



Volunteers are Copyright Owners, Too!

Entering into a copyright agreement with your volunteers can help prevent problems from arising later when you try to reuse materials they create.

BY LESLEY ELLEN HARRIS

A volunteer creates an image or logo for a special exhibit or event. You use that logo on a number of print materials and include it on your Website. Can you adapt the logo and use it on one of your publications?

A volunteer creates a short video about your organization. Can you place it on your blog? Use it at your annual conference? Post it on YouTube?

A volunteer writes an article for your organization's newsletter. Can you republish the article in a book? Translate it into another language? What if another organization wants to publish the article on its Website?

Whether it be an article, image, video, business plan, table based on research, or other type of content, it is possible that the material being created by your volunteers is automatically protected by copyright (yes, even without registering the material or using a copyright symbol). At some point, the question may arise as to who owns the copyright in the work of your volunteers.

Don't wait and be surprised by the answer at a critical time, such as after

an article or image created by a volunteer appears in your print publication. Understand your organization's rights and those of your volunteers at the time you ask a volunteer to create a piece of work for you.

The bottom line is this: generally, a volunteer will own any works he or she creates while volunteering for your organization. That is because the volunteer is the creator/first author of the work, by virtue of being the first person to put it into some sort of fixed form.

A question I'm often asked is whether this principle applies even if you ask a volunteer to create the work on your premises and with your tools (e.g., a computer). Long story short, it does—employment provisions (which take into account all relevant facts underlying the employment relationship) do not generally apply to volunteer arrangements.

Take a look at the volunteers in your organization and consider entering into an agreement with them to ensure that their valuable work can be used in the manner intended by your organization. Remember, too, that volunteers come with different titles and roles, such as interns, officers, directors, committee members, and students. So, to answer

the questions at the beginning of this column, if your volunteer writes an article or creates a logo or video, you may need his or her permission prior to widely distributing it or allowing others to use or adapt it. You may want to consider developing an agreement with your volunteers that transfers to your organization the copyright in any work they create for your organization.

Terms of the Agreement

Reaching an agreement with people when they begin volunteering for your organization will provide clear guidelines and create better relationships. A simple agreement in plain language will likely be the best way to go. If your organization needs to own the copyright in works created by volunteers, this should be simply stated in the agreement along with the appropriate transfer/assignment of the rights.

You may also want to obtain a waiver of moral rights so that you can adapt the work and not be required to acknowledge the volunteer by including his or her name on it. In the United States, moral rights only apply to works of fine art, but in Canada and many other countries, moral rights protect the reputation of the author and apply to all works. Moral rights in Canada last for 50 years after the author's death and may be waived, whereas in countries such as France, moral rights exist in perpetuity and may not be waived.

Another issue to consider is whether a volunteer may use his own work on his own blog or other social networking



LESLEY ELLEN HARRIS is a copyright lawyer who consults on legal, business and strategic issues. She is editor of a newsletter, *The Copyright & New Media Law Newsletter*, which is available at www.copyrightlaws.com. She also teaches SLA's Certificate in Copyright Management program and maintains a blog on copyright questions and answers. The second edition of her book, *Licensing Digital Content: A Practical Guide for Librarians*, was published last year.

Provide educational sessions and/or a contact person for volunteers so they have access to accurate copyright information.

sible for any infringements of copyright during their work for your organization. Of course, this will have to be worded carefully to avoid scaring off volunteers. Sharing your organization's copyright guidelines will help guide the work of volunteers. **SLA**

site. If he transfers the copyright to your organization, he may not reproduce or distribute his own work in any manner without first obtaining your organization's permission. You may consider, as part of your written agreement, allowing the volunteer to use the work as part of an electronic portfolio or on personal digital spaces.

Similar to your organization's employees, volunteers must abide by the copyright laws when they create works for you. If you have a copyright policy,

ensure that your volunteers are aware of it and that you have explained such concepts as the meaning of fair use/dealing, international copyright law, digital copyright issues, and any specific exceptions that may apply to your library or organization. Provide educational sessions and/or a contact person for volunteers so they have access to accurate copyright information.

You may also add a clause to your volunteer copyright agreement to the effect that volunteers will be respon-

The New York Times
NYTIMES.COM

How many
people will you
empower today?
Give your teams
the tools to build
your future.



**With a Times Corporate
Digital Subscription**

Keep your staff ahead of the curve with award-winning news, opinion and interactive features, in a digital format that fits into even the busiest schedules.

[Ask us about our special corporate rates.](#)

Contact Hannah Yang at hannah.yang@nytimes.com or call 1-212-556-2790, or visit NYTimes.com/CorporateSub

Win a \$500

Apple gift card

VISIT SLA 2012 #149

And enter our sweepstakes and you could win a **\$500 Apple Gift Card!**

NO PURCHASE NECESSARY. Subject to Official Rules. Open to legal residents of the United States and D.C. who are at least 18 years of age at time of entry. Sweepstakes ends 7/24/12. Void where prohibited. Limit one entry per person. For Official Rules and winner list send a SASE to: The New York Times "Corporate Digital Subscriptions" Sweepstakes, 620 Eighth Avenue, New York, N.Y. 10018. Sponsor: The New York Times Company, 620 Eighth Avenue, New York, N.Y. 10018.

Apple is not a participant or sponsor of this promotion.

Mobile apps are not supported on all devices. Does not include e-reader editions, Premium Crosswords or The New York Times Crosswords apps. Other restrictions apply.