



# 5 ways to guard against Web site content theft

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By [Monte Enbysk](#)

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The good news is that the Internet is not a highly-regulated space, which encourages a free exchange of ideas and an inexpensive way to learn a lot. The bad news is that a lot of people believe everything on the Internet is free for the taking.

The first ground rule to follow as a Web site owner is to not use images and content from other sites without permission. The second ground rule is to guard against having your own images and content "borrowed" by others.

The latter is going to be harder to do than the former, so let's discuss.

It used to be that unscrupulous or careless webmasters would think nothing of stealing an article or two from someone else's site and passing it off as their own. Or pilfering a copyrighted photo or artwork. While this continues, today's Web thieves are increasingly more reckless—and ruthless. Entire Web sites have been stolen and merged into perpetrators' properties, instantly giving rogue sites a lofty position in search engine rankings.

Just ask Bruce Clay, a Southern California Internet consultant, how it feels to see 20 or more pages from his site pirated by another consultant. After discovering it in the spring of 2007, Clay says he has been unable (as this is written) to get a New York-based consultant to remove pages he says clearly copy the service offerings and philosophies of his business, [Bruce Clay Inc.](#) The copied pages insert the competitor's name where Clay's company was previously mentioned, and include, among other things, Clay's referrals, testimonials, and awards, as well as an Ethics section.

Clay seeks to get the hosting company to take the alleged offender's site offline, and if that fails, plans to file civil and criminal copyright infringement suits. "He [the alleged pirate] has taken out full-page ads in a magazine sending people to his site. He's making money off me and my content." (A call to the accused company produces no admissions or counterclaims; a representative says he knows nothing about Bruce Clay Inc. or its Web site.)

While Clay says he is surprised by what he calls the "blatant nature" of the theft, he admits, "I am absolutely positive I am not alone" in experiencing such a heist. Intellectual property experts can't say if the problem of content theft is getting any worse than in past years. But they do suggest that thieves are getting bolder and that Web site owners need to be more proactive in discouraging content theft.

Here are recommended strategies to help protect your Web site content.

1. **Get copyright protection for your site.** On every page of your site, owners should feature the copyright symbol next to your business name and the year your site is first published, says Lisa Dunner, a Washington, D.C., attorney specializing in trademarks and copyrights. You can display the copyright symbol and get limited copyright protection without actual copyright registration, she notes. You may scare someone off. But, to enforce your copyright in court and to win full damages for infringement, you need to register your site with the United States Copyright Office. It costs \$45 and takes up to six months, but it is worth it, Dunner and others say. Visit the [U.S. Copyright Office site](#) for more information.
2. **Protect your trademarks, too.** Your business name, product names, and any other assets you consider proprietary must be

protected with trademark symbols—generally, "TM" for pending or unregistered trademarks and "R" for registered trademarks. Unregistered trademarks have limited protection; registered ones are more enforceable in court. Either way, "you are putting a user on notice," Dunner says. For more info, visit the [United States Patent and Trademark Office site](#).

3. **Always use a written contract if you outsource your Web site development.** If you hire someone to develop your Web site with little more than a handshake agreement on terms, that developer can claim ownership of your site. You must spell out your ownership rights to the site and content in a written contract, says attorney Marylee Jenkins, head of the Intellectual Property group at Arent Fox in New York. "Disputes happen," she says, "and without a contract, it's the developer who owns it."
4. **Be on the lookout for theft—monitor the Web.** Search engines have made it easier for content theft. So have specialty sites such as [Copyscape](#), which enables you to see what other Web pages, if any, resemble individual pages on your site. Similarly, you can monitor your images through a [Google site](#)—but Janice Byer, owner of Docu-Type Administrative and Web Design Services near Toronto, notes that pirates can rename images, rendering such a search moot. The reality here is that monitoring the Web takes time away from your other duties. But, Dunner stresses, if you identify and/or register your trademarks but make little attempt to protect them, you weaken any court case you may have.
5. **Know that technical solutions can slow but not stop pirates.** Some people advise putting a transparent graphic over an entire page to halt copying. Others say putting a watermark on an image can thwart thieves. Still others advise using JavaScript in your code to disable the right-click download method of copying images and content. These strategies can make pirating difficult for the novice user. But serious thieves will find a way around them.

Here is what to do if you believe your Web content has been stolen.

- **Find out who the culprit is.** You don't want stolen content to jeopardize your search rankings, or your reputation. Keep a record of what you find and try searching a "Who Is" directory by putting "whois" in a search engine. That can help you tie a domain name to a company. (For more on this, see Byer's [three-part article](#) on content theft.)
- **Start with a cease-and-desist letter.** Involving a lawyer adds more clout to your letter, and can also guide you on how far to take your case. However, if you can't hire a lawyer, you can still be effective in getting people to take down stolen or plagiarized content. Many people infringe copyrights accidentally, or they make the mistake of thinking no one will notice. A polite but firm letter from an aggrieved party can spur them to act. Be sure to follow up as many times as necessary.
- **Contact the Web hosting company.** If two letters generate no response or action, or if the theft is egregious, it's time to complain to the offending site's hosting company. Many post policies about what action they will take regarding copyright infringement. A threat from a host to take down the site will certainly get an offender's attention.
- **Prepare to file a lawsuit.** Because of the costs and risks involved, going to court is generally your last resort. Fortunately, most civil cases don't get this far. But expect to see more criminal cases heard, attorneys say, as content theft is increasingly tied to phishing and other forms of Internet fraud.

Back to the first rule. Avoid content theft yourself by using original content, and by getting permission from the rightful owner for use of anyone else's content. Get images only from sources with the ability to license them to you.

"There are plenty of Web sites out there that can give you free content," attorney Jenkins says. "You should stop assuming you can just cut and paste from someone else's site."



**About the author** Monte Enbysk, a senior editor at Microsoft Office Live, writes about Web-related issues for small businesses. He previously was a columnist and managing editor of the Microsoft Small Business Center, and prior to that was a writer and editor at *MSN Money*, *Washington CEO* magazine, and daily newspapers in Washington and Oregon. [Send Monte an e-mail](#).

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