



SOCIAL MEDIA GUIDEBOOK

GUIDELINES FOR USING SOCIAL MEDIA

The Commonwealth Local Government Forum (CLGF) was founded in 1995, as a focus for action on local democracy in the Commonwealth. It works to promote and strengthen democratic local government across the Commonwealth and to encourage the exchange of best practice. It has some 200 members in 45 Commonwealth countries including national ministries of local government, local councils and local government associations. In keeping with its commitment and in support of contributing to achieving the Sustainable Development Goal 5, CLGF launched the Commonwealth Women in Local Government Network (ComWLG) in November 2017 to Support more women to get involved in local government as politicians and practitioners, and to increase the influence of women in the decisions made about local priorities.

www.clgf.org.uk | @CLGF_News

Association of Local Government Authorities of Jamaica (ALGAJ)

The Association of Local Government Authorities of Jamaica (ALGAJ) is the representative organization responsible for the interests and welfare of local government Authorities in Jamaica. ALGAJ represents Jamaican local government councilors and influences local government policies through advocacy, policy proposals, policy amendment recommendations and reviews of by-laws. It is the local government entity that functions as the primary voice, local government advocate group and policy proposer for the 14 municipal corporations in Jamaica and its membership draws from councilors and mayors. ALGAJ is a member association of the Commonwealth Local Government Forum and understands the importance of gender equality to Jamaica's development agenda. In June 2020, the ALGAJ established the ALGAJ Women in Local Government Network (ALGAWLGN) as a platform to pave the way for more women in local government, to ensure that there is a unified platform to competently address, advocate and forefront SDG-5 gender equality, particularly in local government.

<https://algajamaica.org> | @ALGAJamaica

Commonwealth Local Government Forum (CLGF)

Impetus Creations Limited

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What is Social Media?

Social media is a type of user generated content that allows users to share and express themselves through personal activities. Social media platforms are usually owned and operated by internet companies, though individuals may also host their own online accounts privately.

There are over 500 billion page views a month on social media, and almost two-thirds of the world's population is active on at least one social network. Social media has become an integral part of our daily lives and plays a key role in how we communicate with others.

Social Media is much more than a way to share photos and videos. It's about engaging with your customers, brands and audiences. Social channels has become an important part of the day-to-day management of individual and professional users alike.

Social media is all about people. It's about learning what's happening in the world and sharing your own opinion and reactions. Community interaction and real-time communication makes social media one of the most transformational tools ever.

With all those benefits in view, it is important to build an online atmosphere where people are connected in meaningful ways. We do this by encouraging open dialogue, sharing thoughts, and ideas. But in order for us to continue to thrive on connecting people through the excitement of this online world, we must also thrive to make that world safe.

Pioneer Social Media Influences

In the early 2000s, **Myspace** became a popular networking tool among young people. By **2006**, it was the most visited website on the planet, spurred by users' ability to share music directly on their profile pages. By **2008**, it was eclipsed by **Facebook**. **Facebook's** launch in 2004 is considered one of the most significant events in the history of social media because it allowed users to create profiles on their own pages for other users to view. This innovation paved the way for future social networks like **Twitter** and **Instagram**.

Modern Social Media Outlets

Much has changed in the social media landscape in the last decade. Today's users have access to a suite of popular and niche services, each vying for attention among their specific audiences. Here, we provide a snapshot of the most prominent social networks

Facebook (Meta)



Launched: 2004

Founders: Harvard student Mark Zuckerberg

Description: Facebook has nearly 1.7 billion users — including 69% of U.S. adults, according to Pew Research. It was rebranded and renamed "Meta" 2022.

HubSpot: Facebook

Reddit



Founders: Massachusetts 20-somethings Steve Huffman and Alexis Ohanian

Description: A news-sharing platform, its 300 million users have transformed Reddit into a combination news aggregation/social commentary site. Its popularity is based on the ability to "up-vote" and "down-vote" user posts.

Social Media Examiner: How to Market on Reddit: A Guide for Businesses

Twitter

Founded: 2010 Twitter

Founders: Jack Dorsey, Evan Williams, Biz Stone,

Description: A micro blogging site, by 2020, 22% of U.S. adults were Twitter users, according to Pew Research.

Hoot suite: Twitter Marketing: The Complete Guide for Business



Instagram



Founded: 2010

Founders: Stanford graduate Kevin Systrom

Description: A photo-sharing site and purchased by Facebook in 2012, Instagram has more than 1 billion users worldwide.

HubSpot: Instagram Marketing: The Ultimate Guide

Pinterest



Founders: iPhone app developer Ben Silbermann as a visual “pin board,”

Description: Pinterest became a publicly traded company in 2019 and has more than 335 million active monthly users.

Sprout Social: Your 5-Step Pinterest Marketing Guide

Snapchat



snapchat

Founded: 2011

Founders: a trio of Stanford students — Evan Spiegel, Reggie Brown, and Bobby De-

Description: A video-sharing service introduced the concept of “stories,” or serialized short videos, and “filters,” run for informative digital effects, often based on location.

Hootsuite: Snapchat for Business

TikTok



Founded: 2016 by Chinese tech company **Byte Dance**

Description: A short-form video-sharing site was merged with the U.S.-based mobile app Musical.ly in 2018 and became popular with American teens and young adults. As of early 2020, it had more than 800 million users worldwide.

Business Insider: TikTok Marketing Trends & Predictions for 2020

The Business Experience

The ability to reach consumers expanded thanks to social media. Marketing professionals and companies quickly adapted and over time Social Media platforms provided measurement tools, offering marketing professionals unprecedented access to valuable, actionable data about consumers' demographics, buying habits, and more giving rise to the social media marketing industry where marketers were no longer limited to traditional forms of media, such as *TV, radio, print, mail, billboards, magazines, etc.*

With social media expanding rapidly, brands looking to tap into what was becoming the most trackable user data pool ever conceived began to advertise on Facebook, Twitter and other platforms. Content creation was born out of the need for companies to compete with one another in an increasingly crowded and expensive digital environment.

Today, most users of social media platforms receive promotions from businesses in their feed at least once a day. With over 2 billion monthly active users on Facebook alone, almost everyone is on social media, which means everyone receives ads from brands every day (even if they don't realize it).

Social media advertising creates a funnel for new customers to your business based on the information you have provided. The ad itself is created in the same way any other advertisement is created. But the creative used should be relevant to what you would like to convey. You can choose to target customers based on location, age or gender.

Companies Social Media marketing to:

- *Increase brand awareness*
- *Generate leads and increase conversions*
- *Develop and nurture relationships with customers*
- *Learn from competitors*

Taking Advantage of Social Media's Popularity

Social media is a great way to promote your brand, but it can be time-consuming and expensive. Leverage existing audiences with Digital marketers who are experts at using Social Media's unique targeting capabilities in order to target niche demographics with a high probability of purchase. In return, social media platforms provide marketing analytics that allow digital marketers to identify highly targeted prospects. Building an audience takes time, effort and luck. Once a community is established social media can be used to launch product and service offers, build brand awareness and drive sales. Social media platforms provide in-depth analytics that allow digital marketers to target specific demographic groups with ads which creates a self-fulfilling cycle of engagement leading to bigger communities. A good digital marketer can make these platforms work for them by ensuring they are engaging with the right people. They then leverage the trust built up by their followers by sharing offers and promotions with their audiences, who have a high probability of purchasing.

Prominent influencers
include:

Pewdiepie - (Comedy)

James Charles - (Beauty and Cosmetics)

RadBrad - (Gaming)

Social Media and You!

Social Media is a collection of internet-based applications that allow individuals and businesses to create, share, and exchange information over computer networks such as the Internet.

Social Media can be useful and effective to a wide range of organizations. The ability to share content, videos, photos and merchandise is the easiest way to engage with targeted audiences and promote your business on social media.

Social media is both a powerful tool and an effective marketing medium. It allows users to share text, photos, and videos in order to generate interest in the products or services they offer. Businesses that use social media correctly can generate a lot of buzz about their company and increase sales because of customer loyalty and word-of-mouth advertising.

However, there are some disadvantages to social media as well. Some of them include its ability to expose users to cybercrime, scams, cyber bullying and privacy concerns. which can lead to identity theft, at best, if they aren't careful while using it. Additionally, users may feel overwhelmed by all the information they have access to on their various devices and platforms.

To avoid these problems, a business should develop clear policies regarding what is acceptable behaviour on their accounts so customers will know what type of content they should post and share across social media platforms

What is Censorship?

Censorship is when something is blocked or banned by people or the law to stop it being published, shared, or shown. Censorship can be cultural or artistic, legal or political. The purpose of censorship may be to protect the public from viewing material that is offensive. It can also be used to control what people read, hear and see as a way to influence their beliefs and views on particular topics.

Censorship on the Internet can be carried out by both individuals and organizations. The ability to censor is determined by local laws, as well as the manner in which information is distributed. Therefore, it is important to recognize that while many countries' governments monitor and limit internet censorship, the extent of this monitoring may differ dramatically. There are two main forms of censorship on the Internet: Pre-filtering, which means that certain websites are blocked before they can be accessed by users; and Post-filtering, which is when censors or third parties actively search communications, such as emails or social media posts, for keywords they wish to block from being seen by others

What is freedom of Expression?

Freedom of expression is the right to express an opinion or belief freely, without censorship. The right to freedom of expression may include the right to hold opinions and ideas, to access information and to impart information without restriction. An individual's ability to express themselves freely can be limited by state action in many countries. For example, an artist wants to paint something that other people might not like because they think it's inappropriate. The artist gets attacked, arrested or killed because they wanted to express themselves through art and created something controversial. If we didn't have freedom of expression we wouldn't be allowed to use our imagination free of consequence because someone else would tell us what we could or couldn't do or say.

Free expression on Social Media.

Social Media platforms may be private entities, but their role in sharing public news is growing. Preservations like *The First Amendment* for example, guarantees free speech and expression for all Americans, regardless of whether they are posting on a website or speaking out in public. It's important to understand what your country's policies protect, so you can use them safely and responsibly.

If your free speech and overall expression is being restricted there can be natural consequences that are way too lengthy and too diverse to discuss here. However, there are specific negative results that emerged as a consequence of Freedom of Expression that are particularly troublesome on Social Media Platforms. These are Hate Speech, Obscenity, Misinformation and Harassment.

Hate Speech is speech that offends or attacks people on the basis of race, ethnicity, national origin, religion, gender, sexual orientation, disability, disease or other traits.

Obscenity is famously hard to define, but in general refers to content that strongly offends the prevalent morality of the time.

Misinformation: is false or inaccurate information. Examples of misinformation include false rumours, insults and pranks, while examples of more deliberate "**Disinformation**" include malicious content such as hoaxes, spear phishing and propaganda. Also referred to as "Fake News".

Harassment: refers to unwanted behaviour that makes someone feel degraded humiliated or offended. Harassment is not define to include true threats of violence.

There are lawful regulations against such violations e.g. The United States, First Amendment. It is import you investigate the laws that apply in your own country for your personal online safety

General Guidelines for using Social Media

The best way to share news is to link to the original source. When sharing information that is not a matter of public record,.

Online news, events and promotional material are an excellent, low-cost way to engage the community and build your brand. When sharing this information it is important to follow guidelines so that users know the source of the news.

Publicize events, community news and other information about your organization on social media. Sharing photos and articles that are important or useful to your stakeholders is a key part of engaging them. If you are re-sharing information on a website, please always link to the original source. Don't make up news.

The more you share, the better. Your profile should be updated regularly to include recent work, links to articles and websites, events, or news of any kind. Remember, your profile is a reflection of your business and by sharing what you're doing on a regular basis, you will build interest in your page, cause or company.

- It's appropriate to post at work if your comments are directly related to accomplishing work goals, such as seeking sources for information or working with others to resolve a problem.
- You should participate in personal social media conversations on your own time or in accordance with workplace policy.
- Be aware of data you upload into networks and cloud-based storage systems; firms routinely review this content when conducting background checks on prospective employees.
- Disclose your identity. If you have a Facebook or other social media account, include a picture of yourself in your profile. This is especially important if you are creating an online persona that differs from who you are. Your behavior in social networking environments should be consistent with your personal and professional image. Always consider how you want to present yourself and the situations you choose to participate in online.

- In the same way you do not discuss an employee's personal life with coworkers, you should also not discuss or share someone else's personal Facebook photos, posts or other content without their permission. And if you see something that you think may need addressing, ask yourself whether this is really a matter that needs to be dealt with here and now, especially if the person is unaware of what they've shared. Instead of quickly posting what seems like lighthearted banter, take a breath and consider whether this is indeed a time to engage in conversation.
- If you make a mistake, admit it. Be upfront and be quick with your correction. If you're posting to a blog, you may choose to modify an earlier post—just make it clear that you have done so.
- What you post on the Internet comes back to haunt you. So choose your words and images carefully. Before posting, ask yourself if this information is something that you would be comfortable sharing with your current and future employers, classmates, and clients. If not, don't post it!
- As you share images and stories on social media, be sure to consider your audience. Use your best judgment in all posts, pictures and interactions—but also keep in mind that you can't easily take things back.

Guidelines when posting as Individual.

We use social media as a supplement to traditional press and marketing efforts. When sharing news, events and other information with family, friends, colleagues and customers, it is important to be polite, respectful and accurate. It's also important for you to protect your personal brand by linking straight to the source of the information whenever possible. On social media, it is important to remember that you have a voice and people are listening. Keep in mind that the information you share on social media represents your public image, brand or organization and your influence while online should be used wisely. The guidelines below apply only to those instances where there is the potential for confusion about your role as an agent/expert versus personal opinion, They are good to keep in mind for all social media interactions

- As a public figure, you are frequently asked to promote products, causes, and services that people care about. While you may be compensated for your endorsements (online or off), you must ensure that your audience understands that this is an endorsement of the product (or person) and not your personal opinion.
- Be Authentic! Be honest about your identity. However, please be clear that you are sharing your personal views and are not speaking as a formal representative of the company you work for. If you identify yourself as an employee of a company, ensure what you publish is consistent with how you wish to present yourself to colleagues or others.

- Are you an employee of a company? Please ensure that your profile and related content are consistent with how you wish to present yourself to colleagues. If you want to share your personal views or work on something outside of your job scope, use a disclaimer - like this one:

“All content on this site is the personal views of its author and neither those of (Platform) or its affiliates.

- Remember that anything you post online can be re-posted, so don't write anything you wouldn't want to see on display in a newspaper. Don't post anything that is profane, racist or defamatory, make sure your posts are appropriate and relevant to the topic at hand.
- Don't reveal your identity in public interactions. Use only your first name, or a pseudonym that is not associated with you personally. Never make posts under the name of another person or entity. Also be sure to avoid making any posts or comments while logged in as a Facebook or Twitter bot that appears to be posting in your place.
- *The most important thing to remember when commenting online is that your public persona is an extension of your company. Think carefully about what you write and ensure it follows company guidelines before publishing. Keep posts professional, courteous and on-message — even if they're discussing something volatile or controversial.*
- *Always be professional and be sure to follow the terms and conditions of your social media sites. Don't forget that these sites are public places and things posted online can impact your personal relationships, so only post when you're in a serene state of mind.*
- Protect Your Identity. While you should be honest about yourself, don't provide personal information that scam artists or identity thieves could use. Don't list your home address or telephone #number. It is a good idea to create a separate
- Be careful what you post. Private information should be shared only with trusted people. Is the content of your message acceptable for face-to-face conversation, over the telephone, or in another medium? If it wouldn't be, then it probably shouldn't be posted either.
- The right social media profile is the key to building and maintaining your online relationships. The "Public Personae" helps you craft a profile that paints a positive picture of who you are, what you offer and where you fit in.
- People only like, comment and share the things that seem like a good fit for themselves. Social media is about telling your story in a way that resonates with your audience. What does this have to do with what you post? Picture yourself on an expansive stage: you have exactly one second to capture their attention, before they move onto something else. The key is to make sure that what you are sharing is relevant to them, visually appealing and doesn't come across as spammy.

While we encourage comment and discussion, you are responsible for monitoring and removing comments that violate our Terms of Use. If you receive spam or offensive comments on your blog or website, follow these steps to delete them:

- We all want a clean, respectful social media community. That's why it's important to monitor your site for comments which could damage credibility or lead to legal action. Installing comment moderation software allows you to approve comments before they appear and to delete spam comments and block any individuals who repeatedly post offensive or frivolous comments.
- You should monitor comments carefully to ensure that all comments follow your site's guidelines. You may also consider setting up a system where you review and approve comments before they appear to the public. This will help prevent spam and other offensive material from appearing on your blog or social media site.

Guidelines when posting as a Professional, Business Or Company.

As we move into the age of digital collaboration, people are finding new and creative ways to communicate. The lines between work and personal lives as well as our public and private lives are blurring. Online collaboration tools such as blogs, wikis, social media and video sharing sites provide low-cost communication methods which foster open exchanges and learning. While these tools are changing the way we work and how we connect with the public policies and practices for sharing information remain the same.

You may find yourself using social media sites to discuss work-related issues, share information and handle crises. To avoid potential problems and complaints, follow the guidelines below when you create or post messages on behalf of your agency or organization.

- Social media is a great way to exchange information and build connections with others. However, if you want to make sure your social media activities comply with public policy, it's important to understand how policies impact the sharing of information on these sites. Stay true to the principles of good public policy, which means you are honest, transparent and respectful.

- These basic guidelines are a must before you make any post. If your Social Media account is linked to an institution, group or community, any message that might act as the “voice” or position of that entity must be approved by an authority figure or delegate. Any messages that might act as the “voice” or position of an institution, group or community must be approved by an authority figure or delegate of that entity .
- Be Accurate, Make sure that you have all the facts before you post. It’s better to verify information with a source first than to have to post a correction or retraction later. Cite and link to your sources whenever possible -- that’s how you build community.
- Social media should reflect the same professional standards as other media. Be courteous and intuitive to your audience. If you are posting on behalf of your organization, be sensitive to others in the community who may not share your views. Make sure that your language is clear and understandable.
- As an administrator of a social media account, you are responsible for maintaining the tone and purpose of your posts. It is important to create a feeling of security, trust, and community by being transparent with information, being expedient in response time, and providing timely updates on your team's activities, events or services.
- Social media appeals to all ages, including the elderly. The visual, interactive nature of sites like Facebook and Twitter make them easy for older adults to use and understand. These sites are especially useful for communicating with elderly members of the community in times of crisis or disaster, since many may not have access to email or mobile phone data service. They are also convenient ways to promote community events such as senior fairs or classes on budgeting and home maintenance, making it easier for seniors to stay healthy and active in their own homes.
- As the moderator of a social media platforms, You have to be very careful in what you say. In fact, if you make a mistake or say something considered offensive by other users, it reflects on the entire community. So stay focused and avoid mistakes, have a standard schedule for when to post information and updates.
- Participation in social computing is not a right but an opportunity, so please treat it seriously and with respect.
- As a participant in social computing, you have the ability to say anything . You also have the responsibility to think carefully about what you share before posting. Respect the privacy and feelings of others, do not post confidential information about anyone and comply with applicable laws in your location. Use caution when discussing any topic related to politics or religion as there can be differences of opinion about these topics which may make others upset. In general though be kind and respectful of others. Be kind, be respectful and be honest. What we say online matters. Treat others as you would want to be treated.

- If you comment on someone's blog, forum or Facebook group, make sure you are contributing valuable insights. Post information about topics like events only when you are sure it will be of interest to other readers. In some forums, self-promoting behaviour is viewed negatively and can lead to being banned from websites or groups. If you have any questions, ask your supervisor before posting.
- If you have any questions about whether it is appropriate to write about certain kinds of material in your role, ask your supervisor.
- A good rule of thumb is to avoid posting anything that could be considered controversial if it is in violation of your company's social media policies. It doesn't matter how friendly, or even amateurish your blog post looks, if it doesn't follow social media guidelines, you could face disciplinary action.

The social networking site can be an effective way to build your professional network and is often an important part of career development. Before you sign up and create a profile, take some time to think about how you want to portray yourself online. We suggest you take into account how your profiles may be viewed by potential employers and other professionals.

Safety & Privacy tips for Social Media Networking.

The internet is open to a world-wide audience. When using social media channels, consider the following:

- You do have a little control over who can view your profile, but not much. You should carefully consider what information you reveal.
- Keep your information private by setting your Social Media privacy settings to friends only, and never send personal information to anyone you don't know.
- Don't underestimate the risk of posting personal information online. You might think you're "anonymous," but this isn't always the case. Be aware of who can see your personal information and photos, and be patient while others get to know you slowly.
- Be aware of who you're talking to, and understand that the information you post may be viewed by other people. Don't share private or confidential information such as your full name, address and phone number. Think carefully before you add someone to your profile or send a friend request. Read the privacy policies of each social networking site before posting any personal information. You do not have control over this information once it has been posted on the internet, so think twice before posting anything sensitive!
- Be careful what you post, as it may stay online forever or even haunt you later. Think about who might see the information before you publish it. Is it meant for only your friends? Or do you want to share with everyone? If you need to remove something that you posted, ask the site for help removing your post.

- The world of social networking is an experience that we all love, but it also comes with some serious concerns. If we don't use the sites in ways that are safe, secure, and respectful to others in our lives you could get hurt. These sites can make you a target for people with malicious intent, so it's important to understand what constitutes privacy and what information is safe as well as more complex issues like tracking information through cookies and cache technology. Investigate how predators can use your private info against you by doing things like using it to track your movements or even steal your identity.
- Part of the fun of social networking is sharing information with friends and family, but you should be aware of what you're sharing online. Be sure to read the website's privacy policy before posting your information. Even if you delete something on one site, it may still exist on a network cache somewhere else and accessible by anyone who knows how to search for it.

Copyright and Fair Use

Copyright is the legal right of an Author, Artist, Composer or other Creator to control the use of his or her work by others. Generally, a copyrighted work may not be duplicated, disseminated, or appropriated by others without the Creator's permission. Public display or performance of copyrighted works is similarly restricted.

Copyright is the right of an author to control the use of his or her work by others.

Copyright law grants the author or owner of an original work sole right of publication, production, distribution and performance of the work. Copyright owners have control over a variety of uses including reproduction, adaptation, licensing and publication.

You should always be sure that you have the right to use a copyrighted work and only reproduce or copy those portions of the copyrighted work which are included in the article, video or other product which you are distributing.

Unauthorized use of a copyrighted work is considered Copyright Infringement, and the infringer may be subject to civil and criminal penalties.

While many materials are protected by copyright - including books, music and artwork - there are exceptions. For example, the Fair Use Doctrine allows us to use small portions of copyrighted works without permission. However, if you use anything without permission you may be subject to civil and criminal penalties.

Copyright infringement takes place when a copyrighted work is misused without the permission of the copyright owner. The unauthorized use of a copyrighted work is considered copyright infringement, and damages may be recovered by filing a civil lawsuit for monetary damages or criminal charges against the infringer.

You can use copyrighted work, but only in certain instances. For example, you may be able to use copyrighted material to criticize or teach a lesson about the original work. Again, there are exceptions and limits on Fair Use, so always check with an attorney before using anything that might be considered copyrighted.

In order to encourage the creation of new and useful works by providing incentives to creators, the law grants intellectual work an attribute of private property: copyright protection. Copyright protects only the form in which ideas and information are expressed. Copyrights expire after a certain period of time, allowing society to use these works without permission when no longer protected by copyright law.

In the United States, copyright law is a restriction on copying. It applies to all sorts of creative works, including poems, novels, movies and software. Copyright law gives its owner the exclusive right to copy or distribute copies of the work. Copyright doesn't apply to ideas or facts, which are not protected by copyright. For example, when you read a book about how to solve quadratic equations, you can use that information to solve quadratic equations in your own life without violating any rights.

Why is copyright necessary?

Copyright is the law's attempt to reconcile two conflicting goals: we want to encourage the creation of new and useful works by providing incentives to creators, while also wanting society as a whole to benefit from new ideas and information. Copyright protects only the form in which ideas and information are expressed, not their content. Copyrights expire after a certain period of time, and the law allows certain limited uses of copyrighted material by others, without your permission. Creators of new works are given temporary control over their creations, while society benefits from the wide availability and use of those works.

What can be Copyrighted?

Copyright protects an original work of authorship. It covers everything from art to music, from written works to computer code. This includes fiction and nonfiction writings, poetry, musical compositions (words and music alike), sound recordings, photographs, paintings and drawings, sculpture, architectural works, databases, audiovisual works such as movies, and multimedia works such as those on compact discs. Copyright law is determined by the individual countries, however there are several international treaties and agreements that have similar guidelines for protecting copyright that are followed globally. You can copyright any original work of authorship, including writings, photographs, artwork and even databases that is "fixed in any tangible medium of expression."

You should always assume that a computer program is copyrighted unless explicitly denoted as freeware. This can include anything from casual letters, to collections of information and directories. The degree of creativity necessary for a copyright is very low, since any Original Work can be copyrighted.

Many computer programs are subject to copyright law, and should be considered copyrighted even if the program itself does not specifically state that it is. To qualify for a copyright, a work must have some originality in its selection or arrangement of facts or information.

The law of software copyright is complex and technical. This article focuses on two main issues: (1) how to make sure your program doesn't infringe someone else's copyrighted material, and (2) how to protect your own work from infringement by others.

A copyright protects the expression of an idea but not the idea itself. For example, if you describe a process in detail in your book, this is protected by copyright law even though it tells how to make something and you are describing what results when the reader follows your instructions. You can however, claim protection for an underlying idea if it has not been disclosed to others before or after your public disclosure.

What does copyright protect?

For example, you may read a copyrighted paper and appropriate its ideas, or facts it conveys, into your own work without violating the copyright. However, you may not reproduce the actual text of the paper (unless fair use or another exception to copyright protection applies), nor can you evade this prohibition by changing some words or paraphrasing the content. You may not reproduce the actual text of the paper, or you may have to pay a hefty fine. But there are exceptions to copyright protection, such as fair use.

Ideas cannot be copyrighted, but the expression of ideas can be. That is why ideas, facts and numbers cannot be copyrighted but the words used to express them can. As a writer, you may not be interested in protecting your work by registering it with the U.S. Copyright Office. But the failure to register can have serious consequences for the owner of a copyright. If you neglect to register your work prior to publication, you will lose crucial rights under U.S. copyright law if someone breaches your rights by reproducing or distributing your work without permission.

What does a copyright authorize the copyright owner to do, or to restrict others from doing?

Subject to certain limitations, a copyright owner has the exclusive right to:

Reproduce the work by making copies of it; Distribute copies of the work to the public by sale, donation, rental, or lending;

Prepare new works derived from the original (for example, a novel adapted into play, or a translation, or a musical arrangement); and publicly perform or display the work.

Anyone who does any of these things without authorization infringes the copyright and can be liable to the copyright owner for damages. In some cases, in lieu of proving actual damages, the copyright owner can recover statutory damages if the infringement was wilful, for the infringement of a work. Infringement can also be a crime, punishable by fine or imprisonment.

Who owns the copyright?

Ordinarily, the creator does. However, if he or she creates the work in the course of employment or is retained under an appropriate contract to make the work, then the work is a "work made for hire," and the employer or the contracting party owns the copyright. Co-creators jointly own the copyright in the work they create together.

Can I avoid infringement by crediting the source?

No. Copyright infringement and plagiarism are two different things. Plagiarism is the misappropriation of another's work, passing it off as your own without indicating the source. It is possible to plagiarize a work without infringing the copyright—for example if you take another's ideas without proper attribution, even though you do not copy the language, or you borrow from a work whose copyright has expired. Conversely, it is possible to infringe without plagiarizing. Properly citing the work you are copying does not avoid liability for infringement.

What happens to copyright in cyberspace?

The electronic environment presents us with new media, and even calls into question the concept of works **"fixed"** in a **"tangible medium"** many questions challenge the conventions of copyright doctrine. Courts are struggling to keep up with new technology, and the opinions of scholars and commentators on how the law should cope with these new changes are in lively conflict.

Regardless certain principles remain. The most important is that Copyright Law applies in Cyberspace. A work that is available electronically—even if it is available only electronically—is as eligible for copyright protection as work in any other medium.

Therefore, the fact that you can download text or graphics does not mean that the material is not copyrighted. The ability to download a copyrighted work does not mean that you are free to disseminate that work to others, either in electronic or in hard copy form. Those who put their work on the Internet and wish to control its use should use the copyright designation, just as they would do in print or any other medium.

You should abide by the following principles when you access a database or other electronic source of information from your own computer.

- You are free to read, watch or listen to any material to which you have authorized access, even if it is copyrighted. (In some cases you may have to pay a fee to do this.)
- Because downloading material to your own computer necessarily makes an electronic copy of it, and because printing what you've downloaded makes another copy, a copyright owner is entitled to prohibit downloading and printing.
- Remember that the site owner is not necessarily the copyright holder of the site's content. A site owner may hold the copyright to some materials but not others, or to none of it. Requests for permission should be directed to the copyright holder, not necessarily the website owner.
- Look for a copyright notice on the material. The notice may be on the opening screen, a home page, an "About this Program" screen, or at the beginning or end of individual items (such as an article or a graphic) within the database.
- If you are in a commercial database that charges a fee for searching material, and also permits you to download or print the material through mouse or key-stroke commands, you may assume that the copyright owner has authorized the operator of the database to allow users to download and print. You may pay an additional fee for this privilege. Multiple copies for classroom use may require additional fees.

Linking to other material.

Like other aspects of digital media, the law relating to links from one website to another is not entirely settled. Generally, however, you should not have a problem if you simply post a link to another site, even if that site contains copyrighted material. In such a case, you are not publishing the material; you are simply pointing the way to someone else's publication.

You should not, however, provide a link to a site that you have reason to know is violating copyright law—for example, a site that illicitly allows the free downloading of copyrighted software, music, or other material. You may reasonably assume that a website has the right to include the material found there, unless you have reason to know it is infringing. If the site you wish to link to specifies particular requirements or restrictions concerning linking (e.g., in its “Terms of Use”), you should generally comply with them or seek permission if you wish to depart from them. Ordinarily, sites that require users to enter a user name and password do not permit linking that would bypass that process.

When you construct a link, be sure that it simply sends the user to another site. If you actually bring the material onto your own site, or “frame” it, you may be infringing copyright and may also mislead users as to the source of the content.

Fair Use of Copyrighted Material

What is "fair use"?

Fair use is the right to use a copyrighted work under certain conditions without permission of the copyright owner. The doctrine helps prevent a rigid application of copyright law that would stifle the very creativity the law is designed to foster. It allows one to use and build upon prior works in a manner that does not unfairly deprive prior copyright owners of the right to control and benefit from their works. Together with other features of copyright law like the idea/expression dichotomy discussed above, fair use reconciles the copyright statute with the First Amendment

What is the test for fair use?

The fair use defence is now codified in Section 107 of the Copyright Act. The statutory formulation is intended to carry forward the fair use doctrine long recognized by the courts. The statute provides that fair use of a work “for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use, scholarship, or research)” is not an infringement of copyright.

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To determine whether a given use is fair use, the statute directs, one must consider the following four factors:

The purpose and character of the use, including whether the use is of a commercial nature or is for non-profit educational purposes;

- The nature of the copyrighted work;
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole;
- The effect of the use upon the potential market for or value of the copyrighted work.

First Factor: Purpose and Character of Use.

Will the material be the subject of significant commentary, criticism, explanation or the like by the instructor? (The more the material functions to illustrate, support or enable the new meaning or message delivered by the instructor—as opposed to functioning mainly as material for students to engage in its own right—the more likely its reproduction and distribution for course use will qualify as “transformative” in the sense described above and hence favour a finding of fair use.)

Is the copied material integral to the non-profit educational purpose of the course? For example, is the material important to a lecture or classroom discussion? (Even if the use is not “transformative,” use for a non-profit educational purpose will weigh in favour of fair use.)

Is the copyrighted material recently published (for example, in a newspaper), or is the instructor inspired at the last minute to use the material in class, with the result that there is little or no time to obtain permission? (An affirmative answer will weigh in favour of fair use.)

Are copies distributed to anyone other than students in the course who need one? (Distribution to others could weigh against a finding that the use is for a non-profit educational purpose. Unless there is a compelling educational reason to do otherwise, materials copied in reliance on fair use should be restricted to enrolled students.)

Are students being charged for the copies? If so, does the charge have any profit component, or does it only recover costs? (Copying and distribution of a commercial nature will weigh against fair use.)

Second Factor: Nature of the Work

Is the copyrighted material published or unpublished? (Unpublished works have traditionally been accorded stronger copyright protection than published works.)

Is the copyrighted material factual in nature or creative? (More fair use latitude is accorded to factual works.)

Is the copyrighted material readily available for purchase? Is it in print or out of print? (The fact that a work is out of print and unavailable for purchase through normal channels will favour fair use copying for educational purposes, though this may be mitigated if permission to photocopy may readily be purchased.)

Was the copyrighted material prepared primarily for the higher educational market—e.g., a textbook? (Fair use is likely to be more restricted for such material, since photocopying it is more likely to harm the market for it than would be true if the original were aimed primarily at a different market).

Third Factor: Amount Copied

How much of the copyrighted work is being copied? How long is the portion copied and what percentage of the work does it represent? (The smaller the portion, the more likely the copying will qualify as fair use. Generally, a strong showing on the other factors will be needed to justify copying more than one chapter of a book, or one article from a periodical or newspaper, or one short story, short essay or short poem, or other similarly small parts of a work.)

Is the portion copied the “heart” of the work? (Even a quantitatively small portion of a work may weigh against fair use if it is the most important or commercially valuable part of it.) Is the amount copied limited to that which is necessary for the educational purpose to which it is being put? (You should copy no more than is necessary for the educational purpose.)

Fourth Factor: Effect on the Market

Will the photocopying result in lost sales of copies of the copyrighted work? (Copying that substitutes for sales of the copied work will weigh significantly against a finding of fair use.)

Can permission to photocopy the material in question readily be purchased through the Copyright Clearance Centre (the “CCC”) or another efficient licensing mechanism, such as the publisher? (Even if the copying will not supplant sales of the entire work, the market for the work may nonetheless be harmed if there is an efficient mechanism for buying copies of the excerpt you want or for buying permission to copy the excerpt. Whether this market harm, if present, will tip the overall determination against a finding of fair use depends on how the other fair use factors weigh in the particular situation. The economic significance to the publisher of permission fees, as compared to revenues from book sales, may also weigh in the analysis.)

Is it difficult or perhaps impossible to locate the copyright holder or are there other significant obstacles to seeking permission? Is the expense of seeking permission greater than the value of the permission sought? (Where there is no cost-effective way to obtain permission, that fact will weigh in favour of a finding of fair use, which can be seen in part as a means for remedying market failure.)

Does the University, or other person making the copy, own a lawfully acquired or purchased copy of the work? (A negative answer will weigh against fair use.)

Is the price of permission prohibitive—i.e., so high that the instructor would reasonably forego educational use of the material in question rather than pay it? (If so, the societal value of the educational use may tend to counter the potential harm to the market for the work in proceeding without buying permission.)

Other Considerations Bearing on Several of the Factors

Is any copyright notice on the original reproduced on the photocopy? (You should reproduce the copyright notice, so that users know the work is in copyright and where to start in seeking permission for subsequent uses, and should include appropriate citation or attribution to the source.)

Is this the first time this instructor has photocopied this excerpt for course use, or has photocopying of the same material been repeated from term to term without permission? (Some people assume that “the first use is fair.” This is incorrect. Each use, whether it is the instructor’s first use or a later use, ought to be evaluated on its own merits.)

How extensive is the reliance on fair use in providing materials for this course? Is the copied material supplementing other copyrighted materials purchased or licensed for use in the course, rather than replacing such materials? (Copying that fills out a reading list of purchased or licensed materials—for example, to bring a subject up to date or supply missing pieces—may be more likely to qualify as fair use than copying that substitutes altogether for materials that are purchased or for which a license or permission has been acquired.)

What is the test for fair use?

The following are some general measures that, while not substituting for the four factor fair use test, will tend to assist a finding of fair use when copyrighted material is made available for content:

Use others’ copyrighted material in your content only if the material is integral to the content purpose.

Include your own comments, criticism and explanation, or otherwise make your use of the copyrighted material transformative.

Use only a limited portion of others’ copyrighted material, and only what is necessary for your content purpose.

Be wary of using others’ copyrighted material that is produced in digital form primarily for instructional use, or where your use would reasonably be expected to harm the market for the analog version of the material.

Consider whether a license (permission) allowing the educational use of the material that you wish to make can readily be purchased. If it can, this fact generally will weigh against fair use, though it still may be possible to prevail on fair use depending on the other circumstances (see the preceding discussion).

Don't incorporate material in your website in lieu of having students buy books or other such material.

Limit access to students enrolled in the course and other qualified people (e.g., a professor's graduate assistants). Assuming access is provided over a network, require a password or PIN. Allow access only during the term in which the course is given, and disable student access thereafter.

Wherever feasible, employ streaming formats and technological limits on copying, retention and further dissemination of the work by students.

Only incorporate portions from lawfully acquired copies of others' materials.

Avoid taking many excerpts or portions from any one work.

Alter others' works only where necessary to support specific instructional objectives.

Credit the sources fully and display the copyright notice from the original.

Include a notice that material on the website is being provided under fair use, and that the material may only be used for personal, non-commercial educational purposes. An example of such a notice can be found at

For each item of copyrighted material you wish to use, make a good faith fair use determination.

If you do not reasonably believe your proposed use passes the four factor test, you should obtain permission for the material or should not use it.

SOCIAL MEDIA GUIDEBOOK

EU FUNDED SGA II – STRENGTHENING LOCAL GOVERNMENT’S ROLE AS A PARTNER
IN DEVELOPMENT SUPPORT FOR SOCIAL MEDIA CAMPAIGN: A PILOT PROJECT



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