire (at the very minimum), "fair use" of the content they download from the Internet. Aside from a few militant Internet aficionados, most people agree that regulatory devices should be implemented to protect intellectual property on the Internet to at least a limited extent. How then, can intellectual property owners assert some control over their property in the digital world without impinging upon users' basic rights? First, owners can lobby for new, tighter, intellectual property legislation; second, they can protect their property with technological devices. Both types of protection have assets and flaws.

Comments. Davis is with the chemistry department at Princeton University, and this work appears in *Technology and Society Magazine*, a respected and reliable publication.

While the piece is scholarly in nature, it is a bit colloquial in tone. The work seems to be objective and is not commercial in nature. While the work refers *to intellectual property* instead of *copyright*, it is deemed relevant in that it is used in this literature review to provide historical prospective.

***Donoghue, D. (2010). IP for your business: Copyright infringements the unseen danger.**

***The Madison St. Clair Record*. Retrieved April 7, 2010, from**

<http://www.madisonrecord.com/arguments/224232-ip-for-your-business-copyright-infringements-the-unseen-danger>

Abstract. Audit copyright use and policies. Start by auditing your corporate use of copyrighted materials. Depending upon your company's size, you can do one company-wide audit or do audits by division or product line. Consider how you internally and externally use third-party publications like trade magazines and newspapers.

Are you routinely photocopying copyrighted material to distribution lists? Do you PDF and forward copyrighted materials? Do you have a corporate policy in the employee handbook explaining how you expect employees to handle copyrighted materials?

If you do, when was the last time you reminded your employees of it? Do you have reminders posted at copy machines and PDF stations? Also, look at how your employees use the Internet. Forwarding links is generally fine, but copying and pasting Internet content can get you in trouble.

Comments. Donoghue is an IP attorney in Chicago, and this work appears in the Madison/St. Clair Record. While the work is mostly scholarly in nature, it does contain a mild pitch for the Copyright Clearance Center. This piece is short but concise and deemed relevant in that it supports discussion of the cost of copyright infringement,

outlines how to educate on copyright infringement, and encourages regular enforcement of a copyright compliance plan.

***Ginsburg, J.C. (2001). Copyright and control over new technologies of dissemination.**

Columbia law review, 101(5), 1613-1647. Retrieved May 8, 2010, from

http://www.heinonline.org.libproxy.uoregon.edu/HOL/Page?handle=hein.journals/cir101&div=61&collection=journals&set_as_cursor=1&men_tab=srchresults&terms=Copyright|Control|over|New|Technologies|Dissemination&type=matchall#1657

Abstract. The relationship of copyright to new technologies that exploit copyrighted works is often perceived to pit copyright against progress. As we tend to perceive progress as both inexorable and good, it would follow that if copyright is seen to conflict with the progress of technology, then the exclusive rights of authors should yield to the greater good of broader public dissemination of works of authorship. Recent legislation and case law have instead enhanced copyright owner control over new technologies of dissemination. Does this mean that our copyright laws are moving in the wrong direction?

This article suggests that the relationship of copyright and technology is more nuanced than it might first appear. History shows that when copyright owners seek to eliminate a new kind of dissemination, and when courts do not deem that dissemination harmful to copyright owners, courts decline to find infringement. But, when copyright owners seek to participate in and be paid for the new modes of exploitation, the courts, and Congress, appear more favorable to the proposition that when the new market not merely supplements but also rivals prior markets, copyright owners should control that new market.

Comments. This reference is scholarly in nature, and both the author (Ginsburg) and the sponsor (Harvard Law Review) are reputable and held to a very high standard of reliability. The piece is objective, the coverage is in-depth, and its offering is unique in that it examines technologies, not documents, and how they interact with copyright laws. Ginsburg switches focus to using *copyright control*, instead of *copyright compliance*. It is deemed relevant in this literature review in that it outlines how copyright law has a voice of its own, that compensation is a player in the copyright versus publishing dilemma, and that enforcement is an ongoing battle.

***Harris, L. E. (2009). *Copyright*. Retrieved May 25, 2010, from**

<http://www.copyrightlaws.com/wp-content/uploads/2010/03/Info-Sheet-on-Copyright-3.pdf>.

Abstract. A copyright policy can have a variety of functions from determining who owns copyright in works created during employment (especially in academic situations), to an explanation of your various license agreements, to a procedure for clearing permissions in copyright-protected works.

Comments. Harris is an authority on copyright, a digital property lawyer, an author, an educator, and proprietor of www.copyrightlaws.com. While this article is cursory, it presents a unique offering: guidelines for a copyright compliance policy. It is deemed relevant because it provides a rare guide for use in navigating compliance policy.

***Jackson, C. (2007). *Plan now for managing electronic data and avoid tomorrow's legal risks*. Retrieved March 30, 2010, from**

<http://digitalcommons.ilr.cornell.edu/lawfirms/45/>

Abstract. [Excerpt] In a world where the use of electronic data is rapidly increasing, companies must find ways to manage data now so that they effectively control compliance risks. The proliferation of electronic data is both astonishing and overwhelming. Given the storage power of average computers today, even the most modest mom-and-pop business may have electronic storage capacity equivalent to 2,000 four-drawer file cabinets. The task of managing electronic data is further compounded by the fact that the data is no longer just tangible pieces of paper, but rather are bytes of information that are constantly being edited, changed, and updated from different people and sources. Proper archiving, retention, monitoring, filtering, and encryption of electronic data are no longer optional: they are imperative.

Comments. Jackson is a reputable attorney who is influential in business and in the field of copyright. The article has been published under the heading of the Cornell University School of Industrial and Labor Relations. While Jackson's work is published under the label of Baker & McKenzie, an international law firm, the material is presented objectively and appears to be well regarded. This article supports copyright compliance and provides a step-by-step list for copyright compliance and policy implementation. This article is deemed relevant in that it supports the use of a step-by-step plan for copyright compliance in an organization.

***Krapels, R. H. & Davis, B. D. (1999). The use of source notations by organizations.**

***Business Communication Quarterly*, 62(4), 93-98. Retrieved April 12, 2010, from <http://www.questia.com/googleScholar.qst?docId=5001865482>**

Abstract. This article emphasizes the importance of using source notations for business organizations and developing guidelines for how that should be done. The Business

Practices Committee of the Association for Business Communications conducted interviews with four organizations, asking if companies have a written communication policy, if so, does it address copyright, how are secondary sources documented, and how are source documents presented and referenced? The results of the study proved that the professor's concern about teaching proper documentation was necessary.

Comments. The authors are affiliated with the University of Mississippi and the University of Memphis. Both have been published a number of times, and this article has been published in a respected journal – *Business Communication Quarterly*. It presents material objectively and is not commercial. The article is deemed relevant in that it supports the use of a material attribution and documentation policy in a business setting, as is used in academia.

Landes, W. & Lichtman, D. (2003). Indirect liability for copyright infringement: Napster and beyond. *The Journal of Economic Perspectives*, 17(2), 113-124. Retrieved April 20, 2010, from <http://www.aeaweb.org/articles.php?doi=10.1257/089533003765888467>

Abstract. In this essay, we inquire into the question of when indirect liability should be used to increase compliance with the law. The argument in favor of liability is that third parties are often in a good position to discourage copyright infringement either by monitoring direct infringers or redesigning their technologies to make infringement more difficult. The argument against is that legal liability almost inevitably interferes with the legitimate use of implicated tools, services and venues.

Comments. Both authors are professors of law at the University of Chicago, and are both published authors. The *Journal of Economic Perspectives* is also a well-regarded

publication. This article supports the inclusion of indirect liability as it applies to a large organization and the risk that needs management.

***Lemley, M. A. & Reese, R. A. (2004). Reducing digital copyright infringement without restricting innovation. *Stanford Law Review*, 56, 1345. Retrieved April 6, 2010, from <http://ssrn.com/abstract=525662>**

Abstract. Suing actual infringers is passé in copyright law. In the digital environment, the real stakes lie in suing those who facilitate infringement by others. There is of course a good reason copyright owners are filing such suits. They see themselves as under threat from a flood of cheap, easy copies and a dramatic increase in the number of people who can make those copies. The high volume of illegal uses, and the low return to suing any individual, make it more cost-effective to aim as far up the chain as possible. From the perspective of the movie industry, it's easier and more effective to shut down Napster than to sue the millions of people who traded files illegally on Napster. So far, the courts have been willing to go along, shutting down a number of innovative services in the digital music realm.

In this article, we argue that unrestricted liability for anyone who is in any way involved with copyright infringement is a bad idea. Indirect liability is a continuum, in which acts most closely related to infringement and with the fewest affirmative benefits are the easiest to condemn. Going after makers of technology for the uses to which their technologies may be put threatens to stifle innovation. The fundamental difficulty is that while courts can make decisions about direct infringement on a case-by-case basis, lawsuits based on indirect liability necessarily sweep together both socially beneficial and

socially harmful uses of a program or service, either permitting both uses or condemning both.

Comments. Lemley holds the Elizabeth Josslyn Boalt Chair in Law, Boalt Hall, University of California at Berkeley. Reese is the Thomas W. Gregory Professor of Law at the University of Texas School of Law. This article appears in the *Stanford Law Review*, and is an in-depth and objective look at reducing digital copyright infringement.

***Lessig, L. (2004). *Free culture: How big media uses technology and the law to lock down culture and control creativity*. New York, NY: The Penguin Press.**

Abstract. A summary of Lawrence Lessig's book *Free Culture*. Explains his thesis that copyright laws are in the hands of a few powerful special interest groups, via lobbying of politicians and money to support attorneys. These groups seek to extend copyrights in such a way that culture is not allowed to grow.

Comments. Lessig is a professor at Stanford Law School, the founder of the Stanford Center for Internet and Society, and he has authored five books on the intersection of law, culture, and the Internet. *Free Culture* (2004) is published by Penguin Press, a reputable publisher. While Lessig is affiliated with the Creative Commons project, this book is objective and in-depth. It is deemed relevant in that it discusses copyright compliance and the use of technology for publishing.

***Lipinski, T. (2006). *The complete copyright liability handbook for librarians and educators*. New York, NY: Neal-Schuman Publishers, Inc.**

Abstract. This title, which is divided into five parts: Part 1 examines the three types of liability: direct, contributory, and vicarious copyright infringement. Part 2 addresses penalties and immunities and includes a chapter on Section 512, "Safe Harbor." Part 3

explores the impact of the Digital Millennium Copyright Act. Part 4 proffers three ways to limit exposure to copyright liability, covering reproduction, interlibrary loan, circulating software, and distance education. Part 5 provides compliance tools: a copyright compliance audit, an implementation checklist for Section 512 registered agents, and 16 sample copyright policies.

Comments. The author is highly educated and a professor at the University of Wisconsin. The book is informational, not commercial or cursory, and is published by a reputable source for legal information for information professionals. This book presents information on copyright compliance and issues of risk.

Litman, J. (1997). Copyright noncompliance, or why we can't just say yes to licensing. *New York University Journal of International Law & Politics*, 29(2), 237-254. Retrieved May 11, 2010, from <http://www.heinonline.org.libproxy.uoregon.edu/HOL/PDF?handle=hein.journals/nyulp29&collection=journals§ion=18&id=245&print=section§ioncount=1&ext=.pdf>

Abstract. Our copyright laws have, until now, focused primarily on the relationships among those who write works of authorship and disseminate those works to the public. The threat and promise of networked digital technology is that every individual with access to a computer will be able to perform the 21st century equivalent of printing, reprinting, publishing, and vending. If the vast majority of them do not comply with the copyright law, then the copyright law is in danger of becoming irrelevant.

Comments. Litman is an authority on copyright law and interpretation, and is referenced often. Her works are commonly present in reputable bibliographies. This paper was

presented at the New York University School of Law Engelberg Center Conference on the Culture and Economics of Participation in an International Intellectual Property Regime. It is included here for its references to the complexity of copyright law and the idea of copyright incentives.

***Litman, J. (2001). *Digital copyright*. Amhearst, NY: Prometheus Books.**

Abstract. While the networked digital technology underlying the Internet has greatly enhanced that social wealth, it has also made it much easier for producers and distributors of informational works to monitor, record, and restrict what people look at, listen to, read, and hear. Publishers, movie studios, record companies, and other content owners hope to use that technology to ensure that they are paid whenever their works are viewed, heard, read, and used, and a newly enacted copyright law buttresses their attempt to do so. But is copyright law too invasive?

Comments. Litman is an authority on copyright law and interpretation, and is referenced often. Her works are commonly present in reputable bibliographies. This reference is used to support the complexity of the current state of copyright interpretation as it applies to the public good.

***Lutzker, A. (2003). *Content rights for creative professionals: Copyrights and trademarks in a digital age*. Oxford: Focal Press.**

Abstract. Content Rights for Creative Professionals is for professionals and students working in all areas of media (film/video, photography, multimedia, web, graphics, and broadcast) who need to know what the law requires and how they should properly utilize copyrights and trademarks. This book outlines critical concepts and applies them with

explanations in real-life applications, including many cases from the author's own practice as well as those of various media professionals.

This 256-page text is a practical guide designed to provide its reader with a firm understanding of the principles underlying the ownership and use of content, so that when questions arise, they will be able to make correct, well-informed decisions whether concerning their personal works, or works of others that a company wishes to copyright or trademark. In addition, the reader will be more capable of exercising sound judgment in structuring employment and contract relationships and of acquiring and/or licensing works, which are at the core of the business of communicating.

Comments. Lutzker has over 30 years of experience as a copyright and trademark lawyer and a respected author. This book is in its second edition, and is a comprehensive look at content rights in the digital age.

***Moohr, G. S. (2003). The crime of copyright infringement: An inquiry based on morality, harm, and criminal theory. *Boston University Law Review*, 83(4), 731-783. Retrieved May 11, 2010, from <http://www.law.uh.edu/faculty/gmoohr/Criminal.pdf>**

Abstract. This inquiry considers whether the new crime of copyright infringement, which prohibits personal, noncommercial copying, is justified by retributive and utilitarian theories of punishment –to enforce a shared moral standard or to prevent harm to the community. The harm rationale, to prevent diminishing the incentive to create expressive works, provides only an equivocal basis for criminalization. The moral consensus that would condemn personal copying of music, software, books, and movies is far from robust. The new criminal infringement offense thus attempts to create a new social norm against copying; but success at creating a social norm that condemns such

copying may also reduce creative activities. Overdeterrence created by enforcement actions can chill lawful use of copyrighted material and ultimately reduce the production of creative expression, thus undercutting the very goal the law was intended to achieve. The new criminal provision also raises significant issues regarding enforcement and the legitimate use of the criminal law.

Comments. The author is a professor of law at University of Houston Law Center and this article originally appeared in the *Boston Law Review*. It is used in this literature review to outline existing social norms regarding infringement of copyrighted informational materials.

***National Research Council. (2000). *The digital dilemma: Intellectual property in the information age*. Washington, D.C.: National Academy Press.**

Abstract. The revolution in information technology is changing access to information in fundamental ways. Increasing amounts of information are available in digital form; networks interconnect computers around the globe; and the World Wide Web provides a framework for access to a vast array of information... Yet the same technologies that provide vastly enhanced access also raise difficult fundamental issues concerning intellectual property, because the technology that makes access so easy also greatly aids copying – both legal and illegal.

Comments. This book is published by the National Academies operating under a charter granted by Congress. It is used to support discussion of stealing and copyright infringement in the information age, the need for copyright standards organizations and stronger public policy on copyright.

***Samuelson, P. (2001). Toward a new deal for copyright in the information age. *Michigan Law Review*, 100(6), 1488-1505. Retrieved May 11, 2010, from**

**[http://search.ebscohost.com.libproxy.uoregon.edu/login.aspx?direct=true&db=aph
&AN=7515235&loginpage=Login.asp&site=ehost-live&scope=site](http://search.ebscohost.com.libproxy.uoregon.edu/login.aspx?direct=true&db=aph&AN=7515235&loginpage=Login.asp&site=ehost-live&scope=site)**

Abstract. Reviews the book *Digital Copyright*, by Jessica Litman: Jessica Litman believes the public needs a very good copyright lawyer, and if I have not mistaken her intentions, she is volunteering for the job (p. 70-73). A century of Congressional deference to industry-negotiated compromises has produced, she argues, a copyright law that is both incomprehensible and unfair. This incomprehensibility might be tolerable if copyright law governed only commercial relations among industry participants, all of whom have copyright counsel. To the extent that copyright law applies to the conduct of ordinary persons, its incomprehensibility presents serious difficulties. Moreover, to the extent that copyright law makes illegal many ordinary activities of individuals—for example, making private copies of music for oneself or to share with a friend or forwarding articles to friends via the Internet—it has become unfair as well.

Comments. The author is a Professor of Law and Information Management at the University of California at Berkeley. The article appears in the *Michigan Law Review*. To some extent the piece is presented as a review of Litman's *Digital Copyright*, but stands alone as a relevant article on digital copyright infringement and on how to rebuild the copyright policy process in the information age. It is used to support the importance of copyright policy.

Seadle, M. (2002). Copyright in the networked world: new rules for images. *Library Hi Tech*, 20(2), 241-244. Retrieved May 11, 2010, from

<http://dx.doi.org.libproxy.uoregon.edu/10.1108/07378830210734025>

Abstract. Two recent court cases have redefined how images may be used on the Internet without copyright infringement. The Bridgeman case is based explicitly on British as well as U.S. law. Kelly v. Arriba rested on the definition of fair use in the US copyright law, and therefore has more limited (or perhaps merely more complex) implications. Before these cases, essentially all photographs since 1923 had the presumption of copyright protection. Now exact copies of public domain art, and perhaps other images that lack originality, are in the public domain; and thumbnail copies of protected images can be regarded under at least some circumstances as being safely within the U.S. fair use guidelines.

Comments. Seadle is a copyright librarian at Michigan State University and is the editor of *Library Hi Tech*, the journal in which this article appears. The article discusses copyright of images, including thumbnails, and their digital use.

***Sprigman, C. J. (2009). Copyright and the rule of reason. *Journal on Telecommunications & High Technology Law*, 7. Retrieved June 9, 2010, from**

<http://ssrn.com/abstract=1399522>

Abstract. Copyright law seeks a balance between private incentives to create new works, and public access to the works created. To achieve this balance, copyright law must be based on a theory of harm - i.e., we must understand the kinds of uses that cause significant harm to authors' incentives, and those that do not, so that we might focus on regulating the former and not the latter. And here is where the problem arises: although

we understand copyright's concept of harm at an abstract level - i.e., copyright "harm" arises from any use that threatens to suppress author incentives significantly below the optimal level - the theory is exceedingly difficult to apply in many cases.

Comments. Sprigman is an associate professor at the University of Virginia School of Law, and this paper has been published as part of the John M. Olin Law and Economics Research Paper Series (No. 2009-03). It addresses the law of copyright, authors' rights, and the notion of *harm*. This article is used to support the notion that risk is a true threat and that the idea of use needs to be examined.

***Stim, R. (2000). *Getting permission: How to license & clear copyrighted materials online & off*. Berkley, CA: Nolo.com.**

Abstract. If you plan to use any copyrighted material for your own purposes, you need to get permission first from the owners of that work. If you don't, you could find yourself slapped with a lawsuit. *Getting Permission* tackles the permissions process head on. It shines the light on whom to ask for permission, as well as when—and how much to expect—to pay for permission. Comprehensive and easy to read, the book covers the permissions process, the public domain, copyright research, fair use, academic permissions, the elements of a license and merchandise agreement, and the use of a trademark or fictional character. Includes agreements for acquiring authorization to use text, photographs, artwork, and music.

Comments. The author is an attorney and the publisher produces respected resource books for lay people. The book outlines the basics of a copyright compliance policy and the details and specifics of using certain example materials that can be accessed online,

including linking agreements, the copyright policies of individual sites, and getting permissions.

***Weiner, R. (1997). Copyright in a digital age. *Online Journal*, 21(3). Retrieved on April 8, 2010, from**

**[http://search.ebscohost.com.libproxy.uoregon.edu/login.aspx?direct=true&db=buh
&AN=9705152373&site=ehost-live&scope=site](http://search.ebscohost.com.libproxy.uoregon.edu/login.aspx?direct=true&db=buh&AN=9705152373&site=ehost-live&scope=site)**

Abstract. Discusses copyright issues pertaining to information use on the Internet.

Topics include digital copyright interpretations; court rulings on copyright infringement; copyright advice from the Copyright Clearance Center; rights management models; technology as a solution; and developing corporate copyright policies.

Comments. Weiner is a vice president at the Copyright Clearance Center, a for-profit copyright management organization. This article outlines the step to take to set up and implement a copyright compliance policy in an organization, and provides practical advice from the Copyright Clearance Center.

Review of the Literature

This review of literature presents the results of the data analysis process, and includes the first two of three related concepts outlined in Research Parameters: (1) the need for a copyright compliance policy related to digital graphic elements, and (2) the analysis of copyright compliance policies related to digital graphic elements. Both concepts are introduced, described, and supported by the data gathered in the data analysis (Busch et al., 2005). The results of the analysis of the third concept, copyright compliance policy implementation plans, are synthesized and then presented as a guide, located in the Conclusions section of the paper.

Literature selected for analysis on copyright compliance policies indicates that while much has been written on the topic of copyright, interpretations of copyright law, and on copyright practice, directives on copyright compliance policy are less common. However, as noted by Jackson (2007), such directives are just as important to managing risk in a business publishing setting.

The Need for a Copyright Compliance Policy to Protect Against Business Risk in Organizations that Publish Documents Using Digital Graphic Elements

The Copyright Act of 1790 was enacted by the First Congress and its primary focus was materials of a textual nature (Armstrong, 2005, p. 57). In the years since, Congress and the law have attempted to keep up with the technologies, changes, and innovations that affect copyright. “During the 19th and early 20th century, copyright law was expanded to protect maps, charts, prints, music, dramatic compositions, and photographs, and to cover foreign citizens, as well as Americans” (Armstrong, 2005, p. 57). Today these technologies and innovations are as critical in business as ever. Improvements and advances in technology have had a dramatic effect on the ease of access to copyrighted materials of all types (Sprigman, 2009, p. 319). The influence of

the technology also has had a dramatic effect on the ability of authors (*Author*, 2008) to protect the content they have created (Lessig, 2004, p. 120).

Harnessing digital technology's unprecedented potential—with proper attention to copyright compliance—is the challenge faced by those who create content (Armstrong, 2005, p. 55). Companies must make efforts to keep from infringing on the materials of competitors. Donoghue (2010) notes that while a legitimate business would not likely knowingly steal copyrighted materials, it is very likely that many businesses often infringe on copyrights unknowingly as a part of doing business (p. 1). Unfortunately, copyright concerns often are brought to attention after infringement is discovered or after “a cease-and-desist letter is received” (Butler & Parker, 2009, p. 9).

Today, suing facilitators is often cheaper and easier than suing individual infringers (Lemley & Reese, 2004, p. 187). “The shift toward suing facilitators who are further and further removed from the act of direct infringement imposes substantial social costs on both legitimate users and on innovation, costs the copyright owners do not have to bear” (Lemley & Reese, 2004, p. 187). Contributory infringers do not have to be simply aware of infringement, but they should have “some meaningful capacity to prevent or discourage infringement” (Landes & Lichtman, 2003). Today, companies need to consider the importance of choosing to comply with copyright law by implementing a copyright compliance plan (Butler, In Press, 3, p. 1). The issues at the heart of the copyright discussion remain: how to balance the rights of authors of original works with access to that information (Armstrong, 2005, p. 10).

Publications staff in organizations. For many American business organizations, publications staff and employees serving in communications roles are the keys to successfully managing copyright risk. Weiner (1997) states that information professionals can provide a

valuable service to their companies by recognizing the issues that surround the uses of digital information in the workplace (p. 2). Litman (2001) takes a long-term view of this situation, and suggests that copyright education should begin well before people enter the workforce:

If ordinary people are to see copyrights as equivalent to tangible property, and accord copyright rules the respect they give to other property rules, then we would need, at a minimum, to teach them the rules that govern intellectual property when we teach them the rules that govern other personal property, which is to say, in elementary school.

(p. 72)

The National Research Council (2000) suggests that because people tend to obey laws they understand and find fundamentally fair and sound, copyright education should be based on the fundamentals of intellectual property law; and that a copyright education should speak to the core goal of those laws – “the improvement of society through advancement of knowledge by encouraging the creation and distribution of a wide array of works” (p. 305).

While an early and thorough copyright education is an ideal, Jackson (2007) believes that the coordinated and thoughtful collaboration of all company personnel – not just the legal department – can help address the framing, definition, and implementation of policies and the ongoing training needed to make sure a compliance policy is a success before a legal situation occurs (p. 4). Through the design, development, and sustained use of a compliance policy, proper copyright policies, procedures, training, evaluating, and maintenance can be used to achieve copyright compliance in any organization, and can succeed in protecting that organization from risk (Butler & Parker, 2009, p. 2).

Donoghue (2010) contends that anyone, especially publications professionals, can start down the road to copyright compliance by auditing corporate use of copyrighted materials by

division, product line, or even company-wide, depending on the size of the company (p. 2).

Donoghue also points out that employees can address a key infringement with the examination of how a company uses third-party publications, both internally and externally, including trade magazines and newspapers (p. 2). Weiner (1997) states that information professionals can be the gateway to stemming copyright risk:

As an information professional, you provide a valuable service to your company by recognizing the issues surrounding digital information. The fact is, the Internet is an enormous repository of information resources that is growing in size every day...While it is easy to see the tremendous value of instant desktop access, it may not be so easy to determine when and how copyrights are being violated. Yet, if they are, your organization could be at risk. (p. 2)

While the responsibility of copyright compliance should fall on all employees, publications and information professionals can lead the way.

Publishing documents using digital graphic elements. Digital elements – photos, maps, graphics, charts, and other visual elements (*Digital graphic element*, n.d.) have become highly vulnerable to copyright infringement, due to the influence of the Internet. The ease of access to and transmission of digital elements makes publishing documents easier than ever (Lutzker, 2003, p. 264). Lutzker (2003) outlines that “every graphic, photograph, chart, or map adds color, texture, and interest to Internet communications. But the rules for using this material must be scrupulously adhered to, lest the user be exposed to potentially gigantic damage claims” (p. 264). Donoghue (2010) notes that it is a shock to most people that even the forwarding of a scanned, PDFed, or copied-and-pasted newspaper article via the Internet for business purposes is considered a copyright infringement (p. 2).

As pointed out by Lutzker (2003), the biggest point of contention in Internet infringement is the photograph, in that almost perfect copies can be made, used, and distributed with ease (p. 265). Lutzker states that “unless the webcaster or an employee snapped the image, the photo should be considered covered by someone else’s copyright and cleared accordingly” (p. 265).

Ginsburg (2001) points out that today the courts and Congress contend that the distribution of works over the Internet impairs the owner of the material’s ability to promote wider publication – and can affect their ability to profit from the material (p. 1613). Ginsburg also notes that in technology cases the courts have upheld the notion that copyright protects all iterations of the author’s creative vision where photos are concerned (p. 1622).

Business risk presented by the publishing environment. With the ease of access to digital materials, the business risk of copyright infringement increases. Jackson (2007) states that “A U.S. employer’s failure to monitor electronic communications from and entry into its equipment can result in significant liability” (p. 10), which can put a business organization at serious risk.

Lutzker (2003) outlines that any copying, distribution, or display of a copyrighted work publicly without authority is a violation of the law (p. 65). Donoghue (2010) takes it a step further by pointing out that one act of infringement is not just an infraction, but exposes the entire business to significant liability (p. 2). He wonders how shocked employees would be if they learned that the maximum statutory damages for infringing a single copyrighted work can be up to \$150,000.00 (p. 2).

Copyright infringement can be seen as a seemingly victimless crime. Moohr (2003) contends that it’s the intangible nature of the copyright holder’s rights that make the notion complex, and that the key is thinking of the copyrighted piece as a physical object (p. 766).

Treating information like physical property makes it easier to equate infringement with theft (Moohr, 2003, p. 766). Still, Moohr (2003) points out that in successfully criminalizing infringement, innovation is encouraged at the expense of maintaining public access to information (p. 734). According to Lemley and Reese (2004), the risk for business organizations working in the digital environment is that the stakes are much higher in suing those who facilitate infringement than in suing the actual infringers (p. 102). Stim (2000) suggests that one of the main factors to considering in the risk of a lawsuit includes how potentially profitable a target for litigation your organization might be (p. 1/3).

As pointed out by Jackson (2007), “in a world where the use of electronic data is rapidly increasing, companies must find ways to manage data now so that they effectively control compliance risks” (p. 1). Perhaps one of the simplest steps – and one of the basic tenets of any copyright compliance policy – is to ask the author’s permission to use the copyrighted piece (Donoghue, 2010, p. 3). Donoghue (2010) points out that more often than not authors are happy their work is of use (p. 3). “The simple act of seeking permission will significantly reduce your copyright risk footprint” (Donoghue, 2010).

Analysis of Copyright Compliance Policies Related to Digital Graphic Elements

Harris (2009) explains that a copyright compliance policy generally is a summary of the procedures an organization uses to manage copyright (p. 1). Copyright policies can take on a variety of forms, and may be long or short, simple or complex, but also can be an educational tool and can even serve as a reference for the enterprise (Harris, 2009, p. 1). Harris also recommends reading policies from other organizations before preparing an outline of the important issues in your organization, gathering all in those in the organization who deal with copyright issues, and obtaining their input in your compliance plan (p. 2).

As part of their research on how business organizations source copyrighted materials, Krapels and Davis (1999) interviewed four companies on the copyright infringement plans they had in place in their establishments. One of the organizations had a policy that defined plagiarism and discussed both copyright infringement and fair use guidelines; one discussed infringement and fair use but didn't mention plagiarism; one had a written policy outlining the use of copyrighted materials; and one had no policy in place — but their company culture did encourage the use of source notations in that they “generally heightened the credibility of the message” (p. 95).

While standardized formats and protocol exist in academia, they are lacking in the business world (Krapels & Davis, 1999, p. 98). As a way to develop a copyright compliance policy, Donoghue (2010) suggests beginning with a series of questions on the use of third-party publications, including magazines and newspapers:

Are you routinely photocopying copyrighted material to distribution lists?

Do you PDF and forward copyrighted materials?

Do you have a corporate policy in the employee handbook explaining how you expect employees to handle copyrighted materials?

If you do, when was the last time you reminded your employees of it?

Do you have reminders posted at copy machines and PDF stations?

[How do] your employees use the internet? Forwarding links is generally fine, but copying and pasting internet content can get you in trouble (p. 2).

A number of more formalized approaches are identified in this review of selected literature, and include the four that are summarized in Table 3 through Table 6.

Weiner (1997) provides a set of corporate guidelines to minimize business risk (see Table 3). Weiner’s guidelines are very basic, yet demonstrate significant practical value. Weiner’s guidelines are could be implemented in any business setting. As Weiner (2007) points out, there is no single solution for everyone that will address all of the copyright problems that have been created and enhanced by advances in technology (p. 4). However, he believes that following a basic set of guidelines can “maximize the value of information” for almost any business, while minimizing risks as well (Weiner, 2007, p. 5).

Table 3

Practical advice for now: Setting up corporate guidelines to minimize business risk

Practical advice for now: Setting up corporate guidelines to minimize business risk (Weiner, 1997, p. 5)
1. Develop a corporate copyright policy.
2. Involve everyone who has an interest in using copyrighted information.
3. Publish your copyright policy and keep your constituency well informed.
4. Ensure protection of information created within your company.
5. Remind users that not all information on the Web is free.
6. Encourage your constituency to use good common sense.
7. Do not hesitate to act.

In Table 4, Donoghue (2010, p. 2) offers five basic steps to ensuring a modicum of copyright compliance. As part of number 5, Donoghue adds that there is value in offering a specific compliance orientation to new employees, offering a periodic refresher for current employees, and posting reminders and promotional materials at copy machines and in common workspaces (p. 3). While Donoghue (2010) recommends consulting with a qualified lawyer before relying on any compliance policy, he notes that even the simplest of compliance policies that he has implemented for his clients have fixed current issues and prevented future problems (p. 7). Donoghue (2010) also believes that the more copyright compliance is incorporated into

the fabric of a company, the safer the company will be from the risk of copyright infringement (p. 3).

Table 4

Basic steps to ensuring copyright compliance

Basic steps to ensuring copyright compliance (Donoghue, 2010, p. 1)
1. Audit copyright use and policies.
2. Educate.
3. Ask permission.
4. Consider a Copyright Clearance Center license.
5. Rinse, lather, and repeat.

Jackson (2007) offers best practice tips from her paper *Plan now for managing electronic data and avoid tomorrow's legal risks* (p. 17). While Jackson's tips are general in nature, they too can be scaled for different companies and could be instrumental in implementing a successful compliance process. Jackson offers a final tip that's very similar to Donoghue's final tip. Both recommend that in order for a policy to be successful, it must be managed to maintain effectiveness. Policies must be updated and revised as needed and users must be reminded to review the information.

Table 5

Best practice tips

Best practice tips (Jackson, 2007, p. 17)
1. Plan ahead.
2. Know what is legally required.
3. One size might not fit all.
4. Assign responsibility to manage the system.
5. Locate the various forms and keepers of data.
6. Select a flexible electronic data management system.
7. Don't be a pack rat.
8. Adopt policies.
9. Be prepared.
10. Train and audit and then train and audit some more.

Lastly, Butler and Parker (2009) offer an eight-step process in Table 6 for achieving copyright compliance. Butler and Parker's list is comprehensive, even offering *Analyze organizational impact*, which goes beyond implementing basic steps and reminders, to consider the pros and cons of a compliance policy and the policy's impact on the organization.

Table 6

An eight-step process for use in achieving copyright compliance

An eight-step process for use in achieving copyright compliance (Butler & Parker, 2009, p. 9)
1. Establish and communicate a copyright compliance policy.
2. Establish and communicate the copyright compliance procedures.
3. Analyze organizational impact.
4. Determine copyright training needs
5. Provide necessary copyright training.
6. Audit the copyright process for compliance.
7. Provide feedback for copyright process improvement.
8. Maintain copyright compliance.

While there are many ways to begin to implement a copyright compliance policy, the National Research Council (2000) cautions that copyright education must be approached with care, or risk being ineffective or even backfiring (p. 309). Butler and Parker (2009) believe that all organizations need to be aware of copyright law and compliance and how they affect their groups' needs and concerns, and by following the steps outlined in Table 6, a safe and copyright-compliant organization can be created (p. 1).

Conclusions

This literature review describes how to best frame, define, and implement a copyright compliance policy related to digital graphic elements (*Digital graphic element*, n.d.; *Graphics*, n.d.; *Graphic design*, n.d), as part of an organization's larger risk management program. The literature presented in the Review of Literature section has been selected for its credibility, reliability, and validity (Busch et al., 2005; *credibility*, n.d.) and the data selected has been analyzed using the conceptual analysis model (*Conceptual analysis*, para. 1), to ensure the caliber and quality of the information selected is appropriate (Busch et al., 2005). The study addressed the question: "What steps can an organization follow to institute a copyright compliance policy?" Emphasis is on copyright protection for the use of digital graphic elements in corporate communications (*Corporate communication*, n.d.), including photos, maps, and pictographs, but not on software, text, or digital music files. The goal is to provide a template for a single, consistent approach to copyright compliance (Butler & Parker, 2009), that serves both as a resource to address daily graphic element copyright issues, (Butler & Parker, 2009) and a plan to reduce a company's liability and risk, the probability or threat of damage or loss (*Copyright compliance policy*, 2005; *Risk*, n.d.) in a digital environment (National Research Council, 2000).

Information professionals are key to a copyright compliance policy plan, and can provide a valuable service to their companies by recognizing the issues that surround the uses of digital information in the workplace (Weiner, 1997, p. 2). Organizations that do not have a copyright compliance policy in place likely are infringing others' rights and putting their organizations at risk.

The ease of access to and transmission of digital elements makes publishing documents easier than ever and “every graphic, photograph, chart, or map adds color, texture, and interest to Internet communications. But the rules for using this material must be scrupulously adhered to, lest the user be exposed to potentially gigantic damage claims” (Lutzker, 2003, p. 264). Any copying, distribution, or display of a copyrighted work publicly without authority is a violation of the law (Lutzker, 2003, p. 65). One act of infringement is not just an infraction, but exposes the entire business to significant liability (Donoghue, 2010, p. 2). While the responsibility of copyright compliance should fall on all employees, publications and information professionals can lead the way.

A Copyright Compliance Policy Implementation Plan for Use of Digital Graphic Elements

Butler and Parker (2009) believe that all organizations should have copyright policies (p. 9). They point out that organizations may have to create a policy from scratch “by researching the laws and guidelines; studying copyright/intellectual property policies of other companies, businesses, or educational institutions; then drafting, writing, and revising a policy” (Butler & Parker, 2009, p. 9).

It is now easier than ever to comply with copyright law (Armstrong, 2005, p. 56) and to implement an organization-wide copyright compliance policy that addresses the risk brought about by the inclusion of digital graphic elements in published works. A free example of a copyright policy is available on the Internet, provided by the International Federation of the Phonographic Industry (2010). This example can be viewed in Appendix C.

The following plan offers best practices for framing, defining, and implementing a copyright compliance policy. Armstrong (2005) notes that while the demand for digital

information and the sheer amount of content now available digitally has increased dramatically, copyright permission procedures also have advanced dramatically (p. 56).

Table 7

Guide to framing, building, and implementing a copyright compliance plan for use by information professionals in a digital publishing environment

Frame a copyright compliance plan	
Plan ahead (Jackson, 2007, p. 16)	Start today. Don't wait for a potential infringement situation to appear. Any copyright compliance policy is better than no copyright compliance policy.
Audit current copyright use and policies (Donoghue, 2010, p. 1)	<p>Are photocopied copyrighted materials routinely e-mailed or PDFed and sent to distribution lists? (Donoghue, 2010, p. 1)</p> <p>Are any educational materials posted at copy machines, PDF stations (Donoghue, 2010, p. 1) or common work areas?</p> <p>Do employees copy and paste internet content that might be copyrighted (Donoghue, 2010, p. 1) including:</p> <ul style="list-style-type: none"> Photographs Graphic elements, including graphs and "free" clip art Maps (including those from Google, Bing, MapQuest, Yahoo! and other online sources (<i>Digital graphic element</i>, n.d.)) <p>How often are employees currently reminded of the organization's copyright compliance approach? (Donoghue, 2010, p. 1)</p>
Analyze organizational impact (Butler & Parker, 2009, p. 9)	<p>What is the estimated cost of building and implementing a copyright compliance policy for your organization?</p> <p>Which of your organization's cost centers will absorb the cost of framing, building, and implementing a copyright compliance policy?</p> <p>How much is at risk by not framing, building, and implementing a copyright compliance plan at your organization?</p>

Build a copyright compliance plan (Weiner, 1997, p. 5)	
Assign responsibility to manage the policy and procedures (Jackson, 2007, p. 16)	Select a lead for the process of building a compliance plan. The lead can assign subtasks to others.
Involve a representative for everyone who has an interest in using copyrighted information (Weiner, 1997, p. 5)	Form a copyright compliance team or board to assess all the stakeholders, keep the policy in check and serve as a guiding force.
Locate the various forms and keepers of data (Jackson, 2007, p. 17)	Make a list of the kinds of materials and data your organization uses that might be subject to copyright. Brainstorming often reveals materials and users that might have been overlooked.
Know what is legally required (Jackson, 2007, p. 16)	<p>Ask permission first (Donoghue, 2010, p. 1). Asking permission of the author is the easiest first step in copyright compliance, whether the author is a large corporation or an independent artist.</p> <p>Consider buying a Copyright Clearance Center license (Donoghue, 2010, p. 1). The Copyright Clearance Center can help make the copyright process easier by doing much of the footwork for your organization.</p>
Implement a copyright compliance plan	
Adopt policies (Jackson, 2007, p. 17)	<p>Outline the process your organization will use to address copyrighted materials, such as:</p> <p><i>Maps: Our organization has purchased a Jonathan’s Maps license. All maps must be downloaded properly by an internal licensed professional.</i></p> <p><i>Photos: Our organization has a signed agreement with Jonathan’s Clip Art service, so all clip art is half price and royalty-free. All clip art must be purchased through this service except with written permission.</i></p> <p><i>Graphic elements: Our organization has an internal graphics department that can create informational elements. Downloading graphic elements from the Internet is explicitly prohibited.</i></p>

	<i>Client-provided elements: Our organization must vet all client-provided elements including maps, photos, graphic elements for authorship, ownership, or license to use.</i>
Publish your copyright policy, update it often, and keep your constituency well informed (Weiner, 1997, p. 5)	Plan to promote the upcoming implementation of your copyright compliance policy. Establish and communicate the copyright compliance procedures (Butler & Parker, 2009, p. 9). Communicate about your copyright compliance plans to the entire organization.
Determine copyright training needs (Butler & Parker, 2009, p. 9)	Examine corporate policy in the employee handbook (Donoghue, 2010, p. 1) Ensure corporate copyright compliance policy explains expectations for employees on handling copyrighted materials (Donoghue, 2010, p. 1).
Encourage your constituency to use good common sense (Weiner, 1997, p. 5)	Remind users that information on the Web is not necessarily free (Weiner, 1997, p. 5). Everyone should be diligent in the assessment of materials that pass through your organization.
Be prepared (Jackson, 2007, p. 17)	Don't wait for a litigation situation to present itself. Arm your organization with the tools to properly defend your actions.
Do not hesitate to act (Weiner, 1997, p. 5)	Question the ownership and origin of all materials that pass through your organization.
Audit the copyright process for compliance (Butler & Parker, 2009, p. 9)	Provide feedback for copyright process improvement (Butler & Parker, 2009, p. 9) at regular and scheduled intervals against outlined milestones.

Butler & Parker (2009) note that “copyright compliance is the choice of an organization to comply with copyright law” (p. 9). To address increased regulation, litigation, and cost, companies are using workplace policies and technology to manage productivity, resources, and compliance, (Jackson, 2007, p. 10). Taking the time to frame, build, and, implement a copyright compliance policy is a simple step toward legal compliance, toward ethical business practices,

and toward reducing risk for an organization that publishes content in a digital environment. The most important part of the process is treating a copyright compliance plan as a living, breathing entity to be continually adjusted and revised to fit both the needs of an organization and an evolving copyright law (Butler & Parker, 2009, p. 9).

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APPENDIX A

Record of Preliminary Searches

SOURCE	SEARCH TERMS	NO. OF RESULTS	QUALITY	COMMENTS
UO Libraries Catalog	copyright infringement easy	107	Fair	
	Copyright	5,615,970	Fair	
	copyright risk	82,000	Poor	
	copyright risk management	20	Poor	
	corporate copyright compliance	67	Excellent	
Google	business plan copyright infringement cases	1,410,000	Fair	A lot to sift through
	copyright compliance	28,800,000	Fair	A lot to sift through
	copyright compliance policy digital	1,930,000	Fair	A lot to sift through
Harvard Business Review	Copyright	30	Excellent	
Google Scholar	copyright compliance policy	68400000	Poor	
	corporate copyright plan	342000000	Poor	
	corporate copyright risk	40,300,000	Poor	
Directory of Open Access Journals	copyright compliance	0	Poor	
Summit Union Catalog	digital copyright compliance	64	Excellent	
WorldCat Index	copyright and compliance and plan	11	Excellent	
ACM Digital Library	copyright and compliance and policy	50	Fair	
Yahoo!	copyright and compliance and policy	188,000,000	Fair	
	copyright and compliance and policy and digital	31,000,000	Fair	
	copyright and compliance and policy and digital and business	25,600,000	Good	
EBSCO HOST Communication & Mass Media	copyright and compliance and policy	2	Poor	One good one applies to China
	copyright and compliance and	0	Poor	

SOURCE	SEARCH TERMS	NO. OF RESULTS	QUALITY	COMMENTS
Complete Database	plan			
	compliance and policy and rights	9	Poor	
	plagiarism and copyright and policy	3	Poor	
	plagiarism and business and policy	1	Fair	
	copyright and fair use and policy	22	Fair	
	copyright and derivative	8	Fair	
	copyright and distribution and rights	36	Poor	
	copyright and financial	20	Poor	
	information professionals and copyright	340	Good	
	copyright and enforcement	35	Good	
	copyright and strategy	52	Poor	
	copyright and business and strategy	14	Poor	
	copyright and organizations and policy	8	Poor	
	copyright and organizations and guidelines	1	Poor	
	copyright and organizations and process	3	Poor	
	copyright and organizations and pictogram	0	Poor	
	copyright and organization and pictograph	0	Poor	
	copyright and organization and media	16	Poor	
	copyright and organization and multimedia	3	Poor	
	copyright and organization and infringement	10	Poor	
copyright and enforcement	35	Good		
copyright and protection	228	Good		

SOURCE	SEARCH TERMS	NO. OF RESULTS	QUALITY	COMMENTS
	copyright and compliance	6	Poor	Old sources
	copyright and corporate	27	Good	
	copyright and organizations and digital	18	Good	
	copyright and organizations and online	7	Poor	Online found in text but not as a subject
	copyright and organizations and Internet	21	Poor	
	copyright and organizations and electronic	8	Poor	
	copyright and organizations and United States	44	Fair	
	copyright and infringement and risk	7	Poor	
Clusty	copyright compliance policy business	15,400,000	Poor	A lot to sift through
EBSCO Business Source Premier	copyright and compliance and policy	34	Fair	
FirstSearch/ ERIC	copyright and compliance and policy	53	Fair	
Bing.com	copyright and compliance and policy and business and digital	5,370,000	Good	
	copyright and compliance and plan and business and digital	3,270,000	Good	
Business.com	copyright and compliance and policy	No amount listed	Poor	Driven by Google but terrible response
Google News	copyright compliance	217	Poor	
Jstor	copyright and compliance and digital	310	Good	
Factiva.com	copyright compliance	89,394	Fair	
OneSearch	copyright compliance policy	90	Good	
HeinOnline.com	Copyright infringement	84,953	Good	
HeinOnline.com	Copyright compliance business	27,618	Good	

APPENDIX B

Manual Coding Results

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
Armstrong (2005)	Copyright, intellectual property	Digital	102	P. 55, 56, 57, 58, 59, 60, 61, 62, 63, 64	<p>P. 55: "The challenge is to tap the unprecedented potential of digital technology while respecting the rights of those who create original works."</p> <p>P. 56: "The demand for information has expanded exponentially in the digital arena, as has the amount of content now available for mass-market consumption. Copyright permission procedures also have advanced, making it easier than ever to comply with copyright law."</p>	<p>Supports Theme 2.</p> <p>This reference is an academic article written by the Copyright Clearance Center. It outlines the history of copyright, technological solutions to infringement, and a look to the future and the measures taken to ensure information is convenient, accessible, and compliant.</p>
	Compliance	Digital	16	P. 55, 56, 58, 59, 61,63, 64	"The fundamental issue at the heart of copyright compliance has remained the same since the dawn of publishing: how to balance the rights of those who create original works with the need for access to the latest information and discoveries."	It primarily supports the background of copyright compliance, and offers good quotes on positioning the shift from analog to digital publishing and the need for a solution to copyright.
	Policy, plan	Digital	0			
	Infringement, enforcement	Digital	0			
	Organization, business, corporate	Digital	7	P. 58, 59, 60, 61	P. 60: "Transactional or case-by-case permissions meet the needs of smaller companies and academic users for authorization of uses beyond fair use, as well as provide permissions for companies to lawfully share copyrighted materials with others outside their organization."	
	Risk, liability	Digital	0			
	Digital, electronic	Digital	21	P. 55, 56, 59, 61, 62, 63	P. 55: "The challenge is to tap the unprecedented potential of digital technology while respecting the rights of those	

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
	Document, publication	Digital	5	P. 60, 61, 62	who create original works." Not relevant hits	
	Graphic element, image, picture, photo , map, graph, graphic	Digital	1	P. 57	This resource has 4 instances of <i>digital media</i> . P. 57: "The First Congress used that power to enact the Copyright Act of 1790, which focused primarily on textual materials. In the years since then, citizens have litigated their rights and developed new technologies and ways of expressing themselves, and Congress has done its best to keep pace. Thus, during the 19th and early 20th century, copyright law was expanded to protect maps, charts, prints, music, dramatic compositions, and photographs, and to cover foreign citizens, as well as Americans."	
Butler & Parker (2009)	Copyright, intellectual property	Digital	58	P. 9, 10	P. 2: "So, can a workplace be copyright compliant? Can an organization, whether a K-12 school, a college or university, or a business achieve the level of copyright compliance necessary to follow the law that protects works and their owners/ creators? Hopefully, yes, through the design, development, and continuance of a compliancy process achieved by establishing copyright policies and procedures, training, evaluating, and maintenance."	<p>Supports Theme 3</p> <p>This is a very short article with a lot to offer in a succinct manner. It offers step-by-step directions for what a compliance policy is, how to establish one, and how to successfully implement one.</p>
	Compliance	Digital	28	P. 9, 10	P. 1: "Simply put, "copyright compliance is the choice of an organization to comply with copyright law" (Butler, In Press, 3).	
	Policy, plan	Digital	17	P. 9, 10	P. 1: "Basically, what transpires in this step is maintenance; i.e.,	

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
					copyright compliance is treated as a living, breathing entity which is constantly overhauled and revised to fit the needs of the organization and evolving copyright law (Butler, In Press)."	
	Infringement, enforcement	Digital	1	P. 9	P. 1: "Oftentimes, copyright is addressed in the workplace only after a blatant infringement is discovered or a cease-and-desist letter is received."	
	Organization, business, corporate	Digital	31	P. 9, 10	P. 1: "In reality, all organizations need to be aware of copyright law and guidelines and how these fit into their groups' needs and concerns. This article addresses the steps that, if practiced, will help to create and safeguard a copyright-compliant organization." P. 1: "All organizations should have copyright policies. In some cases, that will mean creating a policy from scratch by researching the laws and guidelines; studying copyright/intellectual property policies of other companies, businesses, or educational institutions; then drafting, writing, and revising a policy."	
	Risk, liability	Digital	0			
	Digital, electronic	Digital	0			
	Document, publication	Digital	0			
	Graphic element, image, picture, photo, map, graph, graphic	Digital	0			
Donoghue, (2010)	Copyright, intellectual property	Digital	44	P. 1, 2, 3	P. 1: "You likely spend significant resources making sure you do not infringe your competitors' patents,	Supports Themes 1, 2, and 3.

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
					<p>trademarks, and copyrights. No legitimate business would intentionally copy its competitor's manuals, or confidential business plans. But despite that, many businesses are unknowingly infringing a wide range of copyrights each week as a part of their employees' normal corporate activities.</p>	<p>A short piece that gets right to the point: while many organizations think they have copyright locked down, they are likely still at great risk if they don't have a copyright compliance policy in force. It walks through some basic steps to addressing this risk and making sure the implementation sticks.</p>
	Compliance	Digital	8	P. 2, 3	<p>P. 3: "Do not just set up your copyright compliance program and forget it. Continue to watch for copyright issues. Make sure to continue employee education. At least every year, remind employees of your corporate copyright policy by memo or email.</p> <p>Offer all new employees your copyright compliance program, as well as offering a periodic refresher for current employees. Post reminders of your copyright policy at copy machines and PDF stations where accidental infringements can be prevented."</p>	
	Policy, plan	Digital	3	P. 2, 3	<p>This reference also uses program.</p> <p>P. 3: "do not just set up your copyright compliance program and forget it. Continue to watch for copyright issues. Make sure to continue employee education. At least every year, remind employees of your corporate copyright policy by memo or email.</p> <p>Offer all new employees your copyright compliance program, as well as offering a periodic refresher for current employees. Post reminders of your copyright policy at copy machines and PDF stations where accidental infringements can be prevented.</p>	

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
	Infringement, enforcement	Digital	8	P. 2, 3	P. 2: "But it is not just the infringement, they are also exposing themselves and the business to significant liability. And your employees would be shocked to learn that no matter how slight the infringement, the maximum statutory damages for infringing a single copyrighted work is \$150,000. \$150,000 for copying a single article.	
	Organization, business, corporate	Digital	6, 7	P. 2, 3	P. 2: "Even more shocking to most people is that forwarding a newspaper article via the internet for business purposes is also generally an act of copyright infringement."	
	Risk, liability	Digital	2	P. 2, 3	Risk is also used. P. 3: "Ask permission. This is the simplest step of a copyright compliance program and perhaps the least followed. When you need to use copyrighted material, ask permission first. If you ask the copyright holder for permission to use, forward or reprint their material they often agree. More often than not they are so happy that their content is useful to you that there will be only a moderate change, or none at all. The simple act of seeking permission will significantly reduce your copyright risk footprint."	
	Digital, electronic	Digital	0			
	Document, publication	Digital	2	P. 2	P. 2: "Start by auditing your corporate use of copyrighted materials. Depending upon your company's size, you can do one company-wide audit or do audits by division or product line. Consider how you internally and externally use third party publications like trade	

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
	Graphic element, image, picture, photo, map, graph, graphic	Digital	0		<p>magazines and newspapers.</p> <p>This resource has 3 instances of <i>materials</i>.</p> <p>Are you routinely photocopying copyrighted material to distribution lists? Do you PDF and forward copyrighted materials? Do you have a corporate policy in the employee handbook explaining how you expect employees to handle copyrighted materials?</p> <p>If you do, when was the last time you reminded your employees of it? Do you have reminders posted at copy machines and PDF stations? Also, look at how your employees use the internet. Forwarding links is generally fine, but copying and pasting internet content can get you in trouble.</p>	
Ginsburg (2001)	Copyright, intellectual property	Digital	385	P. 1613-1647	P. 1613. "Simply put, "copyright compliance is the choice of an organization to comply with copyright law" (Butler, In Press, 3).	<p>Supports Theme 1</p> <p>This is a very academic look at the theories and principles of copyright, author rights, and interpretation of the laws. It doesn't offer a lot of input on compliance per se, but offers a good background on the theories and politics of compliance.</p>
	Compliance	Digital	2	P. 1619, 1642	P. 1619: "...consider several ways in which right holders might impose copyright compliance despite the availability of copyright-liberated copies.	
	Policy, plan	Digital	1	P. 1627	Not a relevant usage.	
	Infringement, enforcement	Digital	19	P. 1613, 1616, 1617, 1620, 1624, 1625, 1628, 1636, 1637, 1639,	P. 1624: "On a traditional copyright analysis, the dissent is considerably more carefully reasoned than the majority opinion, 44 which treats the statutory fair use factors rather cavalierly and strains the doctrine of	

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
				1640, 1641, 1644	<p>contributory infringement to exculpate devices that are "merely ... capable of substantial noninfringing uses," perhaps even regardless of the actual infringing use to which they are put."</p>	
	Organization, business , corporate	Digital	5	P. 1627, 1632, 1633, 1644	<p>P. 1632: "Legal protection of access controls thus enables copyright owners to reach individual uses. This in turn makes it possible for copyright owners to offer, and more importantly to enforce, different levels of enjoyment of works-for example, pay per view or per listen, keep the work for a week, view on only one computer-at different price points. Some perceive exciting new business models that will foster the creation and distribution of a greater diversity of works to a greater range of users, particularly those unable or unwilling to pay the full exhaustion copy price, while others cringe at the specter of a "pay per use" world.</p>	
	Risk, liability	Digital	3	P. 1640, 1641	<p>P. 1640: "These statements appear designed to alleviate concerns about conflicts between copyright and new technology: The court has clarified that deployment of a technology that the exploiter knows can be used to infringe does not of itself satisfy the knowledge element for liability for contributory infringement. Contributory liability will not lie "merely because the structure of the system allows for the exchange of copyrighted</p>	

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
	Digital, electronic	Digital	77	P. 1613-1615, 1617-1619, 1625-1626, 1628, 1630, 1632-1636, 1639, 1641-1647	<p>material."</p> <p>P. 1613: "Today, the courts and Congress regard the unlicensed distribution of works over the Internet as impairing copyright owners' ability to avail themselves of new markets for digital communication of works; they accord control over those markets to copyright owners in order to promote wide dissemination."</p>	
	Document, publication	Digital	7		<p>P. 1646: "Similarly, freelance authors who can self-distribute may more effectively resist hiring parties' attempts to contract into work for hire status. The more self-publication offers realistic prospects of remuneration for authors, 45 the more likely we are to see an increase in the volume and diversity of works of authorship, as authors will be able to bypass the gatekeeping functions of publishers and other intermediaries."</p>	
	Graphic element, image, picture, photo , map, graph, graphic	Digital	2	P. 1622, 1643	<p>P. 1622: "The Court's requirement of visual perceptibility may not be fully persuasive doctrinally. It is true that the Court, in an earlier new technology case concerning the protectability of photographs, had held that copyright comprehends all the ways "by which the ideas in the mind of the author are given visible expression."</p>	
Harris (2009)	Copyright, intellectual property	Digital	36	P. 1, 2	<p>P. 1: "Generally a Copyright Policy is a summary of copyright management procedures for your enterprise. Depending upon the contents of your Policy, it can also be an educational tool,</p>	<p>Supports Themes 2 and 3.</p> <p>Harris outlines</p>

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
					and serve as reference material on copyright areas relevant to your enterprise."	what a compliance policy is, why companies need them, and basic copyright information.
	Compliance	Digital	2	P. 1, 2	P. 2: "Generally, the purpose of your policy is to provide a summary of copyright compliance issues as they relate to uses of copyright-protected content in your enterprise."	
	Policy, plan	Digital	18	P. 1, 2	P. 1: "Generally a Copyright Policy is a summary of copyright management procedures for your enterprise. Depending upon the contents of your Policy, it can also be an educational tool, and serve as reference material on copyright areas relevant to your enterprise. Another purpose of a Policy is to provide a single consistent approach to copyright issues."	
	Infringement, enforcement	Digital	0			
	Organization, business, corporate	Digital	9	P. 1, 2	This resource has 7 instances of <i>enterprise</i>	
	Risk, liability	Digital	0			
	Digital, electronic	Digital	3	P. 1, 2	P. 2: "Read policies from other organizations. Prepare an outline of the important issues. Gather all those in your organization who deal with copyright issues whether it's permissions, protection, digital licenses or other issues, and obtain their input on the various issues. Then pick an area and start writing."	
	Document, publication	Digital	1	P. 1, 2	Uses of word "publication" are not relevant. P. 1: "Copyright policies exist in a variety of styles. They may be	

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
Jackson (2007)	Copyright, intellectual property	Digital	8	P. 5-8, 15.	brief or lengthy documents." This resource uses phrase <i>electronic data</i> and has 30 instances of it. P. 1: "In a world where the use of electronic data is rapidly increasing, companies must find ways to manage data now so that they effectively control compliance risks."	Supports Themes 1 and 2. This is a very accessible article, with information presented in a colloquial manner, yet supported by solid academic references. It walks through many legal scenarios, and ends with a comprehensive list of best practice tips, including number 8, which outlines the adoption of compliance policies.
	Compliance	Digital	5	P. 5, 8, 14, 19	P. 10: "In the face of increased regulation, litigation, and the costs of avoidable error, companies are using workplace policies, in addition to technology, to manage productivity, protect resources, and motivate employee compliance."	
	Policy, plan	Digital	2	P. 17	P. 17: "Adopt clear and simple polices consistent with applicable laws addressing such things as document retention, including "litigation holds" well in advance of litigation."	
	Infringement, enforcement	Digital	3	P. 4, 12, 14	P. 4: "Selection and implementation of electronic data management systems, creation and enforcement of policies and ongoing personnel training and auditing to ensure that the system is in fact working before the legal crisis arises all require the coordinated and thoughtful collaboration of company personnel whether in the General Counsel, HR office, or elsewhere."	
	Organization, business, corporate	Digital	2	P. 3, 15	P. 3: "It is critical for organizations to plan ahead. First, companies need to plan for communications retention, archiving, and monitoring. Second, they need to create	

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
					encryption processes and proper access restrictions. Third, they need ongoing training and auditing of their processes and policies.	
	Risk, liability	Digital	5	P. 7, 9, 10, 11	P. 10: "To defend and protect against abuses, increasingly companies in the United States are using screening devices or filters. A U.S. employer's failure to monitor electronic communications from and entry into its equipment can result in significant liability."	
	Digital, electronic	Digital	82	P. 1-17	P. 1: "The task of managing electronic data is further compounded by the fact that the data is no longer just tangible pieces of paper, but rather are bytes of information that are constantly being edited, changed, and updated from different people and sources. Proper archiving, retention, monitoring, filtering, and encryption of electronic data are no longer optional: they are imperative."	
	Document, publication	Digital	38	P. 1-9, 13, 17	P. 1: "Electronic data systems control and direct machinery, process financial data, manage inventory, place orders, and transmit pictures and documents. They immeasurably increase the speed of verbal and non-verbal communication."	
	Graphic element, image, picture, photo, map, graph, graphic	Digital	0		This resource has 30 instances of <i>electronic data</i>	
Krapels & Davis (1999)	Copyright, intellectual property	Digital	4	P. 95	P. 95: "Of the other organizations, the family-run manufacturing company had a company policy statement that defined plagiarism and discussed copyright infringement	Supports Theme 2. This is an academic

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
					as well as fair use guidelines, while the bank holding company's written policy only discussed copyright infringement and fair use guidelines without specifically mentioning plagiarism. Only the use of copyrighted material, including not only publications but CDs and videos as well, was included in the manufacturing and distribution company's written policy manual.	article that discusses business protocols specifically – which is a little bit rare. It interviews four organizations about their protocols for notating sources in business documents, but refers
	Compliance	Digital	0			specifically to policies to be put in place to stem copyright infringement situations.
	Policy, plan	Digital	8	P. 94-95	P. 95: "The bank holding representative stated that, although no policy regarding documentation existed at his company, its use generally heightened the credibility of the message; therefore, many reports did use a parenthetical source notation with the author's name, publication name, and date, and the attorneys at the bank holding company used footnotes."	Even though this article discusses intellectual property and use of policies, the interview format of the article could make sourcing this document complicated.
	Infringement, enforcement	Digital	2	P. 95	P. 95: "Of the other organizations, the family-run manufacturing company had a company policy statement that defined plagiarism and discussed copyright infringement as well as fair use guidelines, while the bank holding company's written policy only discussed copyright infringement and fair use guidelines without specifically mentioning plagiarism."	
	Organization, business, corporate	Digital	5	P. 93-95	P. 94: "Does your company have a written communication policy manual to assist employees with reports, letters, memorandums, or other documents? Although three of the organizations had no written communication manual, the	

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					manufacturing and distribution company did. The complete communication process manual was based upon the Associated Press Stylebook and was available to employees with corporate communication responsibilities, but all managers had a basic "how to" booklet for formatting documents and for citing sources."	
	Risk, liability	Digital	0			
	Digital, electronic	Digital	0			
	Document, publication	Digital	33	P. 93-98.	Also 7 instances of <i>Publication</i>	
	Graphic element, image, picture, photo, map, graph, graphic	Digital	0			
Lemley & Reese (2004)	Copyright, intellectual property	Digital	567	P. 101-187	P. 102: "Suing actual infringers is becoming passé in digital copyright law. In the digital environment, the real stakes so far have been in suing those who facilitate infringement by others.	Supports Theme 1. This article has a very academic tone, and its specific subject matter is digital copyright infringement over peer-to-peer networks, but some of the theoretical content is relevant. It also provides historical perspective on channels of distribution.
	Compliance	Digital	1	P. 153	P.152: "The reason the already substantial civil and criminal penalties have only begun to have a deterrent effect is that for the most part they have not yet seriously been pursued against alleged direct infringers on p2p networks. As Stuart Green put it, "if the state is serious about enforcing intellectual property laws, it cannot simply expect to impose harsh criminal sanctions, stand back, and wait for compliance."	
	Policy, plan	Digital	29	P. 105-107, 24, 130, 138, 139, 142, 145,	P. 149: "In the context of online copyright infringement, the real policy question is how to bring infringement down to a	

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				147,149, 158, 159, 164, 165, 166, 174, 180, 181, 187	manageable level akin to the rate of infringement in the traditional copyright environment, particularly if this is done in conjunction with making available attractive and reasonably priced legitimate online dissemination alternatives."	
	Infringement, enforcement	Digital	295	P. 101-187	P. 187: "Copyright owners sue facilitators online because it is cheaper and easier than suing direct infringers. Cheaper and easier does not necessarily mean more efficient, however. The shift toward suing facilitators who are further and further removed from the act of direct infringement imposes substantial social costs on both legitimate users and on innovation, costs the copyright owners do not have to bear."	
	Organization, business, corporate	Digital	3	P. 129, 179, 181	P. 129: "An infringer who wanted to distribute counterfeit copies of a book, record, computer program, or videotape in the twentieth century needed the same sort of production and distribution facilities that the copyright owner did. Counterfeiters had to print books, press records, or record tapes or discs en masse, and then find a way to ship those counterfeit copies to their own network of retailers, who had to be paid to sell the illegal copies. The costs of distributing any significant quantity of counterfeit copies might be somewhat less than the cost of legitimate distribution—the copies might be sold on a card table on a street corner rather than in a storefront—but counterfeiting required a substantial business	

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					of facilities and employees.”	
	Risk, liability	Digital	176	P. 101-187.	This resource also has 20 instances of <i>risk</i> .	
	Digital, electronic	Digital	127	P. 101-187	<p>P. 187: “An infringer who wanted to distribute counterfeit copies of a book, record, computer program, or videotape in the twentieth century needed the same sort of production and distribution facilities that the copyright owner did. Counterfeiters had to print books, press records, or record tapes or discs en masse, and then find a way to ship those counterfeit copies to their own network of retailers, who had to be paid to sell the illegal copies. The</p> <p>costs of distributing any significant quantity of counterfeit copies might be somewhat less than the cost of legitimate distribution—the copies might be sold on a card table on a street corner rather than in a storefront—but counterfeiting required a substantial business of facilities and employees.”</p>	
	Document, publication	Digital	1	P. 120	Not a relevant use.	
	Graphic element, image, picture, photo, map, graph, graphic	Digital	0			
Lessig (2004) <i>Manual search hits and appearances are more approximate and less comprehensive than</i>	Copyright, intellectual property	Manual	>100		P. 130: “No doubt the technology of the Internet has had a dramatic effect on the ability of the copyright owners to protect their content. But there should also be little doubt that when you add together the changes in copyright law over time, plus the change in technology that the Internet is undergoing just now, the net	

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
<i>digital.</i>					effect of these changes will not be only that copyrighted work is effectively protected. Also, and generally missed, the net effect of this massive increase in protection will be devastating to the environment for creativity."	
	Compliance	Manual				
	Policy, plan	Manual				
	Infringement, enforcement	Manual	>20			
	Organization, business, corporate	Manual				
	Risk, liability	Manual				
	Digital, electronic	Manual	>10			
	Document, publication	Manual				
Litman (2001) <i>Manual search hits and appearances are more approximate and less comprehensive than digital.</i>	Copyright, intellectual property	Manual	>100		P. 72: "If ordinary people are to see copyrights as equivalent to tangible property, and accord copyright rules the respect they give to other property rules, then we would need, at a minimum, to teach them the rules that govern intellectual property when we teach them the rules that govern other personal property, which is to say, in elementary school."	Supports Theme 1 and 3. This reference outlines support for copyright law and also for copyright risk.
	Compliance	Manual				
	Policy, plan	Manual				
	Infringement, enforcement	Manual				

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
	Organization, business, corporate	Manual				
	Risk, liability	Manual				
	Digital , electronic	Manual	>100		P. 171: "When we examine the question whether copyright needs redesign to stretch it around digital technology, we can look at the issues from a number of different vantage points. First there is the viewpoint of current copyright stakeholders: today's market leaders in copyright-affected industries. Their businesses are grounded on current copyright practice; their income streams rely on current copyright rules. Most of them would prefer that the new copyright rules for new copyright-affecting technologies be designed to enable current stakeholders to retain their dominance in the marketplace."	
	Document, publication	Manual				
	Graphic element, image, picture, photo, map, graph, graphic	Manual				
<p>Lutzker (2003)</p> <p><i>Manual search hits and appearances are more approximate and less comprehensive than digital.</i></p>	Copyright , intellectual property	Manual	>200	P. 3-267	<p>P. 21: "The copyright law sets down six exclusive rights of owners:</p> <ol style="list-style-type: none"> 1. The right to reproduce the work. 2. The right to prepare derivative works based on the original. 3. The right to distribute copies to the public. 4. The right to perform the work publicly. 5. The right to display the work publicly. 	<p>Supports Theme 1.</p> <p>This reference supports the basics of copyright theory and law.</p>

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
					6. The right to copy, publicly distribute, and prepare derivative works that are digital audio sound recordings."	
	Compliance	Manual	0			
	Policy, plan	Manual	0			
	Infringement, enforcement	Manual	~16	P. 3-267	P. 65: "Under copyright rules, if someone copies, distributes, or displays a copyrighted work publicly without authority of the copyright owner or its agent, then a violation of law has occurred."	
	Organization, business, corporate	Manual	~13	P. 90-94	Not relevant usages.	
	Risk, liability	Manual	0			
	Digital, electronic	Manual	>100	P. 3-267	P.267: "We crossed a divide, from an era of media that directed content at the public into the era of interactive communication in which the public participation in the reshaping of content, from broadcasting to interactive digital communication."	
	Document, publication	Manual	0		No major uses found	
	Graphic element, image, picture, photo , map , graph, graphic	Manual	~9	P. 3-267	Also instances of "charts" in lists of content items. P. 264: "What has made the World Wide Web the publishing center for digital works is the ease with which images can be transmitted. Every graphic, photograph, chart, or map adds color, texture, and interest to Internet communications. But the rules for using this material must be scrupulously adhered to, lest the user be exposed to potentially gigantic damage	

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					<p>claims.”</p> <p>P. 265: “Photographs have become a particular point of contention on the Internet because near perfect duplicates can be made from digital files. Unless the web-caster or an employee snapped the image, the photo should be considered covered by someone else’s copyright and cleared accordingly.”</p>	
Moohr (2003)	Copyright, intellectual property	Digital	366	P. 731-783	<p>Also 36 instances of <i>intellectual property</i>.</p> <p>P. 783: “If the new criminal laws are effective in preventing personal use infringement, we are faced with a different problem. An effective criminal law may undermine the reasons for enacting the law in the first place--to implement the national policy of encouraging creative expression. Criminal laws that treat infringement as theft convey the message that information or knowledge may not be used without permission. This repressive lesson may not be one that we want to impart. In the long term, creative persons who internalize this teaching may constrain their talent and repress their desire to create new ideas and products, thus limiting future innovation. In a final irony, criminalizing copyright infringement may produce the opposite of its intended goal to encourage creative effort.”</p>	<p>Supports Theme 1.</p> <p>This article presents background on the crime and punishment of infringement – and represents the “risk” part of this literature review.</p>
	Compliance	Digital	1	P. 751	Not relevant usage.	
	Policy, plan	Digital	45	P. 731-783	P. 783: “Given current community views, treating personal use infringement as a criminal act may not be an effective way to protect the	

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
					interests of copyright holders or to achieve the goals of copyright policy."	
	Infringement, enforcement	Digital	174	P. 731-783	Also 17 instances of <i>enforcement</i> .	
	Organization, business , corporate	Digital	4	P. 733, 765, 779, 780	P. 734 "Criminalizing infringement emphasizes one objective of copyright policy, to encourage innovation, at the expense of its second objective, to maintain public access to information. Imposing criminal sanctions when infringement is for personal use and for circumventing copy protections constricts public access to copyrighted material, which may in turn result in reduced innovation."	
	Risk, liability	Digital	26	P. 733, 736, 738, 739, 743, 751, 783	Also 17 instances of <i>risk</i> . Usages are not relevant.	
	Digital, electronic	Digital	1	P. 735	Usages are not relevant.	
	Document, publication	Digital	0			
	Graphic element, image, picture, photo, map, graph, graphic	Digital	0			
National Research Council (2000) <i>Manual search hits and appearances are more approximate and less</i>	Copyright, intellectual property	Manual	>50	P. 26-279	P. 176: "Intellectual property protection is frequently viewed in terms of two forces – law and technology. The law articulates what may legally be done, while technology provides some degree of on-the-spot enforcement." P. 309: "Copyright education must be planned with care;"	Supports Theme 2. This reference is used for its outlining of the value of copyright education.

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<i>comprehensive than digital.</i>					otherwise, it may easily prove ineffective or even backfire."	Most of the book is directed at the individual user, not at business users, but the message is not exclusionary and is applicable.
	Compliance	Manual				
	Policy, plan	Manual			This reference uses "education." P. 305: "Because people tend to obey laws that they understand and think fundamentally fair and sound, copyright education should be based on the fundamental fairness and soundness of intellectual property law. A program of copyright education should describe the core goal of IP law – the improvement of society through advancement of knowledge by encouraging the creation and distribution of a wide array of works.	
	Infringement, enforcement	Manual	>20		P. 54: "...Jurisdictional problems arise in enforcement of laws as cyberspace blurs the concept of location of an action, both internationally and within the United States."	
	Organization, business , corporate	Manual	>50			
	Risk, liability	Manual				
	Digital, electronic	Manual				
	Document, publication	Manual				
	Graphic element, image, picture, photo, map, graph, graphic	Manual				
Samuelson (2001)	Copyright , intellectual property	Digital	246	P. 1488-1505	P.1505: "A new and fairer deal for copyright is achievable and worth the effort necessary to bring it about. Excessive	Supports Theme 1.

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
					copyright protection impedes the progress of science, and contravenes the Enlightenment policy embodied in the Constitution. Digital technology may have disrupted the old copyright balance, but that doesn't mean that balance is no longer necessary, as some copyright industry groups seem to believe."	This reference discusses the importance of the legal aspects of copyright.
	Compliance	Digital	3	P. 1488, 1489, 1497	Not relevant usages.	
	Policy, plan	Digital	27	P. 1489, 1490, 1492, 1495-1501, 1504	Usage in this reference refers to government policy, not a compliance policy.	
	Infringement, enforcement	Digital	3	P. 1493, 1498		
	Organization, business, corporate	Digital	3	P. 1492, 1499	P. 1499: "While copyright industry groups will certainly continue to have influence in the copyright policy process, a great many organizations represent interests that overlap with those of the public at large, and some of them - universities and other educational institutions, consumer protection groups, scientific and technical organizations, computer industry groups, and consumer electronics manufacturers - may become more effective lobbyists on copyright matters in future years."	
	Risk, liability	Digital	1	P. 1491	Not relevant usages.	
	Digital, electronic	Digital	62	P. 1488-1505		
	Document, publication	Digital	0			

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
	Graphic element, image, picture, photo, map, graph, graphic	Digital	0			
Sprigman (2009)	Copyright , intellectual property	Digital	214	P. 3-16	P. 316: "Copyright law seeks a balance between private incentives to create new works, and public access to the works created. To achieve this balance, copyright law must be based on a theory of harm - i.e., we must understand the kinds of uses that cause significant harm to authors' incentives, and those that do not, so that we might focus on regulating the former and not the latter. And here is where the problem arises: although we understand copyright's concept of harm at an abstract level - i.e., copyright "harm" arises from any use that threatens to suppress author incentives significantly below the optimal level - the theory is exceedingly difficult to apply in many cases."	Supports Theme 1. This article supports Theme 1: the need for
	Compliance	Digital	0			
	Policy, plan	Digital	0			
	Infringement , enforcement	Digital	48	P. 317-341	P. 323: "There are two principal benefits of such a change. First, by requiring that plaintiffs show substantial actual or likely harm in these "rule of reason" copyright infringement cases, we will encourage plaintiffs who have suffered substantial harm to come forward, while discouraging suits by rightsholders who suffer no harm, or only speculative harm. Second-and perhaps most importantly-altering the plaintiffs prima facie case in this way will produce information about	

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
					harms and benefits of different uses of copyrighted works."	
	Organization, business, corporate	Digital	0			
	Risk, liability	Digital	31	P. 319-341	P. 324: "However, for conduct that, although infringing, has ambiguous effects on authors' incentives, liability should be reserved for instances in which individual plaintiffs can show that they have in fact been harmed."	
	Digital, electronic	Digital	3	P. 19, 35	P. 319: "Technological developments, including, most importantly, the rise of digital platforms and the Internet, have lowered dramatically the cost of distributing many creative works, thereby lowering the cost of access."	
	Document, publication	Digital	0			
	Graphic element, image, picture, photo, map, graph, graphic	Digital	0			
Stim (2000) Manual search hits and appearances are more approximate and less comprehensive than digital.	Copyright, intellectual property	Manual	>200			Supports Theme 2. This book offers a useful step-by-step walk through the process of getting permissions, including: 1. Determine if permission is needed. 2. Identify the owner. 3. Identify the
	Compliance	Manual				
	Policy, plan	Manual				
	Infringement, enforcement	Manual	>10			
	Organization, business, corporate	Manual	~4		Usages not relevant.	
	Risk, liability	Manual	>5	P. 1/3	P. 1/3: "...The risk of a lawsuit depends not just upon your particular use, but also upon other factors such as the likelihood that the use will be	

AUTHOR	CONCEPT OR CATEGORY CODED	TYPE OF SEARCH	HITS	APPEARS	CONTENT NOTES	THEME & SUMMARY
Weiner (1997)	Copyright, intellectual property	Digital	56	P. 1-8	P. 6: "Historically, the goal of copyright has been "to promote the progress of science and useful arts" by granting certain exclusive rights to creators. It is a matter of providing them with a means by which to protect their works from unauthorized reproduction and ensure that these rightsholders are fairly compensated when their original work is used. As we venture beyond the printed page into unbounded areas of the digital world, our ultimate challenge may be once again to ensure that every cow be granted her calf. It is a vital principle by which to retain the inherent value of each and every work in the physical or electronic realm."	<p>Supports Theme 2.</p> <p>This reference outlines a valuable list for use in setting up corporate guidelines to minimize business risk:</p> <p>P. 5: "PRACTICAL ADVICE FOR NOW</p> <ol style="list-style-type: none"> 1. Develop a corporate copyright policy. 2. Involve everyone who has an interest in using copyrighted information. 3. Publish your copyright policy and keep your constituency well informed. 4. Ensure
	Compliance	Digital	0			
	Policy, plan	Digital			P. 5-8	References are contextual.
	Infringement, enforcement	Digital	6		P. 3, 5, 6	References are contextual.
	Organization, business, corporate	Digital	5		P. 2, 3, 4, 5	References are contextual.
	Risk, liability	Digital	3		P. 2, 5, 6	P. 2: "While it is easy to see the tremendous value of instant desktop access, it may not be so easy to determine when and

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					how copyrights are being violated. Yet, if they are, your organization could be at risk."	protection of information created within your company.
	Digital, electronic	Digital	18	P. 1-18	Also, 15 instances of electronic. P. 2: "As an information professional, you provide a valuable service to your company by recognizing the issues surrounding digital information."	5. Remind users that not all information on the Web is free. 6. Encourage your constituency to use good common sense.
	Document, publication	Digital	1	P. 5	Not relevant usage.	7. Do not hesitate to act."
	Graphic element, image, picture, photo, map, graph, graphic	Digital	1	P. 4	P. 4: "These products are being designed to prevent users from duplicating, manipulating, transmitting, or playing back unauthorized copyrighted materials including text, graphics, and multimedia."	

APPENDIX C**Example Copyright Compliance Policy****POLICY ON THE USE OF COPYRIGHT MATERIAL**

(Organization) respects the copyright of those involved in creating and disseminating copyright material, such as music, films, software, and other literary, artistic, and scientific works.

(Organization) employees shall not make, store, transmit, or make available unauthorized copies of copyrighted material on (Organization) systems, equipment, or storage media.

(Organization) employees shall not download, upload, store or make available unauthorized copies of copyrighted material via the internet using (Organization) systems, equipment or storage media.

(Organization) employees shall not install or run peer-to-peer 'file-sharing' software or operate a peer-to-peer index or server on (Organization) systems or equipment, without the consent of the Compliance Officer.

(Compliance Officer) is responsible for carrying out this policy. Any questions as to whether an employee may copy or use copyrighted material in ways covered by this policy should be raised with (Compliance Officer) before proceeding.

Any activities or materials that violate this policy are subject to immediate removal, termination and/or forfeiture of the material.

(Organization) employees that violate this policy are subject to discipline as appropriate under the circumstances. Such discipline may include termination

Employee signature and date

(International Federation of the Phonographic Industry, 2010).