

Clarifying a few myths for Brethren regarding copyright, intellectual property, and social media

Copyright.

According to the **copyright laws** in most of the civilized countries (for example, where Freemasonry is present and alive) any work created by an individual – be it text as literary work, images as paintings, graphics or photos, music sounds or written etc. - is protected by ***COPYRIGHT*** (observe the spelling!) legislation.

In other words, any of the works mentioned above (together with many other art forms like films, videos, theatrical performances, concerts etc.) are the ***INTELLECTUAL PROPERTY*** of their creators. The creator or author owns ALL the intellectual property rights!

There are many international agreements, and it is very likely that your country also signed at least one of those treaties agreeing to protect the rights of the authors.

After a certain amount of years (usually 75-100 years following the author's death) the works become "public domain" - anybody can use, (re)publish, modify them. Free of charge, as they say: free of royalty.

Royalty.

This brings up important notions: **free** and **royalty**.

When an artwork is used somewhere (presented, printed, distributed etc.) the original copyright owner is entitled to royalties, i.e. payments. Radio stations pay musicians for using their composition. Printing companies pay the graphic artist to use their work in a printed material.

Theatres pay a “royalty” to the playwright whose play is shown on the stage. Publishing houses pay royalties to book authors after every sold copy. That’s how artists and authors make a living.

Royalty is a one-time or recurring payment for the right to use someone’s artwork.

Now, artists, authors, photographers etc. can decide to place their work in “public domain” even while they are alive, making it free. Here we have to be aware of the proverbial double meaning of the word free:

- free as in free beer (you don’t have to pay)
- free as in free speech (you have the right)

Placing a work in the public domain doesn’t mean the right to her or his intellectual property was given up by the author and anyone is entitled to use the work as if it was their own! The creators will not ask for royalties (‘free beer’) if we use their work – however, they still retain the ownership of their intellectual property. Confusing? It shouldn’t be. The creators and authors gave us permission to use their work without paying them anything but they still own that work’s copyright. We can use it without paying them but we cannot omit to mention the credits:

Poem/painting/photo/music **by XYZ.**

Very important! Publishing a text or a photo or a piece of music or a video etc. on the world wide web (WWW) also known as the internet... doesn’t mean the intellectual property rights (copyright) stop being in effect. Even on the internet one’s intellectual property rights are valid.

Just because a text (a poem or a novel or an article), or an image (a photo or a graphic), or a video or any forms of content are published (presented) on a website – those laws protecting the intellectual property still apply!

Sometimes, in articles and legislation regarding copyright, we may encounter the phrase “*fair use*”.

Many people don’t understand what that means and make up fancy theories to excuse their ignorance and their guilt of stealing. The simplest way to explain the “fair use” is this:

If you wrote a novel and I am a literary critic, while writing a review or an essay or a thesis discussing your work – I may quote (giving the source, referring to your original work by edition, page number etc.) small chunks of text, like a paragraph or a sentence to illustrate what I write in my review. Using that kind of small portions of the original work are, usually, mentioned under “fair use”.

Note: a text or image published on the internet doesn't mean it is 'fair use' to steal it! (We have brethren thinking that is what “fair use” means.)

Social media.

While these outlets of social media (the different sites you are using, like Facebook, Twitter, YouTube) and sharing site might have a bit different wording of the terms – they all mean the same when warning us that we should NOT post anything that we don't have the right to do so. In other words, they are warning us against infringement of other users' intellectual property right. Those terms will always have some kind of wording saying that you oblige to upload ONLY content for which you own the copyright.

Now, there is a very important difference in how we distribute certain copyrighted works. (Since we are discussing this on Facebook, I will use their example – although the idea is similar on other social media sites, as well.)

If your friend Oscar makes a post about his vacation to a dream location and in his post, he also publishes his own photography taken during said vacation... that is absolutely fine. He owns the copyright of the picture taken by himself, he is entitled to publish it anywhere in any ways he wants.

By the very basic idea of Facebook, his post – together with the picture – will be “shareable” (unless his privacy settings are very strict, which is an extreme case and we'll disregard it for the

sake of this exemplification). In other words, all those that are able to see it can click on the **Share** button and the post will show up on their own FB wall as well. *IMPORTANT:* the original post, the author of the text and photography (author of the content) is traceable, it is shown and any user with even a minimal understanding of the Facebook mechanism will see (because it says right there!) that you SHARED Oscar's post and photo. It is not your own post, neither is a photo taken by you!

However, if you **download** Oscar's photo on your computer and you make a new post on your own Facebook wall where you use the same photo (uploading it into your new post) by the terms of any social media site you are, actually, declaring that said photo is your intellectual property and you own the copyright, consecutively, you have the right to publish it. Anywhere, including the social media site. Which is not the case – we know it came from Oscar, so anybody not sharing it but re-uploading in their own posts... commit the infringement of intellectual property right!

Sometimes, after downloading, certain ignorant users will even apply their own digital signature or their own logo, creating the false impression that it was their own creation. No credit given to the original author, no credit given to the source. Just plain **stealing**.

Morals.

Leaving aside slogans about moral values that are or are not shared by all Masons universally (the slogans) – all members of the Craft like to think of themselves as men of high standards, law-abiding citizens of the land, honouring noble ideals of human behaviour from time immemorial... etc.

Then, maybe, we should start respecting the laws of copyright.

Text compiled by Istvan Horvath, "the other Mason" - author of [Masonic Footnotes](#) blog.



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