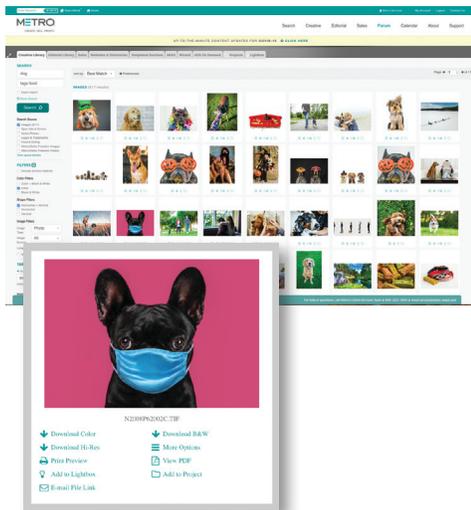


Beware of using Internet search capabilities such as Google Images. In many cases, Google can tell you where the image was used, but will not provide any copyright information. In some cases, the *Image Info* dialog (Hold the Control key to get the menu on a Mac) can show attribution, but you must assume everything you see online is copyrighted material and cannot be used without licensed permission.



Save yourself a world of possible infringement trouble by selecting your content from Metro Creative Connection.

**\*Sources:**  
<https://legalbeagle.com/13345055-examples-of-copyright-violation.html>  
<https://www.copyrighted.com/blog/copyright-infringement>  
<https://99designs.com/blog/tips/5-famous-copyright-infringement-cases/>  
**For more information on copyrights, consult your legal counsel and visit:**  
**U.S.:** <http://www.copyright.gov/help/faq/faq-definitions.html>  
**Canada:** <http://publications.gc.ca/site/eng/ccl/aboutCopyright.html>

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## Copyrights and You:

# An Ounce of Prevention Saves a Pound of Trouble

How can you navigate copyright laws to protect your publication? While this should not be construed as legal advice, the answer can be summed up in one concise statement: **If you didn't write it, take the photo or create the image yourself, you need permission to use it.**

In times of budget cuts and tight deadlines, it can be tempting to take shortcuts. For example, using an online resource like Google Images to search for content may seem fast and easy. A quick search for something like dogs will bring up thousands of adorable pet pics, but can you use these images in your own ads? The answer is almost always no.

### Who Owns the Copyright?

Prior to 1989, a visible copyright notice was necessary for a work to be copyrighted. Today, both the U.S. and Canada recognize copyright as soon as something is published, whether a notice is there or not. Therefore, we *must always assume that everything we look at is copyrighted*. Some image creators and photographers attach metadata to their images that always follow the files, wherever they go. This data — including copyright info — is visible in Photoshop® or Illustrator® by selecting *File Info* from under the *File* menu. Keep in mind that any image is still copyrighted even if there is no metadata attribution.

The best way to protect yourself from copyright infringement accusations is by *only using elements to which you have permission via a license*. In effect, that's

what your Metro subscription is giving you: a license to reproduce the material from Metro without further remuneration. Naturally, this doesn't mean there aren't any restrictions to your use of Metro content. For example, based on our Terms & Conditions, no image can be used for illicit material.

Metro takes great care to obtain rights for every photograph and image, so you can rest assured that Metro has you covered with the proper documentation if any image is ever questioned. This peace of mind is also a big part of your subscription coverage.

### Remember, Iconic Characters Are Protected by Copyright

We are often asked why Metro can't supply certain character images, such as a "Wizard of Oz" tin man, an imitation Superman character or a flying Dumbo-style elephant, for example. Simply put, if we don't own the copyright, just like you, we can't distribute it. Even derivations can be legally problematic.

### Fair Use

Under copyright law, you are allowed to use certain material under what is called *Fair Use*. In order for Fair Use to be claimed, the usage must be for reporting purposes, educational

or discussion purposes, or in no way infringe upon the copyright of the owner. This includes editorial use. In other words, in publishing for print and web, it is best to reconsider any use that might be misconstrued as implied endorsement.

### What About Public Domain?

When something is listed as in the *Public Domain*, it means there is no copyright. However, there are only two instances when items are in the public domain: either the owner has chosen to supply the material without copyright protection, or the work was created before 1923 and the copyright has expired for those items. Public use works created by the U.S. Government are often made available on government websites such as the National Park Service or NASA.

### Conclusions

If ever you or your client advertisers are tempted to use images or other material from the Internet, err on the side of caution and visit MCC instead. Your legal team will be glad you did. As always, consult legal professionals if you have any questions. An ounce of prevention is usually the safest course to follow. M

## A Word About Trademarked Phrases

Copyright laws go beyond the image to phrases that have been trademarked. Many companies and organizations vigorously defend their trademarks. These include catch phrases, event names and more. As usual, when in doubt, consult legal professionals before using a phrase for which another entity is known in any advertising. Here are some common trademarks to avoid:

### Major League Sports

This includes anything connected with and including the phrases "Super Bowl" and "Super Sunday," without a sponsorship contract. The same holds true for "World Series."

### NCAA

Any reference to "Sweet Sixteen" or "Final Four" is forbidden in all advertising without a sponsorship contract.

### Olympics

Most people know the image of the rings cannot be used in ads, but neither can the name.

### Academy Awards

You cannot use "Oscar" or "Academy Awards" in advertising. Likewise, be very careful with references to any motion picture or television show; i.e., a "Car Wars" ad theme may be acceptable, but you wouldn't want to place a picture of Chewbacca behind the wheel.

### Common Brands, Catch Phrases & Slogans

The courts have not looked kindly even on derivations of popular slogans, so proceed with caution. For example, "Kleenex" is a particular brand, but people often use the name when they are really referring to *facial tissue*.