



**SPECIAL SUMMER  
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**JULY 1999**

**But there is something inside ...**

When you look into a diamond, you don't want to see anything. *Inclusions* is the name given to the substances you may find in the stone. But there are some stones where the inclusion is what you want. In others the presence of inclusions gives an indication of its authenticity, most of the time. In fact the inventor of the Ramora ruby purposely puts something in the ruby so you know it is man made. (It's still beautiful.)

Many agates are selected for the inclusions. Dendritic quartz often show scenes which appeal to many people. They can add greatly to the appearance of jewelry. And cat's eyes and tiger eye are chosen because of the line up of asbestos fibers in the stone. When oriented correctly the light plays in such a way that the stone looks like the eye of a cat. And yes, tigers are cats, too. Rutilated quartz has become popular because of the needle like structures found within. Those who have worked this stone have discovered they can become quite a challenge depending on the line up of the rutiles.

Problems often arise when there is a big difference in hardness between the inclusion and the stone. Art jewelers have made the most of these imperfections by incorporating them into the design of their jewelry. These naturally become one of a kind.

It doesn't matter if the stone is opaque if the inclusions catch your eye. I have seen a lovely lepidolite with pink inclusions. The artist can make something unique from a relatively inexpensive piece of rock. The cut and polish are important, but the imagination and creativity of the artist come to the fore with these stones. Start looking at your collection in an imaginative way.

Have fun.

*Via The Petrograph 02/99*

**Fossil News:**

A new hominid discovery in Ethiopia may add evidence to the theory that eating a high fat/protein diet played a role in increasing hominid brain size. The new fossil skeleton was found with tools and smashed marrow bones. Stay-tuned for more info. as the experts hash out the evidence.

Keri Dearborn

*Via Del Air Bulletin 02/99*

## **Copyright Law: Facts and Fantasy**

by John Betts

Web sites, newsletter, handouts, videos, slide shows. What do they have in common? They are all subject to copyright protection and must abide by copyright laws.

This article is to clarify the many misconceptions among mineral clubs, bulletin editors, AFMS and the EFMLS. Everything in this article has been researched and verified. Unfortunately, this may hurt how mineral clubs operate. But unless we take the precautions listed in this article, you will be guilty of copyright violations.

As an author I have had many instances where my articles have been reprinted without my permission. I have heard many excuses. They all show a basic misunderstanding of today's copyright law. Following are the excuses most often given along with the actual rules that apply:

### **Misconception #1:**

The article does not have a "C in a circle" symbol, therefore it is not copyrighted.

#### **Fact:**

According to the World Intellectual Property Organization (WIPO) "The laws of almost all countries provide that protection is independent of any formalities, that is, copyright protection starts as soon as the work is created." You do not need the symbol or the phrase "All rights reserved" in order to protect an article from copyright infringement. These devices will discourage many, but they are not required.

### **Misconception #2:**

The article was less than 250 words, therefore we can use it freely.

#### **Fact:**

An article, column, paragraph or sentence are all equally protected by copyright law regardless of length.

### **Misconception #3:**

I credited the original club that published the article, therefore we are legal.

#### **Fact:**

Giving credit is not a substitute for getting permission. You must contact the author in advance and get permission. For your protection you should get permission in writing or email.

**Misconception #4:**

We got permission from another club editor to use the article, therefore we are legal.

**Fact:**

This is the most abused and misunderstood aspect of copyrights. It is sad, but true, that only the author can grant permission to reprint an article. We will discuss later various strategies for dealing with this problem in the conclusion of this article. But the law is clear, bulletin editors must get the author's permission before using an article unless the club has received the author's approval to grant permission for reprinting. (In professional journals they clearly establish copyright ownership in advance with authors.)

**Misconception #5:**

The article won a prize in the EFMLS annual competition, and the EFMLS said we can reprint it, therefore it is not protected by copyrights.

**Fact:**

This is another misunderstanding. Again, only the author can grant permission to reprint an article. If, in the future, the EFMLS includes a permission form for all entries to the bulletin editor's competition to grant permission to reproduce, then other clubs can freely use the articles. But presently there is no such provision and the authors must be contacted to get permission.

**Misconception #6:**

We are not for profit, therefore copyright laws do not apply.

**Fact:**

Copyright laws apply to everyone. Not for profit status does not exempt you from copyright laws.

**Misconception #7:**

We can distribute Xerox copies of magazine articles to our members at meetings.

**Fact:**

Photocopies, transcriptions, or reprinting are all equally treated under copyright law. It is illegal to reproduce for any purpose an article without permission except under the provision of "fair use". Copyright law does

allow fair use of copyrighted material provided only limited copies are made and it is for journalistic, educational or private use. But fair use is limited to the extent that the value of the original article is not reduced in any way. This is a very murky area of the copyright law and it is important that clubs play it safe. If you are going to rely on the fair use rule you should limit yourself to four or five paragraphs or illustrations and be careful not to take the text out of context so that the meaning is changed.

**Misconception #8:**

We excerpted only a portion of the original article, this is allowed under copyright laws.

**Fact:**

This is partially true. Small excerpts can be used, with proper credit to the original author and publisher, in original literary works without infringing on copyrights. However, Lapidary Journal recently used an excerpt of one of my articles (without permission). The excerpt amounted to 80% of the column content. That is a copyright infringement. In this case by excerpting only parts of the article they omitted important safety precautions. As a rule of thumb, keep your excerpts short, and in small proportion to the original article content, and provide complete credit to the citation.

**Misconception #9:**

The article is over 25 years old, therefore no longer protected by copyrights.

**Fact:**

There are several different terms for works published depending on date of publication. For works created before January 1, 1978 the copyright coverage is generally for 75 years after publication or 100 years after creation if unpublished, whichever is shorter. There are some subtleties in this law around a 28 year term when first published that is extended to 75 years automatically. Bulletin editors should use the rule that copyrights extend 75 years from date of publication.

**Misconception #10:**

This article was from another country, therefore not protected by copyright law.

**Fact:**

Currently all developed countries have signed either the International Union for the Protection of Literary and Artistic Works (Berne Union) or the International Union for the Protection of Industrial Property (Paris Union). The total count as of April 1, 1998 was 168 countries participating in

enforcing reciprocal copyright laws. Country of origin makes no difference, you must still get the author's permission.

**Misconception #11:**

Another club reprinted the article, therefore it is legal for our club to reprint the article.

**Fact:**

Permission granted to reproduce an article is not transferable. Each subsequent club must contact the author to get permission.

**Misconception #12:**

We included the article on our club internet web site, since we didn't actually publish anything, we have not violated the copyrights.

**Fact:**

This is one of the most common abuses and is a violation of copyrights. Again, you must get the authors permission to use the article. If the article originated on a web site, it is proper netiquette (Internet etiquette) to put a description to the article on your page with a link to the original web site article. As a courtesy you should ask permission first.

**Misconception #13:**

I got the author's permission to reprint an article that he wrote for a magazine, therefore it is legal.

**Fact:**

This may or may not be true. In general, magazines request authors to assign their copyrights to the magazine. In this case only the magazine (the copyright holder) can grant permission to use their article. However, knowledgeable authors know that they do not have to assign copyrights to the magazine, they can simply grant the magazine the right to publish the article and retain the copyright for themselves. In this case contacting the author does in fact get legal permission to use the article

By now you might think the situation looks hopeless. But there are solutions. If all clubs adopted the following standards then we will continue to have a free flow of new articles.

1. List the author's address, and email for every article printed in the newsletter. This will give other bulletin editors the information needed to get legal permission.

2. Contact the author or magazine before reprinting an article. In my experience no newspaper, magazine or author has ever refused permission to use an article in a club newsletter when asked in advance.
3. Get permission in writing, or at least email. This is essential to protect yourself from copyright infringement claims in the future, especially from forgetful authors.
4. Make all authors submitting articles to your newsletter assign your club the copyright. Then you can place a blanket permission statement on the bulletin cover page allowing use of articles within. Serious authors are likely to balk at this requirement.
5. Remember that copyright laws apply to things other than newsletters, web sites, handouts, videos, etc. are all covered by copyright law. Many infringements have needlessly occurred on web sites where articles are placed on a web site without permission. If the article exists on the author's original web site it is very easy to simply link to the original article. No need to reprint it at all. Otherwise you must get the author's permission.
6. If you cannot get permission from the author for whatever reason, you can paraphrase. Words can be copyrighted but not the ideas. You can rewrite the article in your own words and not infringe on copyrights. Be very careful to avoid accidentally changing the original meaning and it is still proper to cite your sources, in fact in the EFMLS annual competition articles are penalized if they don't cite references.
7. Use articles or illustrations in the public domain. All U.S.G.S maps and publications are in the public domain and are not covered by copyrights. Articles from magazines that have expired copyrights are also in the public domain. (Did you ever wonder why you see "It's A Wonderful Life" on television 25 times at the holidays? It is because the copyrights expired and it fell into the public domain.)

For further information on the subject of copyrights you can visit the Library of Congress United States Copyright Office web site at:

**<http://lcweb.loc.gov/copyright/>**

Or visit the World Intellectual Property Organization web site at:

**<http://www.wipo.org/eng/index.htm>**

Permission for unlimited reproduction is granted.

*Via Scribe April, May, June 1999*

### **Don'ts for Silversmiths**

- Don't forget to wear eye protection when soldering.
- Don't try to heat solder too fast.
- Don't try to hard solder any items which have traces of lead solder on the metal.
- Don't leave flammable substances around in open containers.
- Don't forget the proper way to mix water with acid. (Add acid to water).
- Don't leave acid bottles open, the fumes can rusts your tools.
- Don't use oil in any oxygen equipment, oxygen and oil may combine to cause an explosion.
- Don't think that because a stone is hard it won't break easily. Always use care in setting stones to avoid uneven pressure along edges.
- Don't try to size a ring without removing the stone.

Submitted by John Bixby ("Lil" John)

Excerpts from Breccia, Via Gem Carvers Guild of America 03/99

## **Are You Ready for Children?**

### **The Mess Test**

Smear peanut butter on the sofa and curtains. Now rub your hands in the wet flowerbed and rub on the walls. Cover the stains with crayons. Place a fish stick behind the couch and leave it there all summer. Obtain a 55-gallon box of Legos. (If Legos are not available, you may substitute roofing tacks or broken bottles.) Have a friend spread them all over the house. Put on a blindfold. Try to walk to the bathroom or kitchen with no shoes on. Do not scream (this could wake a child at night).

### **The Grocery Store Test**

Borrow one or two small animals (goats are best) and take them with you as you shop at the grocery store. Always keep them in sight and pay for anything they eat or damage.

### **The Dressing Test**

Obtain one large, unhappy, live octopus. Stuff into a small net bag making sure that all arms stay inside.

### **The Feeding Test**

Obtain a large plastic milk jug. Fill halfway with water. Suspend from the ceiling with a stout cord. Start the jug swinging. Try to insert spoonfuls of soggy cereal (such as Fruit Loops or Cheerios) into the mouth of the jug while pretending to be an airplane. Now dump the contents of the jug on the floor.

### **The Night Test**

Prepare by obtaining a small cloth bag and fill it with 8 to 12 pounds of sand. Soak it thoroughly in water. At 8:00 PM begin to waltz and hum with the bag, until 9:00 PM. Lay down your bag and set your alarm for 10:00 PM. Get up, pick up your bag, and sing every song you have ever heard.

Make up about a dozen more and sing these too until 4:00 AM. Set alarm for 5:00 AM. Get up and make breakfast, Keep this up for 5 years. Look cheerful.

### **The Physical Test (Women)**

Obtain a large beanbag chair and attach it to the front of your clothes. Leave it there for 9 months. Now remove 10% of the beans.

### **The Physical Test (Men)**

Go to the nearest drug store. Set your wallet on the counter. Ask the clerk to help himself. Now proceed to the nearest food store. Go to the head office and arrange for your paycheck to be directly deposited to the store. Purchase a newspaper. Go home and read it quietly for the last time.

### **The Final Assignment**

Find a couple who already have a small child. Lecture them on how they can improve their discipline, patience, tolerance, toilet training, and child's table manners. Suggest many ways they can improve. Emphasize to them that they should never allow their children to run riot. Enjoy this experience. It will be the last time you will have all the answers.

*Via Baker Valley News June 18, 1999*

### **Earthquake Cake**

- 1 box German Chocolate Cake mix
- 1 cup chopped nuts
- 1 cup coconut

Grease and flour 10" x 15" pan. Put chopped nuts in bottom, then add coconut. Mix cake according to box directions, then pour over coconut and nuts.

- 5 oz. cream cheese, softened
- 1 stick butter or margarine, softened
- 1 pound powdered sugar
- 1 teaspoon vanilla

Mix well and drop by spoonfuls on top of cake mix and stir. Bake at 350 degrees for 45 to 50 minutes.

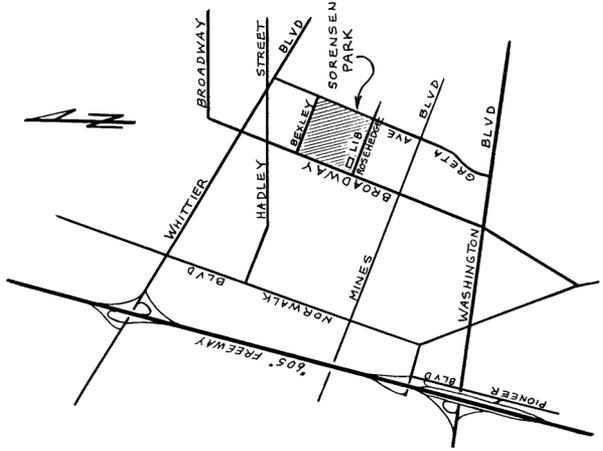
*Provided by Ken Boynton, Via The Coral Geode 03/99*



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Meeting Date: September 23, 1999 at 7:30 PM  
Location: Sorensen Park (See Map)