Copyright or Right to Copy? (A)

Akash squinted to examine the poster, and then held it at arm’s length, leaned back on his chair, and sighed. There was no doubt about it – the picture on the poster had a watermark clearly spelling out copyrighted ownership. “How could the team have ignored this?” he wondered? The company was all set to launch a new service for its clients the coming Friday. Today was Tuesday. Everything seemed to be ready – the press release, the poster, the resources. The lead speaker for the event would be flying down after two days. The target audience had already been “prepped”, invitations had been sent, money had been invested. And just this morning, Ravi, a sharp-eyed new recruit had spotted what seemed to be a copyright mark, on the picture occupying most of the poster. He immediately brought this to the notice of Akash, the team leader. “Call the group immediately for a meeting. We have a problem,” said Akash.

The story so far…

Akash Dubey, affectionately called, “Chief”, was a bright 34 year old MBA, leading a team of four executives, at People First Limited (PFL), a boutique human resources consultancy company, located in Mumbai, with clients across seven Indian cities. After his post-graduation in human resource management, he worked with a leading Indian Fast Moving Goods Company

1 Developed by Piya Mukherjee - Director - VES Leadership Academy and Research Centre, Mumbai and Corporate Trainer - Ethics and Human Values and Cross-Cultural Sensitization. This case was inspired by actual experience but names and other situational details have been changed, and interview sources left un-credited with permission, for confidentiality and teaching purposes. GVV works in close collaboration with the Principles for Responsible Management Education (PRME, http://www.unprme.org/index.php), an initiative of the United Nations Global Compact, which seeks to inspire and champion responsible management education, research, and thought leadership globally. PRME’s support for case development is gratefully acknowledged.
(FMCG), gaining some useful insights about trends in human resource management. Wanting to sink his teeth into more challenging and “core HR” work, he moved to PFL. The informal working atmosphere and the lack of bureaucratic procedures that otherwise slowed down decision-making, were a bonus. “Just get the work done; I trust you to deal with the nitty-gritties” was an oft-repeated statement of “Boss”, Ashok Rai, the forty-something divisional head to whom Akash reported. The average age of the 40-odd employees of this five-year old firm was thirty. While “casual Fridays” was yet to become an established norm, denims were de riguer on the occasional working Saturdays. “We take our commitments seriously, not ourselves” was yet another Ashok-ism that Akash had heard many times. There was yet another aspect of PFL that enthused Akash – it seemed to be the kind of place that believed in clear communication, good teamwork and healthy people-practices – something that suited the incisive-yet-soft-spoken Akash just fine.

Right from the outset, Akash had been placed in charge of a team comprising three graduates, Shefali, Kaveri and Martin, all of whom had joined PFL a few years ago, after completing their studies. Hiring MBAs was a recent practice, one enabled by the quick break-even reached by PFL within four years of operation. Feeling the need for an analytical mind, Akash had requested another MBA for his team, and had subsequently hired Ravi, a 24-year old MBA from Indore. The group of five was responsible for new business development. It was their job to scour the market for opportunities in the area of organizational development, training, recruitment practices and the like, and win clients for PFL. Akash considered himself to be fortunate to be leading a go-getting team, in a company that seemingly believed in “clean practices” – something important to Akash. His Business Ethics course in the MBA programme had left him with a much clearer understanding of the need for sustainable, healthy corporate practices.

The poster:

Akash and his team had helped PFL zero-in on a new service area to offer to their clients – the metrics to measure the effectiveness of training. Their studies had shown how companies were happy to pay large amounts to well-known trainers, consultants and transformational coaches. Yet, there existed a gap when it came to assessing the impact of such work. This is where PFL would step in, to offer various packages to their clients, helping them mark every rupee spent against the rupee gained.

After receiving the A-OK from Ashok, Akash and his team began working on the launch of this new PFL service. A gala event had been planned at a classy and upscale venue. Martin, with some experience of design, offered to take care of the visual aspects of the posters, which would be mounted throughout the event space, the invitation cards and the publicity brochures. Kaveri said she would work with the press, the clients and a few collaborating trainers. Shefali decided

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2It is commonplace for bright young MBAs to join FMCG to receive some intense, hands-on training in different functional areas of management. Some of them then choose to leave such companies, to join pure-HR / Finance companies, usually at higher salaries.
to take care of what she called the “little but numerous details” such as the food, the transport, logistics and so on. Speakers and trainers got invited to the event, along with existing clients as well as several potential ones. Most had confirmed their participation.

The next few days passed in a flurry of activity for the team. Akash, particularly, found himself hard-pressed for time, as he scrutinized invoices, okayed the design material, helped with the content generation for the publicity kit and so on. He had begun arriving early to work, to deal with the last-minute tasks that invariably needed careful handling.

And this morning, Ravi called him on the internal telephone line, to say, “Chief, I spotted something on our poster that I think you should see.” Knowing that Ravi would not have called him for something trivial, Akash called him to his desk right away. And it was soon clear that the picture used in the main poster for the event had a copyright logo on it. The picture had, in the foreground, pastel-coloured silhouettes of a group of people being addressed by an apparent leader and, in the background, the world was represented by a beautifully shaded globe. It seemed to convey teamwork, achievement and growth. It seemed apt for the service that PFL was all set to launch - only for the clearly visible name of the company that had designed the picture, in small white letters, superimposed on the globe. Had the team acquired the rights for this picture they would have been able to use the original version—not bearing the copyright logo. Akash sighed. He felt let-down by the choice made by the team. At the same time he was puzzled – had his assessment of his team’s shared perspective been wrong?

**Time for accountability:**

The team trooped into the cabin.

Akash: Guys, I don’t know if you thought about this but there is something that has just come to my notice.

Kaveri: What is it, Chief? Anything serious?

Akash: Yes, you could say, in way it is serious. It’s about the picture we have used in our poster.

Martin: (looking baffled) What about it? I thought everyone liked it? (Looks around at the others for assurance.)

Akash: You know, it happens to have a copyright symbol.

(Shefali and Kaveri nod; Martin looks nonplussed. Ravi stares at the floor. No one speaks.)

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3 Cabin in the Indian work context refers to private room or office.
Akash: Actually, we should not be using it.

(Except for Ravi, the other three burst into a flurry of “Why not’s?” and “What’s wrong with that?”)

Akash (raises a hand for silence and turns to Martin): How did this happen? Was the picture your choice? Where did you get the picture from?

Martin (looking sheepish): I got this picture off the Internet and it seemed to be most suitable. I showed it to Kaveri and Shefali and they liked it. We thought you would like it too…

Akash: The issue is not about liking or disliking it. Did you not see the copyright symbol?

Martin: Actually, I did…but we were on a stiff deadline…(peters off).

Shefali: Chief, Martin did mention it to us and we noticed the copyright logo, but trust me, it’s nothing unusual to use such pictures. It’s quite common nowadays. Why, just the other day I saw a poster at my gym. It had a picture with a copyright symbol. (Shrugging) It’s really not a big deal. I mean, you like a picture that is put up on the Internet for the whole world to see and you use it. That’s all!

Kaveri: It’s not that we are deliberately doing anything wrong. It’s just a one-time use of a picture out of millions of pictures off the Internet.

Ravi just shook his head and looked at the floor, avoiding eye contact with the others. Akash mentally filed away the little but important detail – going strictly by non-verbal language and group dynamics, Ravi seemed like he was not yet part of the group. Had he discovered the slip-up earlier but hesitated on account of not wanting to tell on the others? Had he even been a part of the discussions about whether or not to use the picture? Going by the events, it did not seem so. Was his “MBA-but-no-industry-experience” tag at odds with the “Graduate-but-have-earned-the-spurs” approach of the others? Akash decided to tackle this apparent problem later…

He wondered - was this really the team he had been so proud to work with? In the last four years of working together, Akash had not spotted a “cutting the corners to get work done” approach. Just five months earlier, working on very short notice, the team had pulled out all the stops to create a customised list of value-add services for one of the reputed clients of PFL. To celebrate the inking of the contract, Ashok had treated the team to a dinner at a trendy restaurant. “Akash”, he had said, “you’re lucky to be working with this bunch – they have the brains, the right attitude and the drive to excel.” Akash couldn’t have agreed more.

And now, his team seemed unable to realize that there was a problem with their choice of a picture. Akash realized that to some his concerns might seem over-stated, but to him these
seemingly small decisions were a key part of building the team’s (and the company’s) identity. He wanted them to work fast and smart, to develop an independent spirit, but not at the expense of their commitment to doing the work well and with integrity. And he wanted them to learn to problem-solve together rather than to silence those that might disagree, as he feared may have happened with Ravi. Akash believed the best work is done when all voices are heard and considered.

Akash: Did any of you pause to think what it means to use a copyrighted picture? And did you also consider bringing this to my attention whenever you noticed it? I thought we all understood that on this team, we work together and communicate things clearly. And I have been right here with you, working for longer hours these days – any of you could have mentioned this to me. Why didn’t you?

Martin: We did think about it. But we thought nobody would notice the symbol – it’s quite small. So it doesn’t matter. And besides, you were so busy. You know what Boss says about our needing to deal with the nitty-gritties without bothering our seniors (looks balefully at Ravi). We thought it was O.K. to go ahead.

Akash: Have I ever asked you not to bother me with something that is “too small”? And yes, we are all busy. But, never too busy to deal with details, no matter how seemingly small. This is not O.K. We are 3 days away from the event launch. Now, what should we do? How do we deal with this issue?

(Everyone was silent. Ravi looked grave, Martin appeared to still be baffled. Kaveri and Shefali seemed to be deep in thought.)

Martin: Err, how about if I try to lighten the shade of colour of the picture? The copyright symbol will then be barely visible. It’s in white and will blend right in (looks relieved at having come up with an answer).

Kaveri: Or, we could add some abstract art around the main picture; the logo will then be less perceivable. Maybe some stylized twining branches and leaves?

Shefali (looking thoughtful): Do you think anyone will really scrutinize the poster the way we are doing now? Most people give such publicity material only a cursory look. They are not likely to spot the logo on the picture, right? Sorry to say so, Chief, but isn’t this exercise “Much ado over nothing?”

(Aakash looked at her without replying).
Martin (chiming in again): Or, we could use a matte finish paper for the last batch of our posters – the logo would not look as sharp and distinct… then we could put those versions of the poster in the more prominent spots and displaying the ones we’ve already printed towards the back.

Akash (interrupting): I thought I had made myself clear – we cannot and will not use this picture in this manner.

Shefali (hurriedly): But Chief, the launch is on Friday and we don’t have time to contact the copyright-holder and buy the picture. Besides, a high-resolution image is likely to cost anything from Rs 1,500 to Rs 5,000. Why add to the costs? And the poster looks so attractive.

Kaveri (supporting Shefali): Yes, I agree. It would be a pity to let the printed posters go waste. We have already received the initial batch of posters. Boss is going to be really unhappy if we go to him for a fresh budget approval for another batch of new posters—plus we are so short on time, can we really redesign something in time, anyway? Why don’t we go ahead this time, and the next time, we’ll be more careful and avoid such a thing. Besides, don’t we claim to be an eco-conscious company? Why waste these?

Ravi (speaking for the first time): There do seem to be budgetary and environmental considerations against changing the poster at this point and yet…Chief, can we possibly postpone the launch?

Akash (shaking his head): That is not an option – barring this poster, all other details have been planned, budgeted, approved and are at the final stage of implementation. Can you begin to imagine the kind of negative publicity we would receive if we cancelled our event now?

Ravi: Then, can we go ahead without a poster? Perhaps we could simply e-mail to our invitees the details that are contained in the poster?

Martin (turning to Ravi): We can’t have an event without a poster. (Muttering under his breath) Not all of our clients are MBAs; most like the old-fashioned visual appeal of a colourful poster that explains things.

The tension in the air (and in the group) was mounting.

**Now what?**

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4 High resolution images, if bought as stand-alone pictures and not as part of a set of 10 or more pictures, may cost approximately Rs 1,500 to Rs 5,000 per image, depending on how unique the shot is. Low resolution images would cost lesser. Since this picture is to be used for a poster that is being used to publicize the launch of a new vertical, one may assume that a high resolution picture would be preferred.
As Akash looked at each person in turn he wondered what to do and say next. They did have a deadline and of course, he could simply tell them and what to do. However, he feared that this situation might be a reflection of some deeper issues, which needed to be addressed now, when the stakes were not too high. To Akash, the issue about the picture on the poster was important. But more important was the issue of his team’s casual acceptance of compromise. Another thing that worried Akash was the “patchy” team-spirit and their inability to problem-solve together. What could he say and do to address these?

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