



TRELLIS

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6 Ways a Small Business Can Protect its Works under Copyright Law

DISCLAIMER: This outline is a general guide. Be sure to contact an attorney if you have questions or specific issues that need to be addressed.

Fun Fact: Did you know that copyright is protected by the United States Constitution? Article I section 8, clause 8, “The Congress shall have Power ... To promote the Progress of Science (“knowledge”, as intended by the founders) and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”

A copyright is a form of intellectual property- it protects creators from unauthorized uses of their original works. Copyrightable works include literary, dramatic, musical, and artistic works such as books, plays, music, lyrics, paintings, sculptures, video games, movies, sound recordings, and software. However, to have copyright protection, a work must be in a “tangible medium of expression.” For example, a live song is not protected by copyright, but the sheet music and recording is, or a play is not protected, but the script or video recording (think Hamilton!) is.

It is important to keep in mind that copyright protection does not extend to ideas, procedures, or concepts, however it does protect the tangible *expression* of an idea, procedure, or concept. This is referred to as the “idea-expression dichotomy.”

Even if you don’t think your small business has anything to register as a copyright, you likely do. Examples that we often see among clients are: podcast episodes, online resources or other downloadable resources, a unique process (put it on paper!), your business’s logo, photographs that are so unique that others will likely try to imitate it- the list goes on!

To protect your small business’s copyrights, here are 6 proactive steps you can take:

- Copyright Notices: Place copyright notices on your creative works, such as websites, marketing materials, and software. A copyright notice includes the copyright symbol ©, the year of first publication, and the name of the copyright owner.
- Make sure your contracts include copyright provisions. Check out the DIY Shop on our website for contract templates that include copyright provisions.

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- Register the Copyrights: [Register](#) your important works with the U.S. Copyright Office. Registration provides maximum legal protections.
- Monitor and Enforce: Regularly monitor the use of your copyrighted works online and take action against any unauthorized use or infringement. This may include sending cease and desist letters or filing lawsuits. If you need a recommendation for a monitoring program- let us know!
- Licensing: When using copyrighted works created by others, obtain the necessary licenses or permissions. This includes using stock images, music, software, and other copyright materials. If your an artist who needs a licensing agreement, check out our template available to purchase here:
<https://www.trellispgh.com/product-page/artwork-licensing-agreement>
- Guidelines: Provide a written policy or guidelines for your employees or members to reference on how to properly use copyrighted materials.

If you need assistance on carrying out any of these steps, reach out! We are happy to assist with education, licensing, monitoring, and of course registering!

Other Helpful Resources:

If you would like more information on copyrights, such as the difference between copyright and trademarks, check out these past blog posts!

<https://www.trellispgh.com/post/trademarks-v-copyright-key-tools-for-your-small-business>

<https://www.trellispgh.com/post/you-down-with-ip-p-yeah-you-know-me>

<https://www.trellispgh.com/product-page/basic-language-options-to-protect-intellectual-property>

STOPfakes.gov

[STOPfakes.gov](https://www.stopfakes.gov) is a U.S. government resource aimed to educate and assist small and medium sized businesses on how to protect and enforce their intellectual property rights. Of Particular help, is the industry specific brochures which provides Intellectual Property tips for specific industries- <https://www.stopfakes.gov/IPR-Toolkits>