

Obtaining Assets

LUCA VENTURA | DVP 3
E: LAVENTURA@FULLSAIL.EDU

Different Types of Licenses

LICENSES OVERVIEW

LICENSES

When creating a project, be it for yourself, a friend, your company, or whomever, you will reach a point where you need to use some sort of resource found on the web. That could be an image, a font, music, or pretty much any other creative work not made by yourself. However, even if those resources are free, you may not be able to use them in your project. That is because there are multiple licenses out there that determine how you can use said resource and in what way. These licenses include:

Copyrights

When you are the Copyright holder, it means you control who can use your work and in what manner. For example, if you take a photograph with your camera, you are the copyright holder of that photograph. Items that are copyrighted are often referred to as intellectual property (IP). Because you are the rightful copyright owner to your image, you can distribute your photograph with licenses attached. These licenses can limit your photographs use to personal, non-commercial use and more. Even if someone buys this photograph, you are still the copyright holder. You have simply sold a license for an individual to use your photograph.

Fair Use

Fair use is an exclusion to the aforementioned rights held by a copyright owner. In certain situations, using someone else's work without permission is possible under "Fair Use". Usages defined as fair use include educational purposes like teaching and student research, as well as making commentary or criticism as part of a news report or article. This does not mean that noncommercial or nonprofit fall under fair use. Fair use is a legal term and determined on a case by case basis.

Public Domain

Works under Public Domain have no legal copyright owner. As such, these works can be used, modified and redistributed without consequences. Authors can even choose to forfeit their copyright and allow their work to be in the public domain. However, just because a work is in the Public Domain does not mean it does not have any restrictions on it. You need to check to ensure there are no outstanding Trademarks on the asset and that it is indeed actually in the Public Domain without a copyright holder.

LICENSES OVERVIEW CONT.

Creative Commons

In 2001, a gentleman named Lawrence Lessig founded what is known as Creative Commons (CC) to create multiple easy-to-understand copyright licenses pertaining to online creative work. There are six total license variations and they make up a collection of licenses that cover particular uses. This collection includes whether or not the work can be used commercially, if it can be modified, and whether subsequent derivative work can be redistributed under the same, or similar, license. Creative Commons licenses can even be restricted to certain jurisdictions. If you've ever tried to watch a YouTube video that is not in your country and instead got a message saying "Restricted", that is because the Creative Commons license associated with that video only pertains to that video's country of origin.

- **CC Attribution:** This is the basic Creative Commons license. It allows the work to be copied, modified and redistributed (even commercially) on one condition; the original author must be attributed in some way.
- **CC Attribution-ShareAlike:** The CC Attribution-ShareAlike extends the CC Attribution license. The same rules apply but all derivative work has to be licensed in the same manner.
- **CC Attribution-NoDerivs:** Redistribution of the work is allowed granted that attribution is given and no modifications are made.
- **CC Attribution-NonCommercial:** Everything is allowed as long as there is attribution and it is not done commercially.
- **CC Attribution-NonCommercial-ShareAlike:** The same as an Attribution-NonCommercial license but all derivative work must be under the same license.
- **CC Attribution-NonCommercial-NoDerivs:** Redistribution is allowed as long as it is in a noncommercial manner without any modifications.

All of the Creative Commons licenses at minimum require the attribution to the copyright owner. You can do so properly by citing the title of the work you are using, the copyright notice, the author's name and the license name.

LICENSES OVERVIEW CONT.

GNU/GPL (General Public License)

The GNU General Public License was written by Richard Stallman in 1989 and is based on the principle that free software can be used, changed and shared all while remaining free. This is a concept known as “copyleft”. Work under GPL must remain under this license and can be sold as long as no proprietary software can be derived from it. If you do distribute any derivative work your source code must be published under the same license.

LGPL (Lesser General Public License)

An alternative to the GNU General Public License is the Lesser General Public License (LGPL). This license is used to license free software so that it can be used in both free and proprietary software. This license can be used in commercial applications and does provide copyright protection.

License Impacts in Different Scenarios

QUESTION 1

QUESTIONS

IF YOUR OWN INTELLECTUAL PROPERTY (IP) WAS REGISTERED UNDER EACH LICENSE, AND YOU USED THE ASSETS FOR A PROJECT YOU WERE WORKING ON, WHAT IMPACT (POSITIVE AND NEGATIVE) WILL THERE BE?

Creative Commons - Positive: The basic Creative Commons Attribution license allows for modifying, using and distributing assets as long as the original owner is credited. If you were to use your own assets in a project under this license, others could build off of it, release it and then have to credit you for the assets they used. This would gain you some extra exposure because your assets would be used in other works and you would be credited in those other works as well. A few additional benefits from the other Creative Commons licenses include:

- **Attribution ShareAlike:** Derivative works must have the same license; therefore, someone can't create a product from your work then lock it up under a stricter license.
- **Attribution NoDerivs:** Under the Attribution NoDerivs license commercial and non-commercial redistribution is allowed as long as the work is passed along unchanged, in whole and with credit to the original author. This is a big positive if you were to use your assets in a project because other people wouldn't be allowed to just take bits and pieces of your assets and try to pass them off as their own or use them in a manner that makes you look bad (since you would have to be credited). By forcing the assets to be unchanged and in whole you are eliminating that factor and ensuring your creative works remain in-tact as you intended and with proper credit.
- **Attribution NonCommercial:** The biggest pro to this license is the fact that it is non-commercial. This means others cannot take your work, sell it commercially and not pay you for it and just like with all CC licenses you still have to be credited.
- **Attribution NonCommercial ShareAlike:** Same benefits as the Attribution NonCommercial with the added benefit that derivative works must be under the same license.
- **Attribution NonCommercial NoDerivs:** This is the most restrictive Creative Commons license and is similar to traditional copyrights. This is a great license to use for projects where you want the assets to be redistributed non-commercially, unchanged and with credit to you. You are allowing people to download and share the assets with others but are prohibiting them from modifying them, so essentially other people can distribute it and market it for you without any downsides.

QUESTION 1

QUESTIONS

IF YOUR OWN INTELLECTUAL PROPERTY (IP) WAS REGISTERED UNDER EACH LICENSE, AND YOU USED THE ASSETS FOR A PROJECT YOU WERE WORKING ON, WHAT IMPACT (POSITIVE AND NEGATIVE) WILL THERE BE?

Creative Commons - Negative: The negative side of the Creative Commons Attribution is the flip-side of the positive. If you don't want others to be able to build upon your work or commercially redistribute it, even with attribution, then this is not the proper license. Releasing assets in a project under this license means your work can be associated with you in way you may not want, since you would have to be attributed in other works using your assets. Other negatives regarding the remaining Creative Commons licenses includes:

- **Attribution ShareAlike:** Just as with the CC Attribution the CC Attribution ShareAlike has the same negatives. The negatives from the regular Attribution license are strengthened here because all derivative works must have the same license which allows for commercial use.
- **Attribution NoDerivs:** By not allowing derivative works from your assets you are limiting your exposure. Letting others remix, reuse, modify and distribute your work in their own way but still maintaining credit to you is a great way to get your name out there. If someone sees something cool someone made based off of your assets, then maybe they will seek you out.
- **Attribution NonCommercial:** The NonCommercial nature of this license may be too restrictive if one day you want your work to be used commercially. Additionally, it would be hard for you to use assets under this license for a company or client because that company or client may want to use what you created in a commercial manner one day.
- **Attribution NonCommercial ShareAlike:** Same negatives as the above Attribution NonCommercial.
- **Attribution NonCommercial NoDerivs:** Because this is the strictest Creative Commons license, and a lot of people use the Creative Commons licenses to share there work and let others modify it, this might not be the right choice given the situation. Again the same problems of being too restrictive arise and limiting all derivative works hinders the possibility of your work being used in other creative projects. Since this is also a non-commercial license your assets cannot be used in conjunction with commercial companies which may have a large reach and audience.

QUESTION 1

QUESTIONS

IF YOUR OWN INTELLECTUAL PROPERTY (IP) WAS REGISTERED UNDER EACH LICENSE, AND YOU USED THE ASSETS FOR A PROJECT YOU WERE WORKING ON, WHAT IMPACT (POSITIVE AND NEGATIVE) WILL THERE BE?

Royalty Free – Positive

Using your Royalty Free licensed assets in a project can gain them extra exposure and increase your royalty sales. If you are using the assets for software that becomes open-source you can distribute the software with the option to pay the royalty for any of the assets contained within licensed under Royalty Free. This means not only are you able to use your own IP in a project, but you can monetize your assets at the same time.

Royalty Free – Negative

Having assets under the Royalty Free license means that others can use the asset if they pay you a royalty, and while this is usually a good thing, it can take away from the originality in your project. The assets you are using in your project might also be in a bunch of other similar projects because your IP has a Royalty Free license. Some people may not care about this, but if you wanted to be completely original and use content that is only found in your app having a Royalty Free license on your assets might not be the way to go.

QUESTION 1

QUESTIONS

IF YOUR OWN INTELLECTUAL PROPERTY (IP) WAS REGISTERED UNDER EACH LICENSE, AND YOU USED THE ASSETS FOR A PROJECT YOU WERE WORKING ON, WHAT IMPACT (POSITIVE AND NEGATIVE) WILL THERE BE?

Public Domain – Positive:

Public Domain assets have no restrictions, so whether or not it is your IP isn't really relevant in this scenario. One advantage though would be if you are using the assets in a project that reaches jurisdictions outside of the US where Public Domain does not exist. In this case you can be 100% sure that the asset is indeed in the Public Domain, assuming you were the copyright holder and relinquished it as such.

Public Domain – Negative:

The negatives to having your IP in the Public Domain are quite obvious, most notably the fact that once you relinquish it into the Public Domain you can't ever become the copyright owner again. Thus if you used assets in a project and those assets were in the Public Domain anyone could take them from your project and use them at their will. This can also be a problem if your project is for a company or client as that company or client would not want others to be able to take parts of their product and use it freely.

Copyright Protected – Positive:

Being the rightful copyright owner means you have free will with your intellectual property. You can use it freely throughout any project you want without repercussions because you are the rightful owner. If one day you sell your product to a company, you can then license them the right to use your intellectual property and financially benefit from it.

Copyright Protected – Negative

If the project you are working on is not for yourself, but rather a company, and you choose to use your own intellectual property there can be some ramifications. This is because employers own all copyrights created by it's employees in the scope of their employment. Thus, if you created assets pertaining to a project at the company you work for you do not own them. The tricky part here is defining the "scope of your employment" and whether or not the intellectual property was created for the company or in your free time. That will determine who the rightful owner is.

QUESTION 1

QUESTIONS

IF YOUR OWN INTELLECTUAL PROPERTY (IP) WAS REGISTERED UNDER EACH LICENSE, AND YOU USED THE ASSETS FOR A PROJECT YOU WERE WORKING ON, WHAT IMPACT (POSITIVE AND NEGATIVE) WILL THERE BE?

GPL/GNU – Positive

Even though the GPL/GNU is a free, open-source license you are still allowed to sell your work commercially, for as much or as little as you'd like. All derivative works created from your assets must carry the GPL/GNU license which keeps everything free and accessible. By allowing other people to contribute to your code your application can reach new heights beyond what you may have originally planned for it simply because you opened it up for others to see.

GPL/GNU – Negative

The GPL/GNU license aims to provide free, open source software to the masses with little restriction. Because of this, if your assets were licensed under this license other people would be allowed to use, modify and redistribute them as they please. Additionally, there is no way to revoke derivatives made from your original work because that would defeat the purpose of the entire license. Some big corporations will also try to use this license as a marketing weapon to undercut other software companies.

QUESTION 2

QUESTIONS

IF YOU WERE UTILIZING ASSETS THAT YOU DO NOT OWN FOR A PROJECT ON WHICH YOU WERE WORKING, WHAT IMPACT (POSITIVE AND NEGATIVE) WOULD THERE BE UNDER EACH LICENSE?

Creative Commons – Positive:

The standard Creative Commons Attribution license is not very restrictive and is the perfect license for assets you want to use in a project. The only requirement, like all CC licenses, is that the original author is credited. Some positives for the other CC licenses are:

- **Attribution ShareAlike:** Same positives as the Attribution but in this case your derivative work would also allow for people to modify and use it but with attribution to you, increasing your exposure.
- **Attribution NoDerivs:** This license allows for commercial and non-commercial use which is a benefit considering one day you might want to use your project commercially.
- **Attribution NonCommercial:** This is similar to the regular Attribution license with the exception that the work can't be used commercially. However, since the derivative works don't have to be on the same terms you can create a derivative work from the asset and use it in a project. This project can then be licensed under different terms since the assets used were under the Attribution NonCommercial license.
- **Attribution NonCommercial ShareAlike:** Same benefits as the three previous licenses.
- **Attribution NonCommercial NoDerivs:** Not many positives for this license because it is the strictest of the Creative Commons licenses. Only way an asset under this license could be used is if the project is non-commercial and the asset is 100% usable as-is since it cannot be changed.

QUESTION 2

QUESTIONS

IF YOU WERE UTILIZING ASSETS THAT YOU DO NOT OWN FOR A PROJECT ON WHICH YOU WERE WORKING, WHAT IMPACT (POSITIVE AND NEGATIVE) WOULD THERE BE UNDER EACH LICENSE?

Creative Commons – Negative:

Because the standard Creative Commons Attribution license is not restricting there aren't too many negatives associated with it. One problem you might face is if the project you are working on is for a company. In this case they may not want any outside sources credited on the project and that would pose a problem under this, or any Creative Commons license. Other negatives include:

- **Attribution ShareAlike:** The same disadvantages apply to this license as they do to the Creative Commons Attribution license. However, with this license all derivative works must be under the same license. This can become a problem if you use assets under this license for a project and then want that project to have a more restrictive license.
- **Attribution NoDerivs:** The no derivatives nature of this license limits you in your use of the asset. To use an asset under this license you will have to ensure it will 100% work in your project without any modification.
- **Attribution NonCommercial:** The biggest downfall with this license is that it is non-commercial. This can limit you in a number of different ways, for example, if you were to use assets under this license and one day you wanted to use your app/product commercially you couldn't. Another thing to consider is that if you are working on a project for a company that will be using the finished product commercially you can't use any assets under this license.
- **Attribution NonCommercial ShareAlike:** Same negatives as the NonCommercial and ShareAlike licenses above.
- **Attribution NonCommercial NoDerivs:** Because the Attribution NonCommercial NoDerivs is the most restrictive license available under the Creative Commons your uses of assets under these terms is very limited. In order to use assets under this license you will have to jump through a couple hoops. First being that your project can't be used in any commercial manner, as normal the author must be credited and you can't change the asset in any way shape or form. That being said, unless the asset you find is perfect as is and your project isn't commercial, it is unlikely you'll end up using assets found with this license.

QUESTION 2

QUESTIONS

IF YOU WERE UTILIZING ASSETS THAT YOU DO NOT OWN FOR A PROJECT ON WHICH YOU WERE WORKING, WHAT IMPACT (POSITIVE AND NEGATIVE) WOULD THERE BE UNDER EACH LICENSE?

Royalty Free - Positive:

If you are working on a project that will contain images or music you will most likely be coming face to face with the Royalty Free license. The good thing about using assets with a Royalty Free license is that after paying the fee to use said assets you can reuse that asset multiple times throughout the project. You can also use the asset in multiple different ways for the project, including in print, videos and on the web.

Royalty Free - Negative:

Although paying a royalty for an asset gains you some rights, it doesn't give you all of them. While you (the purchaser of the asset) can use it in a project, you cannot redistribute it to others. So if the project you are working on is going to be open-source and allow users to download software, you would be redistributing the asset to others and that is not allowed under this license.

Public Domain - Positive:

Public Domain assets have no legal copyright holder and therefore they can be used freely in a project. If you find an asset in the Public Domain for your project, you can use it and redistribute it as-is or you can modify it and redistribute it. One big advantage of this pertains to software in the Public Domain. For example, let's say there is a feature of your project that has already been coded 10 times over, if you find that snippet of code in the Public Domain you can use it and save time having to code something that has already been done. Works derived from public domain assets can also be copyrighted.

Public Domain - Negative:

While the upsides to Public Domain assets are obvious, the negatives aren't. Public Domain does not exist in all jurisdictions. Therefore, if you are using assets from the Public Domain and your final product is distributed in places where the Public Domain does not exist you will need to come up with the proper copyright waivers suited for that jurisdiction.

QUESTION 2

QUESTIONS

IF YOU WERE UTILIZING ASSETS THAT YOU DO NOT OWN FOR A PROJECT ON WHICH YOU WERE WORKING, WHAT IMPACT (POSITIVE AND NEGATIVE) WOULD THERE BE UNDER EACH LICENSE?

Copyright Protected – Positive:

When done properly, using copyrighted material in a project can make it individual and stand out from the rest. For instance, many people want to use popular music in their projects but simply can't because they can't afford to obtain the rights to do so. By going through the trouble to actually obtain those rights and use it in your project you are giving your product an edge over the competition, you have something that your competitors do not.

Copyright Protected – Negative:

Infringing upon a copyright can be a very serious offense and result in costly lawsuits. When using a copyrighted asset in a project you must ensure that you are not using it in an infringing manner or in most cases obtain the rights from the copyright owner. Even if you think you are not infringing upon a copyright you may be, and even worse if you use that asset in a project for a company and they do not know it you will most likely be in some serious trouble. Therefore, your best bet is to obtain the proper rights. Obtaining these rights isn't always that simple though and it can be costly if you are going to be redistributing the asset.

QUESTION 2

QUESTIONS

IF YOU WERE UTILIZING ASSETS THAT YOU DO NOT OWN FOR A PROJECT ON WHICH YOU WERE WORKING, WHAT IMPACT (POSITIVE AND NEGATIVE) WOULD THERE BE UNDER EACH LICENSE?

GPL/GNU – Positive:

If your project is similar to an asset that already exists and that asset is under the GPL license you can create a whole new product based on that original asset without any legal issues due to copyright infringements. This also means you can redistribute that asset in any shape or form. An advantage this has over Public Domain is that GPL is an actual license and no one can limit the freedom given under this license. This gives you free rein for a GPL asset, as long your final product is also licensed under the GPL.

GPL/GNU – Negative:

If your project contains any asset that is licensed under GPL your whole project is subject to the GPL license. This means if you find code licensed under GPL you have no other option than to recreate it from scratch. Another thing you have to think about if choosing to go with a GPL license is that your source code has to be provided free of charge on demand.

QUESTION 3

QUESTIONS

WHAT IF MY APPLICATION IS EXTREMELY SUCCESSFUL?

Creative Commons – Owned

If your application becomes extremely successful and it is licensed under one of the Creative Commons licenses a few things can happen. Assuming the license allows for derivative work you are going to have a lot of people using and modifying the application and assets from it. This can adversely effect your brand if the derivative works are used in a derogatory way since you have to be credited. This can be prevented of course if your application is licensed under a NoDerivs Creative Commons license.

Creative Commons – Not Owned

On the other hand, if your application becomes extremely successfully and you are using assets that are not yours but licensed under a Creative Commons license things will be a little different. Namely, anytime someone's application becomes a major success there are always people that will want to latch onto that and try to benefit from it. In this scenario, the owners of the assets you used might try and say you didn't properly credit them or incorrectly used their assets and attempt to sue you. Now, if you did your research before using the assets and ensured they were under a license that allowed you to use them and you properly credited the author this may not be a problem.

Royalty Free – Owned

Assuming you paid a royalty to use Royalty Free assets in your application there won't be any ramifications under this license. No matter the project you should always do the proper research before using any asset to ensure you have the right. If you incorrectly pay a royalty without understanding the licensing terms behind it, you could be facing lawsuits in the future should your app become successful.

Royalty Free – Not Owned

In the case that your application becomes extremely successful and you used Royalty Free assets without paying a royalty you are going to be in some major financial hot water. For instance, if your app features background music from a popular artist and you do not have a license for that song every time someone downloads your app you'll have to pay that artist, which is known as a royalty. This is especially true for YouTube content creators. In recent years a popular YouTuber named Michelle Phan used popular songs without the proper licenses and faced a hefty lawsuit from those artists. If she had instead purchased the rights to use Royalty Free songs she would not be facing a lawsuit.

QUESTION 3

QUESTIONS

WHAT IF MY APPLICATION IS EXTREMELY SUCCESSFUL?

Public Domain – Owned

If you used your own Public Domain assets in your app which became extremely successful, then you are going to have a lot of people utilizing those assets now. Once people realize the assets in your app are in the Public Domain they will want to use and modify them for their own personal applications and projects. This might not be the best case scenario because copycat applications can surface, and seeing as how you can't copyright something in the Public Domain, it would be hard to sue the copycat apps and get them taken down.

Public Domain – Not Owned

When using assets found in the Public Domain it does not matter if you own them or not, since they have no legal copyright holder. However, you must ensure there are no outstanding copyrights on them before utilizing them in a project. You'll want to check if the copyright expired (or was relinquished by the owner) and if the copyright has been renewed or not. Just because there is no copyright notice does not mean it is in the Public Domain. To save money you can conduct your own search to see copyright renewals at this website: <http://lcweb.loc.gov/copyright>.

Copyright Protected – Owned

Having Copyrighted assets in your application that becomes extremely successful can put you in a good position financially. Because you are the copyright holder for assets in an extremely successful app, people will want to use these assets in their own applications. This puts you in a position to license out rights to use the assets and creates another avenue of monetization for your app.

Copyright Protected – Not Owned

Because copyrights are so strict you have to be careful using them in your application. When anything becomes extremely successful it attracts a lot of attention, especially applications. In the case of using copyright protected assets you will want to ensure you have purchased the proper licensing from the copyright holder. Even if you overlooked one small term in the license agreement it can be catastrophic for your app and your brand if you improperly used copyrighted material.

QUESTION 3

QUESTIONS

WHAT IF MY APPLICATION IS EXTREMELY SUCCESSFUL?

GPL/GNU – Owned

The GPL/GNU is an interesting license when it comes to software and is known as “copyleft”. This license protects you from competing with a modified proprietary version of your app which is essential for an extremely successful application. By keeping the software free and open people can contribute to improvements and bug fixes for your app. If your application is under this license any derivative or redistributed versions of it will carry the same license. There is no way to revoke available copies or have a certain version of it removed, because it will forever remain “copyleft”.

GPL/GNU – Not Owned

An extremely successful application under the GPL license will have to have its source code published online, like any software under this license. If your application is a derivative from any software under the GPL license your application will have to have the same license and be open-source. This means anyone can have access to your applications source code and make their own modifications to it as they wish. Many people also overlook the fact that the GPL license allows for commercial reuse.

QUESTION 4

QUESTIONS

WHAT IF MY APPLICATION IS COPIED?

Creative Commons – Owned

Having your application copied when under a Creative Commons license is to be expected seeing as all of the licenses under the Creative Commons allow for this in some way. As long as the person copying your work credits you and follows the terms set forth in that specific Creative Commons license then they are not in violation. Some of the licenses will let them modify your work, redistribute it in whole or use it commercially, but it all depends upon which Creative Commons license your app is licensed under. However, if someone copies your work under a Creative Commons license and does not give you credit then that is considered plagiarism and you have the right to pursue a lawsuit against them.

Creative Commons – Not Owned

Since some of the Creative Commons licenses allow for derivative works to be licensed differently in this scenario it wholly depends upon what Creative Commons license your application is under. If you used assets under a ShareAlike license, then your app will have to have that same license associated with it. As long as you properly credited the author for using their assets in your application you will not have any problems. Should someone then copy your app which has assets from someone else they will then need to properly attribute all sources (you and the assets you used from another source).

Royalty Free – Owned

Should someone choose to copy your application with Royalty Free assets that you own they are liable to pay you a license fee to use it. If they copy your application without paying you a license fee you can bring a lawsuit against them. The one exception here is that you can't force them to pay you royalty fees based on volume, downloads, etc.

Royalty Free – Not Owned

If someone copies your application which contains Royalty Free assets for which you are not the creator of they can face lawsuits from you and the original authors of the Royalty Free assets. You wouldn't be facing any problems assuming you properly obtained the assets and paid for the license. The person that copies your app wouldn't have obtained the license to use the assets or your application and therefore can face lawsuits from both parties.

QUESTION 4

QUESTIONS

WHAT IF MY APPLICATION IS COPIED?

Public Domain – Owned

In the case of someone copying your application which is under the Public Domain there is nothing you can do. Works in the Public Domain can legally be used in any way someone desires. However, if your app uses assets derived from the Public Domain you can then copyright it and sue anyone who copies your copyrighted application.

Public Domain – Not Owned

As stated above the same goes for assets that you do not own which are in the Public Domain. Since Public Domain works have no legal owner it doesn't matter if you used owned or not owned Public Domain works, because they are considered the same. Although you are still able to copyright works derived from Public Domain assets and pursue a lawsuit for anyone who copies your copyrighted content.

Copyright Protected – Owned

Having your work Copyright Protected is one of the best ways to completely secure your creative works. Should someone copy your app and it is Copyright Protected there are numerous actions you can take. Depending upon how your content is being infringed upon your first step will be to send either a Cease and Desist order or a Digital Millennium Copyright Act (DMCA) notice. A Cease and Desist order is sent to the owner of the website infringing upon your content and optionally the server of the site where the infringing content is hosted. DMCA takedown notices are sent to website owners when a third-party has posted the infringing content and the owner of the site has a DMCA Agent, website servers that have a DMCA Agent and search engines that have a DMCA Agent. When sending out either of these letters it is important to remember that you should not send out both a DMCA takedown notice and a Cease and Desist order. When writing these letters, especially DMCA notices, there are strict statutory requirements that must be adhered to.

QUESTION 4

QUESTIONS

WHAT IF MY APPLICATION IS COPIED?

Copyright Protected – Not Owned

If you are using Copyright Protected assets in your application, you will find yourself on the receiving end of the above listed takedown notices and possibly lawsuits. If your application utilizes copyright material for which you have the proper licensing for and is copied you should notify the copyright owner so they can take the proper authoritative actions. Depending upon how your copyright material is being used it may fall under Fair Use. This is determined by a case by case basis though and a majority of the time it will not fall under Fair Use.

GPL/GNU – Owned

When your work gets copied and it is under the GPL license you are in a similar situation as with the Creative Commons license. Because the GPL license allows for “free” (as in open source) software to be used, modified and redistributed (commercially or non-commercially) there isn’t much you can do. If you license your application under this software, you should know that someone can copy your software and build upon it so long that it carries the GPL license.

GPL/GNU – Not Owned

This is the same situation is if you owned the GPL licensed content. If you distributed your application and used any GPL licensed content your application would also have to be under the GPL license. Therefore, someone can modify and use your software and continue to distribute their version of it with the GPL license as well.

QUESTION 5

QUESTIONS

WHAT IF MY APPLICATION IS SOLD?

Creative Commons – Owned

One of the goals of the Creative Commons licenses is to encourage creators to find new ways of promoting and marketing their work, and you are allowed to sell your creative works under the CC licenses. Most notably, the NC (NonCommercial) licenses allow rights holders to maximize distribution while still having control over how their work is commercialized. If someone wants to use your application commercially and you have an NC license they must first get your permission and you can optionally sell them the rights to use your work commercially.

Creative Commons – Not Owned

The outcome of selling your application depend upon the exact Creative Commons license that you have. If you are selling the application commercially you will need to make sure the assets you used weren't under a NC license. If the assets were under an NC license you will be in breach of the license should you choose to sell your app commercially. The reason people will use the NC license is so that they have control over the commercialization of their work and can monetize it accordingly.

Royalty Free – Owned

When you license your assets as Royalty Free and sell your application you have the ability to monetize it with the Royalty Free license. You can do this by selling the licensing rights for your assets or the application itself. This will allow other people to utilize your work in their own projects once they have paid you the royalty. Additionally, you have the ability to include certain license terms such as for non-commercial use only.

Royalty Free – Not Owned

Once you've purchased the licensing rights for a Royalty free asset you have full rights to use it (some will have certain license terms however). The only thing you can't do is sell the asset itself or sell the license. You can however use it in an application that is sold and monetized without an issue.

QUESTION 5

QUESTIONS

WHAT IF MY APPLICATION IS SOLD?

Public Domain – Owned

Using assets in the Public Domain for your application which is being sold will not present any legal ramifications for you. However, your app will be in the Public Domain and therefore free for anyone to use and modify. You can choose to copyright derivative works based on Public Domain assets but you can't simply copyright a regular Public Domain work just because you used it in your application.

Public Domain – Not Owned

If you do not own the Public Domain assets you used in your application and you modified them accordingly you are eligible to copyright them based on the fact that they are derivative works. However, in this case only the modified portion of the Public Domain work is copyrighted, not the underlying Public Domain asset. You are still able to sell your application but just know that the actual Public Domain assets in it will be available for others to use. When using Public Domain works you also have to remember that "Public Domain" does not exist in all jurisdictions and in places where it doesn't exist you'll have to get the proper licenses to use the assets. Additionally, just because an item is in the Public Domain doesn't mean it is free of all restrictions. It may have outstanding trademarks on it which could pose problems when you sell your app if you didn't do your research on the assets you used beforehand.

Copyright Protected – Owned

Selling your Copyright Protected application will have no future negative ramifications because you are the legal copyright holder. This opens the doors for licensing and monetizing your application in more ways than one. Should someone infringe upon your app you can also take the proper legal action to have it removed.

Copyright Protected – Not Owned

When you sell your application that contains Copyright Protected content you'll have to ensure that by selling your app you are not infringing upon the copyright. Even if you obtained a license to use the copyrighted material there may be restrictions in that license that prevent one or multiple actions such as commercial sales.

QUESTION 5

QUESTIONS

WHAT IF MY APPLICATION IS SOLD?

GPL/GNU – Owned

Under the GPL selling “free” software is legal and encouraged. If your application is licensed under the GPL you are allowed to sell it, even commercially, for as much or as little as you’d like. The only caveat is that the sold copy has the same GPL license. In the case that binaries are distributed without complete source code you’ll be required by the GPL/GNU to provide your source code on subsequent request.

GPL/GNU – Not Owned

Because of the nature of the GPL license there are no ramifications to selling software that in whole or in part was derived from another GPL licensed application. The “free” part of the GPL license is not free as in it doesn’t cost anything, but rather free in the fact you can use, modify and redistribute the software as you wish. As such, you can sell your application with assets under this license as long as your application is also licensed under the GPL.

5 Services Offering Media Assets

GRAPHICRIVER

ASSETS

[HTTPS://GRAPHICRIVER.NET/](https://graphicriver.net/)

Description: GraphicRiver offers logos, icons, illustrations, web elements, UI kits, and more. Anything graphical related can be found on this site.

License Types: GraphicRiver, which is owned by Envato, offer two different types of licenses. The first one is their Regular License and allows for one use in a free product (multiple end users are allowed). Their far more expensive Extended License allows for everything the Regular license does with the added benefit that the asset can be used in an end product that is sold. Neither allow for use in stock items/templates or on-demand product/services such as those that allow you to create your own webpage or app.

Cost of Assets: The cost of obtaining assets on this site range from \$1 to a couple hundred dollars depending upon the license you buy.



<http://guildhostingreviews.azurewebsites.net/wp-content/uploads/2014/05/grlogo1-1.png>

ISTOCKPHOTO

ASSETS

[HTTP://WWW.ISTOCKPHOTO.COM](http://www.istockphoto.com)

Description: iStockPhoto offers photos, illustrations, video and audio although they are known most for their stock photography.

License Types: iStockPhoto also offers Standard and Extended Licenses. Both licenses have the following restrictions:

- No Unlawful Use (Pornographic, obscene or libelous works)
- No Commercial Use of "Editorial Use Only" Content
- No Standalone File Use (use in any way that allows others to download, extract, or redistribute content as a standalone file)
- No use in Trademarks or Logos
- Sensitive Use Disclaimer Required ("If you use content that features models or property in connection with a subject that would be unflattering or unduly controversial to a reasonable person (for example, sexually transmitted diseases), you must indicate: (1) that the content is being used for illustrative purposes only, and (2) any person depicted in the content is a model.")
- No False Representation of Authorship
- No Products for Resale
- No Electronic Templates (unless you purchase an Extended License)
- Limited Print Run (Extended License allows for unlimited print runs)

Cost of Assets: iStockPhoto allows you to purchase assets with a subscription or via credits. The minimum credit purchase is \$33 for 3 credits and their base subscription is \$99 per month for 10 downloads and access to all images.



https://www.enterprisenation.com/system/images/W1siZilsljIwMT-MvMTEvMTgvmDEvMzgvMzQvODU2L2lzdG9ja2hvcml6b250YWxfb-G9nb19NYXlMjAxMC5qcGciXV0/istockhorizontal-logo_May-2010.jpg

ICONFINDER

ASSETS

[HTTPS://WWW.ICONFINDER.COM](https://www.iconfinder.com)

Description: IconFinder houses a library of over 1 million icons that are both free and premium.

License Types: The licenses offered on the free icons depend upon the license chosen by the individual who uploaded the icon. Any of the Creative Commons licenses can be chosen as well as the GPL, LGPL, Free for Commercial Use, and Free for Personal Use licenses can be selected. The most commonly found licenses are the Creative Commons Attribution license and Free for Commercial Use. For premium icons there is also a Basic License from IconFinder which allows for the following:

- Can you share the icon? No
- Can you remix, transform or modify the icon? Yes
- Can you share the remixed, transformed or modified icons? No
- Do you have to indicate if changes were made? No
- Can you use the icon for commercial use? Yes
- Can you resell the icon in e.g. a template? No
- Do you have to credit the designer? No
- Do you have to provide a link to the license? No
- Can you use the icon on items for sale (like a t-shirt)? No
- Can you use the icon as part of a logo? No
- Can you use a modified version of the icon as part of a logo? Yes

Cost of Assets: On IconFinder you can purchase Icon Sets ranging from a couple bucks to around 15 dollars, subscribe to their starter package which cost \$9 a month and allows for 25 downloads or you can choose from a number of free icons.



[https://www.filepicker.io/api/file/HH79aE8cTfypK3RCZP9D/
convert?crop=47,79,1339,263](https://www.filepicker.io/api/file/HH79aE8cTfypK3RCZP9D/convert?crop=47,79,1339,263)

PREMIUM PIXELS

[HTTP://WWW.PREMIUMPIXELS.COM](http://www.premiumpixels.com)

Description: Premium Pixels offers a plethora of different assets, from icons to images, textures, layered PSD's, patterns, web elements, mockups and more.

License Types: All assets from Premium Pixels are free to use and modify without restriction, both personally and commercially without attribution. The only restriction is you cannot distribute the assets "as is" without prior consent from the author.

Cost of Assets: All of the assets on this site are free to download and use.



https://cdn.tutsplus.com/webdesign/uploads/legacy/tuts/302_premium_pixel_session/pp_preview.png

URBANFONTS

[HTTP://WWW.URBANFONTS.COM/FREE-FONTS.HTM](http://www.urbanfonts.com/free-fonts.htm)

Description: UrbanFonts offers a large assortment of free fonts available for download.

License Types: Each font downloaded has its own license terms set forth by the author. Some allow for personal/commercial use and some only allow for personal use.

Cost of Assets: Free



<http://designdisease.com/wp-content/portfolio/gdp-urbanfonts-3.png>

REFERENCES

Understanding Copyright And Licenses – Smashing Magazine. (2011). Retrieved August 30, 2016, from <https://www.smashingmagazine.com/2011/06/understanding-copyright-and-licenses/>

H. (2015). What are GNU GPL , GNU LGPL and MsPL. Retrieved August 30, 2016, from <https://www.youtube.com/watch?v=ZOFciqKJNCE>

Royalty-free. (n.d.). Retrieved August 30, 2016, from <https://en.wikipedia.org/wiki/Royalty-free>

Top five ways to use royalty-free files - iStock. Retrieved September 02, 2016, from http://www.istockphoto.com/article_view.php?ID=815

What are Royalty Free Images? Full Comprehensive Guide. (2016). Retrieved September 02, 2016, from <https://www.stockphotoguides.com/use/royalty-free/what-are-royalty-free-images>

Can You Copyright Works in the Public Domain? | ChristianWritingToday.com. Retrieved September 02, 2016, from <http://www.christianwritingtoday.com/can-you-copyright-something-in-the-public-domain/>

H. (2014). Public Domain Trouble Spots. Retrieved September 02, 2016, from http://fairuse.stanford.edu/overview/public-domain/trouble-spots/#public_domain_works_that_are_modified

Pros and cons of contributing data public domain. Retrieved September 02, 2016, from http://wiki.openstreetmap.org/wiki/Pros_and_cons_of_contributing_data_public_domain

GNU General Public License. (n.d.). Retrieved September 02, 2016, from https://en.wikipedia.org/wiki/GNU_General_Public_License

Glick, M. (n.d.). Who Owns What? Ownership Issues For Employee-Created Intellectual Property. Retrieved September 02, 2016, from <http://blog.legalhero.com/who-owns-what-ownership-issues-for-employee-created-intellectual-property>

Rein, L. B. (n.d.). Creative Commons Licenses: Pros and Cons of Each. Retrieved September 02, 2016, from <http://video.lisarein.com/sfsu/guide/prosandcons.html>

H. (2014). YouTube Star Sued For Copyright Infringement - Use Royalty Free Music, Folks! Retrieved September 02, 2016, from <https://www.srlounge.com/youtube-star-sued-copyright-infringement-use-royalty-free-music-folks/>

Walters, B. F. (n.d.). Williamsburg. Retrieved September 02, 2016, from <http://www.patent-trademark-law.com/copyrights/plagiarism-take-down-stolen-content/cease-desist-dmca-takedown/>

REFERENCES CONT.

Frequently Asked Questions. Retrieved September 02, 2016, from https://wiki.creativecommons.org/index.php/Frequently_Asked_Questions

LUCA VENTURA

E: LAVENTURA@FULLSAIL.EDU