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# An Existential Essay on Copyright Infringement

By Glenn Campbell

The [Ufomind web site](#) is primarily intended as an aid to research into Area 51 and related topics. Although we also sell books, maps and a few logo products at our site, this is intended only as a way to fund our services. Both research and web maintenance are very expensive, and we hope, at best, to break even someday. (We are far from doing that now.)

Because research is our primary goal, we face many potential conflicts regarding the distribution of information. Since the birth of this web site, we have tried to make available all major news articles about Area 51. We recognize that some of these articles may be copyrighted, but we have reproduced them anyway, usually without asking permission. Why? Because many of these articles contain new information, and if we don't make them available, then the information will essentially be lost and the effort to collect it will have to be repeated.

Serious research requires a free flow of information, so that one researcher can build upon the work of another and not have to repeat the same steps. Commerce, on the other hand, depends on controlling and restricting the flow of information so that the owner can charge for it. The two are not always compatible, especially when the owner has no practical means of distribution. That's when compromises have to be made.

When we first started researching Area 51, basic data was hard to come by, even if it had been published before. We spent endless hours searching microfilm archives for old newspaper articles. A three hour search might lead to one blurry copy of an old newspaper article, which may or may not have been what we had hoped for. The question now is what we should do with that copy? When the internet became popular, it seemed to provide the perfect solution. We would re-type the article and place it on the web. That way no one would have to search for it anymore, and it would form the basis for the next higher level of research.

Then the purists came along and said, "You can't do that. This is intellectual property owned by the newspaper, not you. You have no right to reproduce it unless you get written permission for every article." (Please note, however, that no newspaper has actually said this, only the skeptics group [CSICOP](#) and a several email correspondents voicing their opinions.)

Our general reply is this: The newspaper may indeed own the article, but it also has no means of distributing it. Reproducing the article does not harm the newspaper in any practical way; In the case of very old articles, the newspaper may not even know they exist. At the same time, the document could be an important source of data for whatever research project we are engaged in. If we do not make the article freely available, then we are condemning every researcher that follows us to the same lengthy search; everyone would spend their time repeating the same tasks and no new research would be conducted.

Faced only with these factors, we have little hesitation: We would scan or re-type any useful article and post it to the web. Some rigid-minded individuals say we have broken the law -- and even broken it by making the single copy to begin with. We, however, look at the overall situation -- the research value vs. potential damage -- and decide that research is more important.

Things have been getting more complicated, however. Some newspapers are beginning to offer their articles in electronic form, so they may indeed be able to distribute and benefit from their past articles. Also, the number of articles about Area 51 has exploded -- to some extent because we have been so successful in distributing information about it. What started off as a small handful of articles has mushroomed to hundreds. While the journalists who write them are generally supportive of our effort (as most believe strongly in freedom of information), sooner or later someone in the business office of a newspaper is going to start making noise. "You can't reproduce this; it is a violation of the copyright laws."

We note that copyright law is far from clear about what constitutes "Fair Use," especially on the internet. But even if the rules were clear, is the law the ultimate authority?

Some people say that the law, as written and literally interpreted, must never be disobeyed. If the speed limit is 40 miles per hour, you must never go 41. We, however, are not so rigid -- or so irresponsible! Although we use the law as a guide, that does not absolve us of the need for intelligent decision making. To every situation, we must apply a test of reasonableness, based not just on law but on the actual circumstances and probable results of our actions.

We must examine our own motives and the motives of those who raised the protest, because the same act can be good or evil depending on why it is done. We try to figure out what is "right" in a given circumstance -- right being a conclusion that takes in all the conflicting issues, including the law and all the information available to us at the time. If the best balance of factors, after analysis, requires us to disobey the letter of the law, then we will proceed to do so without regret. We will blatantly xerox, scan and re-type -- knowing the possible consequences and accepting full responsibility for our actions.

At times, being a responsible citizen may require you to become a pirate. In the present case, the test of reasonableness for each potential act of piracy involves asking these questions:

- What is the value of this article to research?
- Is this article available from any other source? Is that source reasonably accessible?
- Is anyone going to be hurt by the reproduction of this article? Will the owner lose revenue? Will reproduction of

the article diminish sales of the newspaper.

- Does reproducing the article present any real risk to us?
- How long will it take us to put this article in electronic form?
- Are our own motives pure, or merely self-serving?

Our preferred mode of distribution is that we link to an article on someone else's web site instead of storing it on our own. Then the other site pays for bandwidth and server space and presumably accepts legal responsibility for having it there. (We believe there is no liability at all in establishing a new link to an existing web document on somebody else's server.) The best of all possible worlds is when the newspaper itself has a web site and we can link to the document there. Then the newspaper is free to charge for access if it wants, and we have engaged in no piracy at all! We now do this with the *Las Vegas Sun*, which has a well developed site.

Unfortunately many newspapers and magazines, like the competing *Las Vegas Review-Journal*, are still in the dark ages and offer only paper versions. In this case, when an important local news story breaks, if we don't scan the article, then no one outside of Las Vegas will ever have a chance to read it. If we don't preserve it on the web, then in a few days the article will not be accessible to anyone, and the event reported will exist only as a vague and unreliable rumor. Since the Review-Journal carries many exclusive stories on, say, the Area 51 hazardous waste lawsuit, it is essential that we preserve these documents and make them available to those who are concerned with this issue. Given our role as the primary Area 51 information clearinghouse, it would be irresponsible *not* to post them, since many people who are watching the lawsuit from other states rely on this information.

Apart from these newspapers, we acknowledge that a large proportion of the articles written about Area 51 are rubbish. At best they contain no new information; at worst they are full of inaccuracies. What is the justification for making these relatively meaningless articles available on our web site?

When there are gross errors in an article, we may feel obligated to correct them. By reproducing the article on the web, we have an opportunity to point out the inaccuracies, or at least that inaccuracies exist. That is why we reprint some of the rubbish.

Of the many other articles that simply recycle the reports of others and add nothing new, there are two categories: (1) Articles that are truly worthless, which we don't bother reproducing; and (2) Articles that offer no new data but that might provide some other kind of research value, perhaps as folklore or as the result of a certain filtering process. One example is articles on Area 51 in *The Weekly World News*, which are so silly that they are not worth refuting but that might still reflect current cultural attitudes toward the topic. The Area 51 Research Center does not limit itself to UFOs or military secrecy; we also support historical and anthropological research.

Other articles with no new information might be reproduced on our site as "negative data" -- so the reader can see for himself that the article is worthless without having to search for it first. The article might also be useful as a reflection of what one medium or subculture regards as important. For example, we have reproduced a transcript from *60 Minutes* and a portion of an article from a prominent (and litigious) skeptics magazine -- not because these documents offer anything new, but because it is useful to note what these outlets, with their known editorial slants, regard as most important about the story.

## **The Alternatives**

Because a lot of work is involved in putting an article on the web, it is our preference not to do so, and we will accept any other reasonable alternative as soon as it becomes available. If we can link to the article at a stable address on another web site, we will certainly do so. Or if the item can be easily purchased, like a book, we will either sell it ourselves or give instructions on how it can be obtained.

Two other alternatives have been suggested: (1) Publish only an abstract of each article, not the article itself; or (2)

negotiate with the owner of each article for written permission to reproduce it. Unfortunately, both alternatives are very expensive and time consuming. Writing an abstract essentially involves writing a new article, and it assumes that we already know in advance what every researcher is going to find significant about the original text. Negotiating for written permission is even more difficult. For a publisher of any size, the permission is likely to be granted only with enormous bureaucratic overhead. The Research Center doesn't have the resources to support even a single contract negotiation, never mind one for every article we want to reproduce.

## Conclusion

In short, we continue to walk a tightrope, testing each circumstance as it comes up. As the site gets larger and more popular, our political opponents, like CSICOP, are going to look harder for ways to cut us down. Any perceived copyright violation makes us vulnerable to attack, as it did for the opponents of scientology; therefore, we always want to publish the minimum amount of vulnerable material while still supporting our goals. We are eager to learn of new web sites and other outlets that we can shift responsibility to, be it a site run by the publication itself or by someone else who has chosen to reproduce the article.

## What About Copyright on our own Pages?

Is it ironic that we have reproduced copyrighted material from others while also claiming copyright on our own pages? There is no conflict, really. We may be claiming copyright on our pages, but we are also making them instantly available to everyone on the web. By placing a copyright symbol on our work, we are saying that we do not want anyone passing it off as their own and profiting from it as such. Plagiarization has never been an issue in the articles we reproduce, since we clearly state the source and are not trying to claim the work as our own or to profit from it. Apart from plagiarization, we also do not want our pages copied elsewhere because it makes it impossible to update them.

Because all of our pages are always immediately available, we are suspicious when someone copies our files to their server. This person cannot claim, as we do, that he is reproducing our work because it isn't available otherwise. We would examine the situation and probe the person for his motives. We would politely suggest that he link to our site directly instead copying it. If this didn't work, we might be forced to seek revenge, probably not with legal action, but with the internet terrorism we are known for.

Just remember what happened to the Little A'Le'Inn after they ripped off our Area 51 patch for no other reason but greed. The best way to get even is by relentlessly recording the facts, including that *horrible stench of sewage* reported in the motel rooms.

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