

# Copyright Policy

## Copyright and Your Weasyl Experience

Weasyl respects the intellectual property and rights of all creative people across the world. We require that our members do the same and ask that members help us in building an environment that facilitates members to create freely and without fear of copyright infringement.

## Copyright Infringement

Simply put, copyright infringement occurs when you use someone else's creative work without first acquiring the proper permission to do so. For example, these include (but are not limited to):

- Uploading to the internet content that is not yours without the original creator's permission
- Using a creative work commercially without express permission
- Copying a creative work in part or whole (this includes adapting a creative work across mediums)
- Incorporating a creative work into your own without sufficiently altering the work or providing original idea

## Avoiding Copyright infringement

Creating in its entirety something on your own and through your own talents and imagination is the easiest way to avoid infringing on someone's copyright. Said creation should be "original" in the sense that you yourself are responsible for the creative work without referencing or copying anyone else's work in part or whole.

If you wish to use or have used the work of another person in your creation, be sure to acquire explicit permission and/or licensing prior to placing your work in a public medium. Failure to do so would result in Copyright Infringement.

## Items Capable of Being Copyrighted

Nearly any and every creative work is considered copyright by default. There does not need to be the presence of a copyright statement in order for something to be considered copyrighted. If there is no written notice, you should assume the work is protected.

Just because something is located in a public space or has been made publicly available does not mean that it falls under public domain or free for use. You should only believe something to be public domain or free for use *when it is explicitly stated as such*.

### **Copyright Versus Trademarks**

Copyrights and Trademarks are not the same thing. Copyrights apply to creations and creative works. Trademarks only apply to brand names, slogans, logos, and other monikers identifying a company, corporation, or entity.

Copyrights offer protection to the owner against unauthorized use of their work. Trademarks offer protection to the owner against unauthorized use of their distinguishing items, specifically against things like false advertising, misrepresentation, and impersonation.

Characters are considered an identifying item, much like a logo or name, and thus *cannot be copyrighted*. They can only be trademarked.

You do not need to officially register for a trademark or copyright in order to be given protection; however, officially registering a trademark or copyright grants the owner much greater legal protection. This includes but is not limited to the right to sue in a federal court, presumed exclusivity of use, official notice to the public, and official public record. Unregistered trademarks and copyrights are subject to far greater burdens of evidence in order to be permissible in court.

™ denotes an unregistered trademark. ™ denotes an unregistered service mark (a trademark for items lacking a physical body, such as a sound byte). ® denotes a registered trademark or service mark. Please be aware that unauthorized use of ® can result in penalties. In order to use the ® symbol, you must register your trademark with the appropriate regulating body (e.g., USPTO for the U.S.).

© denotes a copyright, unregistered or otherwise. *A work need not possess this symbol in order to be protected by copyright.*

### **Precautions**

When dealing with copyrights, there are some common misconceptions. Please be aware of the following items:

1. Regardless of how much or how little you use a particular work or material in your own creation, it is still considered to be copyrighted and thus requires the owner's permission to be used.

2. Regardless of where you acquired the work, it again is considered copyrighted and requires permission.
3. Crediting the proper owner does not absolve you of copyright infringement. Permission is still required. To note, you should always credit the proper owner, even if you have obtained permission to use their work.
4. Not using something commercially also does not make it free for use. Permission is still required.
5. Even if others are using it without permission, it is still copyright infringement. Permission is still required.
6. So long as the original work is recognizable, it is considered copyrighted, and thus permission is still required.
7. While a character in a pose (as a whole) can be copyrighted, the character itself cannot. The pose by itself cannot, unless it is referenced in such a way that it is immediately traceable to the original work from which it was derived.

### **If You Commit Copyright Infringement**

When Weasyl becomes cognizant of any submission that infringes upon the copyrights of another entity, we will immediately delete it. This is a legal requirement that we will fully fulfill with all due haste. You will not receive any warning nor will you receive any opportunity to rectify the situation. Any copyright owner following the procedures in this Copyright Policy can require Weasyl to remove his or her copyrighted content. If your work has been removed for copyright infringement, you may still be liable for damages should the owner decide to sue.

If you believe that a submission on Weasyl infringes upon your copyright you may either report the submission using our internal reporting system or send us a copyright notice via email.

If you are found to repeatedly upload infringing content, your account will be banned. If you are found to be deliberately misrepresenting the copyright work of another as your own, you will be banned immediately.

If you believe that one of your submissions was removed in error, you may contact Weasyl or file a Counter-Notice.

### **Fair Use**

"Fair Use" is the idea that some public and private uses of copyrighted works should not require the permission of a copyright owner. Such circumstances are rare, difficult to analyze under the law, and often require the help of expert legal advice. We heavily

recommend you talk to your own lawyer if you want to know more about fair use as it relates to your own work. If it ends up that your use isn't considered fair use, you may be liable for very serious monetary damages.

To learn more about fair use please go [here](#), [here](#), and [here](#), or speak directly to your lawyer.

### **Claims Regarding Copyright Infringement**

Pursuant to the Digital Millennium Copyright Act (17 U.S.C. § 512), Weasyl has implemented procedures for receiving written notification of claimed infringements. Weasyl has also designated an agent to receive notices of claimed copyright infringements. To file a copyright infringement notification with Weasyl, the copyright owner or an agent acting on his or her behalf will need to send a written communication that includes the following:

1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
2. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.
3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material. In this regard, please provide URLs when you identify the location of the material.
4. Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
5. A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
6. A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

In some circumstances, in order to notify the subscriber, account holder or host who provided the allegedly infringing content to which Weasyl has disabled access, Weasyl may forward a copy of a valid Notice including name and email address to the subscriber or account holder, or may forward a copy of a valid Notice (with personally identifiable information removed) to Chilling Effects (<http://www.chillingeffects.org>) for publication.

**Under Section 512(f) of the DCMA, any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability. Consult your legal counsel or see Section 512(c)(3) of 17 U.S.C. to clarify or confirm the requirements of the notice.**

**Counter-Notification**

If you believe that a notice of copyright infringement has been improperly submitted against you, you may submit a Counter-Notice, pursuant to Sections 512(g)(2) and (3) of the Digital Millennium Copyright Act. You may complete the <Counter-Notice Regarding Claim of Copyright Infringement form>, or otherwise provide a written communication which contains:

1. Your physical or electronic signature
2. Identification of the material removed or to which access has been disabled
3. A statement under penalty of perjury that you have a good faith belief that removal or disablement of the material was a mistake or that the material was misidentified.
4. Your name and telephone number, and a statement that you consent with the jurisdiction of the Federal District court (i) in the judicial district where your address is located if the address is in the United States, or (ii) for any judicial district for which Weasyl may be found, if your address is located outside the United States, and that you will accept service of process from the Complainant submitting the notice or his/her authorized agent.

**Under Section 512(f) of the Copyright Act, any person who knowingly materially misrepresents that material or activity was removed or disabled by mistake or misidentification may be subject to liability.**

**Designated Copyright Agent**

Weasyl's Agent for Notice of claims of copyright or other intellectual property infringement can be reached at:

Douglas Torrance  
204 Wells Road  
Newport News, VA 23602  
D.Torrance@Weasyl.com