



June 11, 2024

Greetings Chapter, Section, and Working Group Colleagues,

I am reaching out to you with what appears to be a serious and growing issue for TWS – and I suspect many other organizations – internet copyright violations. Over the past few years TWS and many of our chapters, sections and working groups have received threatening letters from law firms demanding payment for illegal use of images on websites, newsletters, or social media.

This spike in infringement-related actions is driven primarily by the increased use of content recognition software or copyright bots. These bots scan the internet for images, text, and other media that either directly copies or shares a similarity to copyrighted content. In many cases, the bots function entirely autonomously in finding infringing content and sending notices, making them extremely thorough and efficient.

As a nonprofit, many assume that TWS and our chapters, sections and working groups are exempt from copyright laws. Even more assume that they're fine to use an image if they provide attribution. However, that is not the case. If copyrighted material is used by a nonprofit without proper permission or licensing from the owner, that nonprofit is likely violating intellectual property law, making them subject to fines and/or other penalties. Every country has its own copyright laws and protections including the US, Canada, and Mexico.

So what is copyrighted material? According to the U.S. Copyright Office, copyright protections apply to any original works of authorship fixed in a tangible medium of expression, whether published or not. This includes all literary, musical, and artistic works, whether scribbled on a napkin or recorded in computer software. Formal copyright registration is not required to receive copyright protection. When considering whether or not to use an image or other content that you find, you should generally assume that every work is protected by copyright law unless you can clearly establish that it is not. For example, works in the public domain are no longer protected by copyright law and may be used without permission.

Even if not legally required, though, it's good practice to always seek out the owner of the content and receive their permission. Keep in mind too, that only the owner of copyrighted materials can grant permission to use those materials. If the owner grants permission for TWS to use content for a specific way on our website, that does not mean that same content may be used by a chapter, section or working group or even by TWS in another medium. Additional permissions would need to be granted by the owner of the content and always in writing, whether through email or a formal agreement. Once permissions are received they should be kept on record in case a dispute arises down the road. In one instance, a bot discovered

infringing use of images within a working group's 2015 newsletter, resulting in steep financial damages for TWS.

If you have content hosted on your website for which you do not have proper written permissions from the owner, we strongly encourage you to remove that content. The right to use, reproduce, adapt, publish, or display original works is reserved exclusively for copyright owners. If a bot finds copyrighted work on your website, there is a good chance that financial damages will follow. At all levels of TWS, we need to do our due diligence when using copyrighted content and not ignore claims and correspondence with individuals or their attorneys should you be contacted. If you are contacted, please reach out to myself or Cameron Kovach for awareness and advice on resolving any such claim.

Thanks very much, and thanks for all you do for TWS.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed', with a stylized, cursive script.

Ed Arnett, PhD, Certified Wildlife Biologist®  
Chief Executive Officer