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When Is It Okay To Appropriate Information From Someone Else's Website For Use On Your Website?

[Kristie Prinz](#)

Q. I want to use information posted on a website and incorporate it into my own website. Can I do this, or do I need to have the permission of the other website company?

-- *Anonymous*

A.

You will have the legal right to copy information from someone else's website, provided that the information you seek to copy is either unprotected by copyright law or falls within the fair use exception.

What kind of information is protectable? [Copyright law](#) protects original works of authorship that are fixed in a tangible form of expression. Among the categories of works that can be protected are the following: (i) literary works; (ii) musical works, including any accompanying words; (iii) dramatic works, including any accompanying music; (iv) pantomimes and choreographic works; (v) pictorial, graphic, and sculptural works; (vi) motion pictures and other audiovisual works; (vii) sound recordings; and (viii) architectural works.

Copyright law, however, only protects works containing original authorship. Thus, if a work consists of information that is common property, having no original authorship, then it will not be protectable.

The one exception to this rule is set forth in the *fair use doctrine*, which provides that a work may be reproduced if it is used for certain purposes such as criticism, comment, news reporting, teaching, scholarship, and research. Four factors are to be considered in determining that a particular use falls within this exception: (i) the purpose and character of the use, such as whether it is to be used by a nonprofit; (ii) the nature of the work; (iii) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (iv) the effect of the use upon the potential market value of the work.

In your case, my advice would be to consult with an intellectual property attorney in your jurisdiction to discuss the specifics regarding your planned use of the information on the website, and whether or not your planned use is going to infringe upon the website author's copyright. If the attorney advises you that it will,

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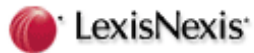
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then, then I would consider approaching the owner of the website through your attorney and asking him to grant you a license to use the specific content you seek to use on your website. If your attorney's advice is that the specific information that you seek to copy is not protectable, then you should be able to proceed as planned.

-- Kristie Prinz

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