

"We could not have imagined how much of an impact James Dillehay's advice would make on our business. To our delight we are seeing results on a faster and larger scale than we expected in such a short period of time!"

Ken Kobrick & Angela Geene,
www.Passchal.com,
featured on the Today Show

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NEWSLETTER

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Sending a Cease and Desist letter may be all it takes to get a site owner to remove content that legally belongs to you. For an example of a Cease and Desist letter, click here.

What to Do When Someone Pirates Your Images or Content

by James Dillehay

Recently, I was searching on Google for keywords related to my web site to locate potential link partners. Among Google's search results, I came across a site that offered an ebook for sale which seemed remarkably like one of my own.

I clicked through to the order page and paid to download the ebook. I quickly learned that the book I had just bought was my exact text with the title and headings changed. The web site owner had copied all of my material and put his own name and title to the work.

I know I'm not alone. More and more, I hear of similar forms of piracy happening with craft designs and images.

Fear is all you need

Although my initial reaction was one of outrage, I waited a day before contacting the site owner who had pirated my content. Anger has a way of getting out of control, so I cooled down first, then set about the task. Here are the steps I took, followed by some useful resources.

1) I found the web site owner's email address on his contact page and sent him a Cease and Desist email. Basically, I informed him his site was using my copyrighted material in violation of U.S. Copyright Law and that he was subject to legal penalties and private damages. I then asked him to remove and delete from his files all of my content within 48 hours or my attorney would proceed with legal action.

NOTE: I registered the copyright for my book several years before the web ever got going strong so my rights were on file. Always register your designs or content early on. See the resources section at the end of this newsletter for where to register.

2) I sent another email to the web host where the domain was being hosted with the intent of getting the offending site shut down. I addressed it to their "abuse manager" and told them they were hosting a site that was in violation of the copyright laws. They responded within 24 hours but by then, I had heard from the site owner.

To locate a host, go to any domain name registrar and type in the domain name in the search availability box. You'll get a return notice that the domain is taken and a place to click to find out who owns it. Near the bottom of the owner info, find the DNS (domain name servers) numbers. Usually, you can tell from these who the host service is. Also, see Resources.

When tracking down who stole your images or content, make sure you find the original thief. It's common to find that one thief actually stole from another or even a third generation pirate.



James Dillehay
Helping You Profit
from Your Creativity

James' craft marketing books have been highly recommended by The Crafts Report, Family Circle, Sew News, Bead & Button, Country Almanac, Sunshine Artist, Ceramics Monthly, Working Mothers and many more craft magazines. He serves on the advisory boards of the National Craft Association and ArtisanStreet.com.

The site owner got back to me within hours profusely apologizing for the incident. He said he didn't know the content was stolen; that he got it from a vendor. Not likely as I am the publisher and the author. All copies of my content are traceable back to me, but it made little difference, as he agreed to remove the material and refund my purchase.

I could have gone farther by filing what is called a DMCA report (Digital Millennium Copyright Act) with the search engines along with accompanying proof to try to get the offending site removed from search results. See Google's links on copyright infringement at www.google.com/dmca.html

A DMCA report can be filed with the offending web host as well, if needed

We're just sharing

Thanks to Barbara Brabec of www.BarbaraBrabec.com for pointing out another piracy problem with online groups who take copyrighted designs and patterns, scan the images, then post them online to *share* with others.

Reporting incidents of copyright infringement has gotten designers little relief, but here are contact links for the largest sources of groups:

add.yahoo.com/fast/help/us/groups/cgi_start
groups.msn.com/feedback.msnw
www.google.com/dmca.html

Groups hosted on these sites are free and easy to set up. If contacting the

group's moderator and hosting site fails to produce results, follow the money trail.

The parent sites, like Yahoo, Google and MSN, make income from advertising. If you find your images being shared on a group's web page, discover who advertises on that page. Contact them to inform them their ads are appearing on pages with illegal content. You'll have to include evidence that you already sent the offenders a Cease and Desist Order that has been ignored, but it's worth a shot.

Resources

- Use www.dnsstuff.com to learn the host and other info about a domain name owner.
- Traci Vanover, editor of *Create The Dream Magazine* uses copyscape.com for checking the web for pirated versions of her web site content.
- A site I return to again and again on legal issues relating to artists is www.StarvingArtistsLaw.com
- The official site for registering a copyright for visual art, literary works, and other original content. www.copyright.gov/register/
- For a range of protective measures for artists and creators of web content, see the resources at Creative Commons at creativecommons.org
- If you're still interested in learning more about selling your designs for the crafts marketplace, see Barbara Brabec's article at www.barbarabrabec.com/CraftsMarketing/Designing_for_Marketplace.htm