

Ask a Lawyer[Ask a Question](#)[Today's Q&A](#)[Question & Answer Archive](#)[Topic Schedule](#)**Research Areas of Law**[Bankruptcy](#)[Family Law](#)[Labor and Employment Law](#)[Personal Injury](#)[Real Estate](#)**Related Links****Articles:**

- [Do I Really Need a Lawyer?](#)
- [Selecting a Lawyer](#)
- [Lawyers' & Clients' Responsibilities to Each Other](#)

[Ask a Lawyer > Question & Answer Archive](#)**Ask a Lawyer Archive**

Is An Online Form Covered By Copyright?

[Kristie Prinz](#)

Q. I recently started an online company helping people advertise their home online, and I posted on my site some real estate forms I downloaded from another website. My company just received a letter from the company operating this other website, demanding that we take down the forms from our site. They also sent us an invoice charging us for the use of their services, since we posted their forms on our website. Does this company have the legal right to charge us for the use of their forms or to sue us if we do not pay for their services?

-- *Eric Hendrickson***A.**

As a general rule, it is a bad idea to appropriate content taken from another website, as most websites are protected by copyright law (many website owners even include a copyright notice on their website to notify viewers of their ownership of the site). Thus, copying content from another website on to your site may infringe the third party's copyright, if you have not obtained the necessary permission to use such content and have not posted an appropriate notice crediting the third party for ownership of the copyright.

In this case, however, the issue is whether or not the material that you copied was really protected by copyright law. Many forms are at most protected by an obligation of confidentiality or by trade secret law as opposed to copyright law, since there is frequently not enough original authorship or expression in such forms to be protectable under copyright law. This is going to be a fact-specific determination, dependent on the nature of the form at issue.

A question that does come to mind here, however, is whether or not you may have used the other company's trademark when you posted these forms to your website, since the company was able to identify that you copied its form in the first place. If so, then the third party may have a viable claim of trademark infringement against you for the unauthorized use of its trademark.

Your best move now, given the letter you received and the invoice, would be to consult with an attorney in

Browse for a Lawyer

- [Find Lawyers & Law Firms by State or Province](#)
- [Find Lawyers & Law Firms by Area of Law](#)

Find a Lawyer

Type in an area of law or a lawyer/firm name:

City:

State:

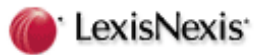
Country:

[Advanced Search](#)[Search Help](#)

your state who practices in the area of intellectual property law, so that he or she could look over the specific facts of this matter, and advise you on how you should respond, after making a definitive determination as to whether or not you did in fact infringe a third party's intellectual property.

-- *Kristie Prinz*

[Find a Lawyer](#) | [Research Legal Information](#) | [Ask a Lawyer](#) | [Blogs](#) | [Contact Lawyers at attorneys.com](#) | [Community](#)



LexisNexis Martindale-Hubbell is the most complete, trusted source for identifying qualified legal counsel.

Disclaimer: The information provided on Lawyers.com is not legal advice, Lawyers.com is not a lawyer referral service, and no attorney-client or confidential relationship is or should be formed by use of the site. The attorney listings on Lawyers.com are paid attorney advertisements and do not in any way constitute a referral or endorsement by Lawyers.com or any approved or authorized lawyer referral service. Your access to and use of this site is subject to additional [Terms and Conditions](#).

[Martindale.com](#) | [Canada](#) | [attorneys.com](#) | [LawyerLocator.co.uk](#) | [www.findalawyer.cn](#) (China) | [www.law24.co.za](#) (South Africa) | [www.martindale.jp](#) (Japan) | [anwalt24.de](#) (German) | [martindale.co.il](#) (Israel) | [Lexis Nexis](#) | [lexisONE Free Case Law](#)

[Help](#) | [Site Map](#) | [About Us](#) | [Press Room](#) | [Info for Lawyers](#) | [Contact Us](#) | [Home](#) | [Index Map](#)

©2008 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.