



# Copyright: Don't Care was Made to Care

**Mark Walford**

Los Angeles | London | New Delhi  
Singapore | Washington DC

Or rather:  
Copyright: However  
much care you take,  
sooner or later you'll  
get caught out

# The Challenge for Publishers

- We don't produce much of 'our' content ourselves
- The content producers have varying knowledge and interest in copyright
- Those content producers also use content from other content producers
- Record keeping is never perfect

# Charles Oppenheim's risk equation

- Four factors
- Each between 0 and 1
- If any one factor is 0, then risk is 0

# Charles Oppenheim's risk equation

$$\text{RISK} = \text{How illegal was the use?}$$

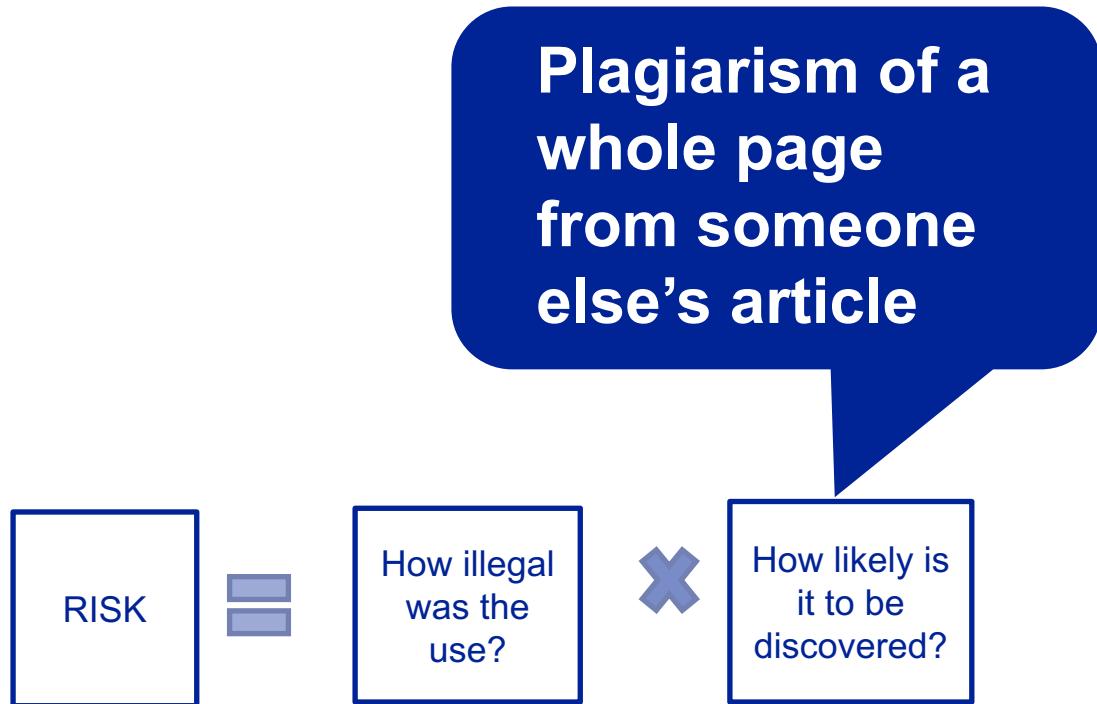
# Charles Oppenheim's risk equation



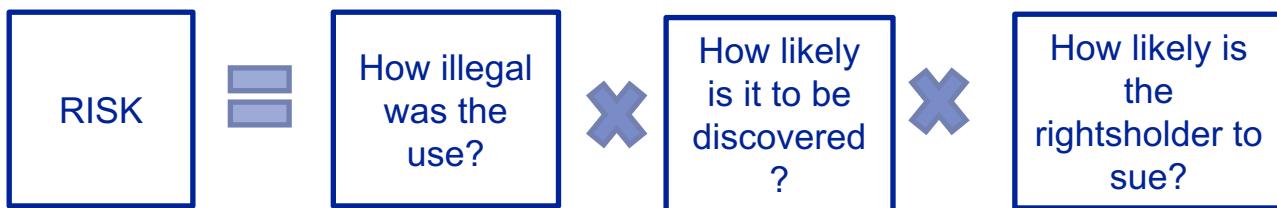
# Charles Oppenheim's risk equation

$$\text{RISK} = \text{How illegal was the use?} \times \text{How likely is it to be discovered?}$$

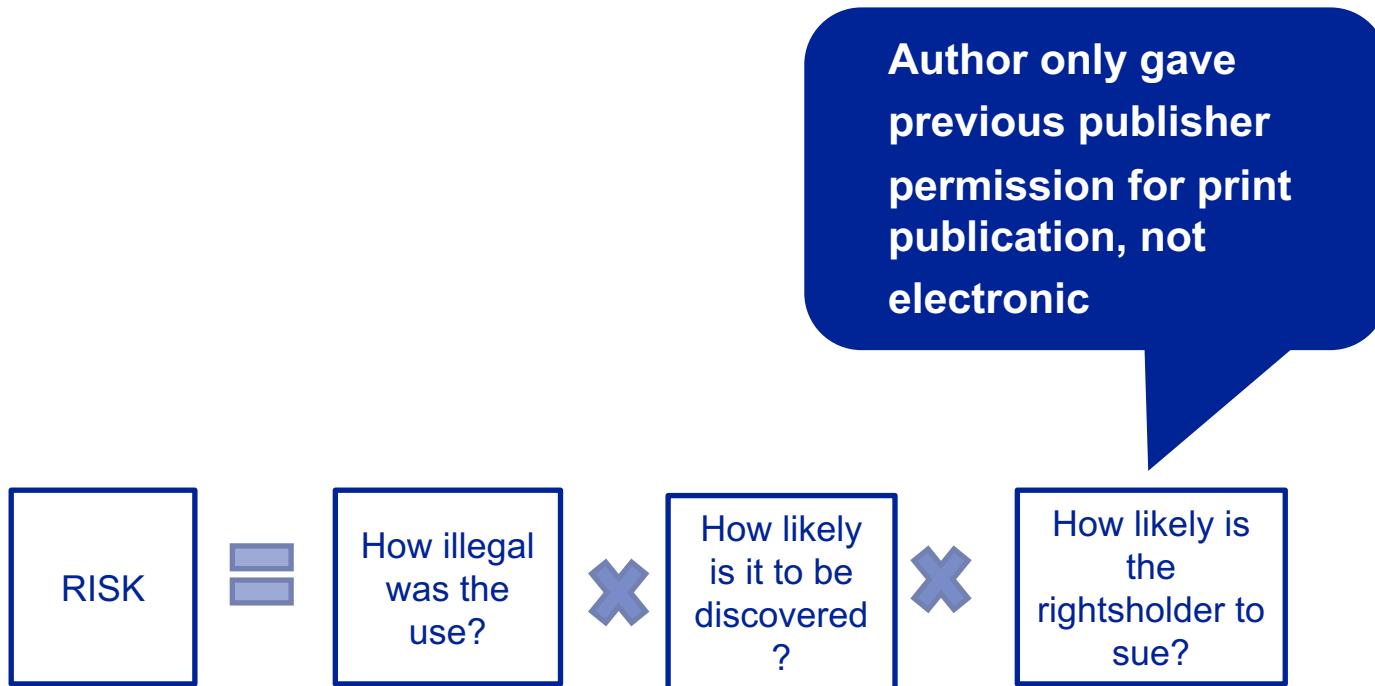
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Daily Mail cartoon from  
WW1 included in  
scanned version of  
article in an aggregator  
database

# How do we navigate it all in practice?

- Try to keep good records
- Conduct risk assessments when we're not sure
  - Understand the basis of copyright exceptions, and don't ask for permission where we know we don't need it
  - Use the Oppenheim risk equation when we're not sure
- Hold our hand up when we get it wrong
- Do our best to put things right, and learn from the experience

# Thank you

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- Plagiarism of a whole page: author plagiarised complained within 24 hours of publication – we retracted the article, career of plagiariser was damaged
- Electronic publication without permission – we settled for a four figure sum, even though it wasn't our fault
- Daily Mail cartoon – persuaded the aggregator to remove the image, paid £12.40 compensation to author