

# Writing - It's My Thing

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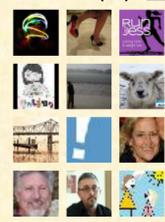
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## Copywriting vs. Copyrighting: expression vs. protection

I will never forget the time I was approached (in a bar) by a gentleman celebrating his 40th birthday. He had obviously had a few, but we got to talking, and he asked me what I did for a living. I told him I was a copywriter, which caused him to look at me blankly... then it was like a light bulb went off in his head and he replied, "That's so awesome! What a coincidence! I'm a mailman!"

Obviously, when I tell people what I do, more times than not I get a polite, "Really!?" or perhaps just an "Uh, huh!" It wasn't until a very intelligent friend of mine asked me point blank, "So...what you do...is that the little "c" in the circle thing?" that I realized that maybe a little more explanation is in order. So here goes.

### Copywriting vs. Copyrighting

CopyWRITING is what I do. I write copy. Copy is one of those all-encompassing terms for a bunch of words - and no, I'm not trying to dumb it down. That's what it is. Copywriting is a form of expression. Technically, a copywriter is a person who uses the written word to "promote" a person, business, opinion or idea. In addition to promotion, copy is written to raise awareness, to educate or to persuade.

Copy is defined as any written content intended for destinations such as websites, sales letters, articles, books, ads, brochures, press releases, radio, television, scripting, etc. All the TV and radio commercials were written by copywriters - yep, even the Billy Mays ones. The websites you go to for information - written by copywriters. The ads in the newspaper, the articles in the magazines, the brochures you pick up on vacation... that's us... copywriters.

CopyRIGHTING, on the other hand, IS that little "c" in the circle (©). It is a form of protection. At its most basic, a copyright is a right under the law of the United States (and other countries) that protects an author's original expression of an idea. This encompasses literary, dramatic, musical, artistic and certain other intellectual works. Under the 1976 Copyright Act, the owner of a copyright has the EXCLUSIVE right to (or authorize others to) reproduce the work in copies, to prepare derivative works based on the original, to distribute copies by sale, rental, lease or lending, and/or to perform or display the work publicly. It is illegal for anyone to violate these rights; however, they are limited in scope.

My brother, Kelly Talcott, is an attorney who focuses on intellectual property and technology law. In his practice, he commonly deals with cases involving copyrights, patents and trademarks. In his explanation to me he said, "It's a pretty complicated area of the law. The concept of an "author's original expression of an idea" can be broken down into 1) the Author - the person who creates the original expression; 2) Original - meaning it came from you, though outside influences can have an effect on what is considered "original"; 3) Expression - communicated and recorded some way (i.e. - your spoken word is not considered "copyrighted" until it is recorded or transcribed); and 4) Idea - such as an invention, a song, a work of art, an article, a piece of jewelry you create. It is the expression of the idea, and not the idea itself, that copyright protects. This concept is even broader and more difficult to define clearly."

So there you have it. I am a copywriter, meaning I write copy. Ironically, according to Kelly, I also have a copyright on things such as the information contained in this blog, which makes me a copyrighted copywriter. Maybe that's what I'll say next time someone asks me what I do for a living - that should really confuse 'em.

For more on copywriting, visit my website at http://www.kennardcommunications.com. For more on copyrighting, visit Kelly Talcott's blog at http://infringingactions.blogspot.com.

Posted by Amy Kennard at 9:55 PM Labels: ads, articles, author, books, brochures, copy, copyrighting, copywriting, press releases, radio, sales letters, scripting, television, websites

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