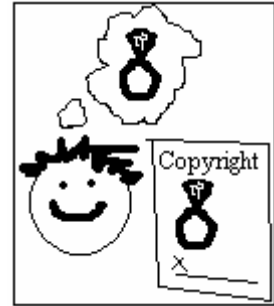


Part 12: Frequently Asked Questions

Artists ask me questions about intellectual property issues all of the time. Most answers require research and knowledge of the specific circumstances because this area of law has few clear-cut guidelines. Here are a number of frequently asked questions and some basic answers you'll hopefully find helpful. These FAQs illustrate some of the contrasting theories in intellectual property law.

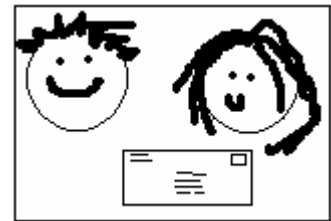


Q. Copyright protection is automatic when the work is “fixed,” so why register?

A. You will receive a Certificate of Registration. This certificate establishes public record and it's the best evidence of a valid copyright. Plus, it's what lets you take legal action against copyright infringement. If you register within three months of publication and before someone infringes on your work, you have a better chance of collecting certain damages and attorney's fees in court. If registration occurs within five years of publication, it is considered excellent evidence in a court of law. And copyright registration is beneficial for licensing purposes.

Q. What is a “poor man's copyright?”

A. A poor man's copyright is the practice of mailing a copy of your work to yourself and not opening the envelope when you receive it. There is no provision in the copyright law or the practices of the Copyright Office regarding any type of protection known as the “poor man's copyright.” Many believe that this is an affordable alternative to copyright registration, but it isn't. It's easily faked and I have yet to hear of a “poor man's copyright” success story.



Q. Can I copyright a phrase, a slogan, or a logo?

A. No. However, phrases, slogans, and logos might be protected under trademark law.

Q. How do I protect an idea or a technique?

A. Not with a copyright. A copyright does not protect ideas or techniques. However, once it's written down, the creative expression may be entitled to copyright protection. You may protect an idea or technique with a contract or by keeping it secret (trade secret).

Q. How do I protect something with a trade secret?

A. You must take reasonable precautions to protect any information you consider a trade secret. Precautions might include marking secret documents as “confidential,” locking information in a secure place, and before sharing the secret with anyone, having that person sign a confidentiality contract.