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Does an independent contractor own the work that you paid him or her to create?

By: Elliott Stapleton, Esq.

Why is this important?

It is common practice to use independent contractors, freelance designers, or consultants for the creation of logos, marketing literature, websites, photographs, videos, and software. Even though you may have paid for this work, you may not own all of the rights.

If this is the case, you may not be able to reproduce, reprint, or alter the work in the future without compensating the contractor. Further, the contractor would be able to reproduce, alter, sell, or give the work away without your permission.

How can you make sure this doesn't happen?

If a contractor is hired to create a specially-commissioned work, the best practice is to have a contract in place before work begins. The contract must include a "Work for Hire" clause describing who controls ownership of the final work.

How does this apply to employees?

Work created by an employee, within the scope of their position, is presumptively the property of the employer. It is best to have the scope of employment clearly defined to avoid confusion on this point.

For more information, read this article from the U.S. Copyright Office:

<http://www.copyright.gov/circs/circ09.pdf>

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