

# BizLawCentral: copyright in a digital age

An article [Copyright Laws And Fair Use Doctrine - Are The Courts Against Bloggers?](#) in Scientific Blogging gives a balanced argument in relation to "Fair Use" under US Copyright law.

It's a subject dear to my heart, as I tried to explain in a reply. But for some reason I couldn't work out, their CAPTCH image would not display for me. So I've put my reply below. I hope they find it - and of course replies via our "Contribute" section are welcome.

We are trapped in the middle of this debate.

As advisers to financial institutions and governments worldwide we come into contact with a wide variety of legal regimes. In order to exercise our function, we must have access, and provide our clients with access to law, regulation and guidance. Yet, many governments - and their agencies or delegates - reserve copyright in those things - and also cases. In many countries, sole rights to reproduce law, regulation and the like are specifically granted to commercial companies which charge for access to them.

Our training division - which provides both face to face and e-learning training - has to tread carefully to identify what material it can include in delegates' bundles (some printed, some on CD) and, technically, what we can show in a slide-show. The situation is even more complicated in e-learning where we need to quote extracts from law and regulation and case law.

We believe we have a legitimate right - and are serving a public need - to reproduce that material. Indeed, in our field, financial institutions are required, under pain of jail for officers, and fin and possibly even closure for the institution to train their staff on the law, regulation and guidance. It is surely abhorrent (in the legal sense) that such a requirement is placed, and then restrictions applied to the reproduction of the material upon which the training must be delivered?

On the other hand, of course we wish to protect our proprietary material: we certainly don't want people simply copying our e-learning content and pasting it into a slide-show and distributing it around their company on CD or in their network. And yes, something similar has happened in the past.

In our publications division, we don't want our articles reproduced by bloggers who then earn revenue from Google Ads, etc. whilst our own site loses out. Incredibly, we often find our stuff ranked below stolen versions in search results.

Of course, we don't want material that we have spent time and money on developing or researching to suddenly appear over someone else's name - but it does. And even articles we have commissioned - or which have been commissioned from us - have appeared, either whole or with a "top and tail" from a spurious source purporting to have our expertise - sometimes in national newspapers.

The bloggers who claim that they can cut and paste an entire article, claiming public interest or that they are doing so to educate and therefore it is fair use are, simply thieves.

Using a search engine to look for stuff they can copy and paste to attract search engines and therefore passing trade to their advertising-laden sites is wrong. And the Courts - and their ISPs - should take serious and immediate effect to block it.

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