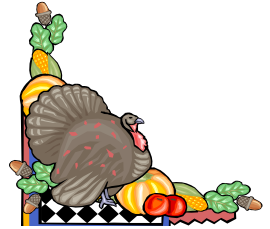




Mesmer & Deleault, PLLC  
41 Brook Street, Manchester, NH 03104  
Seacoast Office: One New Hampshire Ave., Suite 125  
Portsmouth, NH 03801

*Happy Thanksgiving!*



## “Tip of the Month”

### Whose Website? Whose Code?

Nowadays, everybody has a website. Increasingly, websites are interactive with lots of sophisticated features installed by advanced website designers. Copyright belongs to the designer or author of a work. Therefore, it is important to have a clear contract before the design work starts.

The customer who hires the website designer often assumes that the copyright belongs to the customer. This can be an expensive mistake. Often the website designer is also the website host. If a dispute arises, it could turn out that the designer controls possession of the website and owns the website copyright.

The website design contract spells out who gets what. The designer gets the money. The customer gets the website – copyright, hosting control and all. Clarity here can be a little tricky because copyright is actually a bundle of rights. Websites can have subcomponents owned or designed by others. These parts may need separate licenses.

The contract can say that this website design is a “work made for hire.” Those magic words transfer some copyrights from the designer to the customer. Sometimes, however, this is not enough. The customer usually would prefer an outright “assignment” of the designer’s copyright. This would be a more complete transfer of all the rights.

The designer usually does not want to make an assignment of all copyright in the website. The designer’s tool box contains many valuable features that the designer regularly employs for lots of customers. Instead of an assignment, the designer will grant the customer a license. The license is a permission granted from the designer to the customer to use those features.

The customer may also need to get permission to use the subcomponents designed by others. This permission might come to the customer by way of a sublicense from the designer. The customer wants to make sure the designer is actually authorized to install all the website features. The customer does not want to receive a notice of copyright violation from some third party later.

Whether you are a website designer or a customer planning to get a website, we can help you design your website design contract to be as clear as possible. For more information, please do not hesitate to give us a call at 668-1971 or contact us by email at *mailbox @ biz-patlaw.com*.

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Frank B. Mesmer, Jr., Esq.  
Robert R. Deleault, Esq.  
Phillip E. Decker, Esq.

1109

(603) 668-1971

Fax (603) 622-1445

E-mail: [mailbox@biz-patlaw.com](mailto:mailbox@biz-patlaw.com)

Website: [www.biz-patlaw.com](http://www.biz-patlaw.com)