

the matter in court is between two individuals or entities. The individual bringing suit is seeking damages. These the defendant may have to pay if found guilty of *civil libel*.

Can *responsibility* for libel be shifted to the source of information?

No. Whenever a publication reprints the statements of another or accepts information from any news source, it also assumes responsibility for the truth of such facts. Evasive phrases, such as "it is reported," "it is alleged," etc., are no defense in libel actions. The author, the publisher and the printer all may be sued for damages.

Is a publication held responsible for libelous statements made in good faith or caused by careless errors in reporting or typesetting?

Yes. However, if publication was made in good faith with lack of malice and under a mistake of fact, the amount of recovery will be limited to actual proven damages. Sometimes a complete retraction will satisfy the person libeled, and no action will follow.

How must retraction be made?

A full and unequivocal retraction or correction should appear in a regular issue of the publication in a place as prominent and in type as conspicuous as were the statements which caused offense. The apology must be printed within two weeks after legal notice requesting withdrawal of statements has been served on the publisher. It must express regret that the defamatory statements were made and must not try to justify the publication's conduct.

If the person libeled is a candidate for office and the time of election is close at hand, satisfactory retraction is not always possible.

13.2 Copyright Law

What is a *copyright*?

A copyright is the exclusive right of an author, artist or publisher to the ownership of a literary or artistic creation for a definite length of time. The copyright law of 1909 safeguards this right.

Copyright registration protects *expression of an idea but not the idea itself*.

The purpose of the law from its beginning has been to encourage creative enterprise by insuring to individuals the exclusive rewards of their efforts for a sufficient time to repay them for the time and effort spent. When the originator has had time to profit by his work, it goes into the public domain.

In order to secure full protection of a copyright title, the applicant must perform all the conditions required by statute. The proper procedure may be obtained without charge from the Register of Copyrights, Library of Congress, Washington, D. C. Fees for actual copyrighting are nominal.

How long is the *term* of copyright?

The term of copyright lasts for 28 years from the date of first publication, and may be renewed for another 28 years.

What *type of material* is copyrightable?

The Copyright Law as amended July 30, 1947 (Section 5, Title 17, U. S. Code Annotated) gives the classification of works for copyright registration.

- (a) Books, including composite and cyclopedic works, directories, gazetteers and other compilations.
- (b) Periodicals, including newspapers.
- (c) Lectures, sermons, addresses (prepared for oral delivery).
- (d) Dramatic or dramatico-musical compositions.
- (e) Musical compositions.
- (f) Maps.
- (g) Works of art; models or designs for works of art.
- (h) Reproductions of a work of art.
- (i) Drawings or plastic works of a scientific or technical character.
- (j) Photographs.
- (k) Prints and pictorial illustrations including prints or labels used for articles of merchandise.
- (l) Motion-picture photoplays.
- (m) Motion pictures other than photoplays.

13.3 Plagiarism, Infringement, Piracy

What is *plagiarism*?

Plagiarism is the appropriating of another's literary creation and passing it off as one's own original work. Strictly speaking, plagiarism refers to material which is *not* copyrighted—writing whose copyright has lapsed or which was never copyrighted.

Plagiarism as it is generally understood, however, covers piracy and infringement of the copyright law and is subject to legal redress.

Plagiarism may be one of two kinds: (1) intentional copying, (2) imitation which is the result of subconscious recollection of another's phrases or thoughts.

What is *infringement*? *Piracy*?

Infringement and piracy are interchangeable terms as they refer to copyrighted material.

Infringement is the encroachment upon the right of an author or publisher to material protected by a valid copyright. Piracy has an additional significance which describes a violation of commonlaw right in intellectual production not protected by an effective copyright.

What *sources* may a writer draw on legally and ethically?

Anyone may use all original sources of information—codes, records, laws, official reports. He may use facts, geographic settings, customs, folklore and historic incidents. Basic themes and ideas are not copyrightable, but their development is. Material previously copyrighted but whose copyright has expired may be used. How ethical the use of such material is, however, is debatable.

How much can one quote word for word from the writings of another?

Some quotation is usually welcomed by an author provided he is given proper credit for his work. However, quotations which embody the essence and substance of a writing is not permissible. If lengthy or substantial parts are to be quoted, permission should be received from the author and the publisher.

What is the *penalty* for plagiarism?

Loss of literary reputation and payment of damages.