



capital translator

Newsletter of the National Capital Area Chapter of the American Translators Association
Vol. 19, No. 7 October 1997

Copyright Law and the Web

by Julie Anne Elliot

The legalities of taking someone else's material and republishing them elsewhere (whether print or online media) are well understood. Even before the Internet became a commercial place, the BBS world and private online service world (CompuServe, etc.) dealt with this issue as it relates to the online medium. Intellectual property lawyers agree that if you post a document or photo online, it remains your property. If people repost it on their own sites, they are violating your copyright. If they create derivative works (i.e., altering your photo or your document) without your permission, they are violating your copyright. The law is not ambiguous on this aspect of the Internet. Judges have already interpreted the online world as just another medium which is subject to exactly the same copyright laws as any other medium. Period.

Suppose someone posts a copy of your work, a poem you wrote, for example, or an image you created, to her website without having first gotten your permission. This person may not even have given you any credit for your own work. If you find this site (and since this person clearly shares some interests with you, it may be more likely than you think),

don't just let it go by without saying anything to her! The author of that website is doing something that is both illegal and immoral. Unless you make some noise, you're tacitly letting her get away with stealing your intellectual property and effectively encouraging her to run around stealing other people's work, too!

If this person had contacted you to ask for permission to use your work, you could have specified the terms under which you would grant such permission. Such terms could be, "My picture must be accompanied by a caption that says '____'," or "...a hotlink to my website at _____," or "You must pay me \$__." (That last one is what a major corporation like Disney would probably demand.)

When you place a photo of yourself (or any other image to which you own the rights) online, whether it be on the Internet, on CompuServe, or any other online venue, you retain your copyright. Placing it online does not somehow void your legal rights of ownership. I don't know whether this has been tested in court, but this is exactly how the intellectual property legal community has interpreted copyright law.

The one thing that the law does permit is for people to link their sites to someone else's, so long as they do not use an HTML frame of their own creation around the other person's content. The courts recently issued an injunction against a company who linked to someone else's news site using a frame that contained its own advertising.

Now, what about that person who put your picture on her site? I

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Editors: Ruth Zimmer Boggs
703-378-9305
102076.3271 (CIS)
REZB@aol.com

Cassandra Decker
804-788-9911
deckerc@erols.com

Production: Karin Wuertz-Schaefer
301-607-8036
104773.3426 (CIS)

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National Capital Area Chapter of the American Translators Association (NCATA)

President: Lillian Clementi
703-820-8663

Vice President: Kim F. Olson
703-803-6781

Secretary: Russ Hultgren
301-565-0032

Treasurer: Barbara Oldroyd
301-977-7820

Membership: Michael Wahlster
804-984-1305

Program Chair: Alissa Martin
301-718-0405


Accreditation: Bill Keasbey
301-897-8318

The **Chapter Address** is P. O. Box 65200,
Washington, DC 20035-5200,
Tel: 703-255-9290
Web site: www.ncata.org

The **National HQ Address** is American Translators
Association, 1800 Diagonal Road, Suite 220,
Alexandria, VA 22314-2840,
Tel: 703-683-6100, Fax: 703-683-6122
Web site: www.atanet.org

For membership information and address changes,
please write to the chapter at the above address,
Attn: Membership

For advertising in the *Capital Translator*,
please contact Angelika Spears, Advertising
Coordinator, Tel: 301-464-8309,
e-mail: 102502.3224@compuserve.com

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President's Corner

by Lillian Clementi



This year's ATA ballot will revisit the controversial issue of extending voting rights to Associate members. A similar proposal was defeated by a very narrow margin two years ago in Nashville, so every vote will count in this year's election. Voting members of ATA will have three options: reject the referendum and maintain the status quo, which restricts voting rights to Active and Corresponding members; grant voting rights to Associate members as soon as they join ATA; or enfranchise Associate members after they complete a qualifying period of 12 consecutive months of membership. Although I opposed this change in 1995, I have since come to support it.

I've changed my mind in part because passage of the referendum would have tangible benefits for us at the chapter level. The ATA bylaws require that chapter presidents and vice presidents be **voting and right now that means Active** members of ATA, which limits the field of potential candidates to less than 20% of NCATA's membership. By granting Associate members the right to vote, we would open our top offices to the many talented and thoughtful people who for perfectly valid reasons are not Active ATA members. Many interpreters, for example, have no reason to seek accreditation, and many NCATA members have joined the chapter for the personal contact and local benefits that ATA can't always offer. Why should we continue to deprive the chapter of their energy and vision by barring them from office?

At its core, though, this is a question of identity: should ATA be a professional association, with voting rights limited to translators who have passed the accreditation exam or undergone peer review, or should it be an umbrella association open

to anyone interested in the translation business? While I accepted the professional association model in the past, I now believe that ATA is already becoming an umbrella association and that we should continue to move deliberately in this direction. A broader perspective on the industry benefits all of us, and without it, the larger world will simply pass us by.

I've often heard the reasoning that accreditation or peer review, though far from perfect, is at least a demonstration of commitment to the profession. I simply don't buy it anymore. A translator who passes the accreditation exam but isn't attuned to issues affecting ATA and the translation industry as a whole is probably less qualified to vote and may well have less commitment to the profession than an Associate member who is active in the ATA and/or the local chapter. If commitment is what we're after, the qualifying period proposed by the referendum is at least as good a criterion as accreditation and has the added merit of being straightforward about it.

Perhaps the most common argument against Associate voting rights is that ATA could be taken over by outside forces hostile to the interests of professional translators what I call the *Mutant Agency Owners from Mars* theory. I've never bought this one. Sure there are unscrupulous translation companies out there. And slimy purveyors of over-hyped MT systems. And lousy translators. But I don't see them lasting long, and I certainly don't see them plotting to control ATA. On the off chance that they tried, I'm confident that the good guys would be able to fight them off, particularly since practicing

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Take the *novel approach* to investing

by Cassandra Decker

The *Whole Kitt & Caboodle* by Susan Laubach is, as the subtitle says, a painless journey to investment enlightenment. If you've never been able to force yourself to learn about investing, you no longer have any excuse. All that jargon and dry lecturing are buried deep within the entertaining story of how Missy Kitt, novice stockbroker, takes the investment world by storm and turns around the fortunes of the down-at-heels investment firm, Caboodle & Company. Missy Kitt discovers the 10 commandments of investing, takes a company public, and develops a "Four-Season Portfolio Plan." In the process, she, and we, learn how to calculate P/E, multiples, and growth rate. We learn how to use that information in developing a portfolio which suits

our needs. What are stockbrokers good for? What other resources are available to investors? And what does NASDAQ stand for anyway? Susan Laubach answers all these questions and leaves us itching to run out and start researching stock.

In short, this is a terrific way to learn about investing. Remember, ignorance is not bliss and the process of developing a portfolio is far less complicated than you can image. Invest a little time in yourself and read this book!

The Whole Kitt & Caboodle (ISBN 0-9631246-1-7) is published by Bancroft Press, the telephone number is 800-637-7377. The list price is \$16.95 and this book is available for \$13.56 from amazon.com (<http://www.amazon.com>). ☞

Message ...continued from page 2

translators and interpreters far outnumber the other groups represented in the national membership. We're strong enough to be more inclusive, and a broader base of voting members will make us stronger still. I'm voting for the referendum, and I urge you to do the same. ☞

Elvis a Candidate for NCATA Office

Well, actually, we couldn't get Elvis, so how about you? NCATA is looking for enthusiastic, reliable candidates to fill the offices of President, Treasurer, and Membership Chair starting in January of 1998. Don't be cruel! Take this opportunity to be more active in NCATA and move the chapter in the direction you think it should go. If you think you might be interested but want to know more about the job, just shake, rattle and roll over to your desk and contact one of the NCATA officers below by October 15. We'll have a blue Christmas without you.

President: renewable two-year term; must be an Active member of ATA. Perks include three free bodyguards and ten thousand screaming fans. For more information, contact Lillian Clementi at (703) 820-8663 or 75041.3327@compuserve.com

Treasurer: renewable two-year term. Basic math and/or bookkeeping skills required. White jumpsuit a plus. For more information, contact Barbara Oldroyd at (301) 977-7820.

Membership Chair: renewable one-year term. Some familiarity with database software and Internet desirable. Bouffant hair optional. For more information, contact Michael Wahlster at (804) 984-1305 or mwahlster@comet.net. ☞

Correction

Please note that the September CT (Vol. 19, No. 6) was incorrectly identified as the issue for June 1997. Please note too that phone numbers for the DC Chapter and for Russ Hultgren, NCATA Secretary, have been updated in the masthead.

Accreditation Examination Sitting in December

The Chapter has arranged to hold an accreditation examination at the Alexandria Graduate Education Center of The George Washington University, 1775B Duke Street, Alexandria, VA, on Saturday, December 13, at 1:30 pm. Those interested in taking the examination at that time should obtain the registration forms from ATA Headquarters by calling 703-683-6100. Please note that you must take a practice test before registering for the actual examination, unless you are already accredited in another language pair. Applications for practice tests may also be obtained from ATA Headquarters.

If you have questions about the accreditation program, you may either call ATA Headquarters or the Chapter's Accreditation Chair, Bill Keasbey, 301-530-5031. ☞

If the soft touch doesn't work, here's what you can do:

Send an e-mail to the person who manages the offending site stating that you have discovered that they have violated your copyright by republishing your material, and you expect them to remove it *immediately*. Tell them if they fail to remove it immediately, you will be forced to take legal action against them.

If you can tell who their Internet service provider (ISP) is, send a letter to that ISP stating that one of their customers has violated your copyright law. Identify the offending URL. Tell them that you have notified the violator of your demand that they remove your intellectual property from their site, and you expect the ISP to also contact the violator and tell them that they must remove your material from their site.

The *contract of service* that exists between most ISP's and their customers generally stipulates that the customer will not use the ISP's service to conduct illegal activity. Copyright violation is illegal activity. The ISP has the right and the obligation to tell the offender that their ISP service will be terminated if the offender fails to remove the illegal material from the site.

Some legal precedents in the United States say that once an ISP has been notified that illegal material exists on their infrastructure, they are obligated to cooperate with the owner of the copyright they must provide contact information for that customer to you so you can bring a lawsuit on your own behalf, and they must themselves tell the offender that it is not acceptable to put illegal material on their servers.

Failure to cooperate with the owner of the copyright puts them at legal risk of being viewed as an accessory to the crime. It's ultimately up to the court whether to indeed judge them as an accessory, but there have been legal precedents in which the ISP has been held accountable for failing to take action upon being notified that their infrastructures were being used for illegal activity.

You can sue the person who put up the offending site for copyright violation, and if the ISP refuses to cooperate with you, you can name the ISP as a party in your suit. The ISP is the *higher authority* to whom you have recourse. ✍

Copyright ...continued from page 1

doubt she meant to break the law. This person probably just took pictures she liked from various sources and put them on her page. But even if she was ignorant of the illegality of what she was doing, she was still entirely guilty of being inexcusably rude by not first getting your permission to use your photo and she was even ruder if she didn't give you credit.

I would recommend sending an e-mail to that person saying, "I was very surprised to discover my picture on your web page!" Say that for your own web page, you wouldn't dream of using someone else's work unless you first got their permission. And that you expect that same level of courtesy from other people who want your work. Overall, take a courteous, somewhat friendly tone, but stay firm and don't hedge. If it's okay with you that your picture remains on their page, tell her so and then lay out your terms.

Be sure to tell her that even if she didn't realize it, "there's a federal law against using other people's pictures without first getting their permission. I thought you'd like to know that before you get socked with a copyright violation lawsuit from one of the people whose work you've used."

In general, start with the assumption that this person may have been well-meaning, but not imbued with a lot of common sense. Adopt a tone that portrays you as 1) Someone who cares about the fact that her image was used without permission and is now sticking up for her rights, and 2) A nice person who would be very disappointed to see the offender get socked with a lawsuit over a law she didn't realize she was breaking.

While the law is still fuzzy about whether people whose sites offend you should be allowed to link to yours, it is most definitely **not** fuzzy when it comes to copyright violations. Placing someone's work

online without *first* explicitly securing the permission of the person who owns it is breaking copyright law. In other words, *It is a violation of a Federal law*. You have legal grounds to sue the constructor of that page for violating your copyright. ✍

Julie Anne Elliot has a BA in journalism and French and an MBA. She has translated articles in medical journals from French and German into English for use by researchers at the University of Iowa. In her 15 years of employment at CompuServe, she has managed online content areas and frequently addressed legal issues relating to electronic publishing.

Inglis At Length

Crime Passionnel or How to Get Arrested in Two Languages



An Englishman Reflects Upon the Death of Princess Diana

by Neil Inglis

Second degree murder:

The unlawful taking of human life with malice but without the other aggravating elements of first degree murder; i.e., without deliberation or premeditation.

Involuntary manslaughter:

(...) exists where a person in committing an unlawful act not felonious or tending to great bodily harm, or in committing a lawful act without proper caution or requisite skill, unguardedly or undesignedly kills another.

(From *Black's Law Dictionary*)

One of the most beautiful and beloved women in human history has just died in a car accident. Who would want to discuss legalities at a time like this? *CT* readers, of course.

A brainteaser for you. Which English legal term best translates the charge of *homicide involontaire* which Lady Diana's camera-toting pursuers are facing?

The delightfully named Mr. Rat and his buddies may also have broken France's "Good Samaritan" law on *non-assistance à personne(s) en danger*. As the French have an affirmative responsibility to aid road accident victims, rather than stand by and take snapshots, perhaps we should call this the Compulsory Good Samaritan Law.

In the words of the 9/3/97 Washington Post, Rat and his gang of merry men were *placed under investigation*, an obvious reference to the French legalism *mise en examen*.

The WP's transliteration of the French term strikes me as unsatisfactory, and I would welcome suggested improvements from *CT* readers. Civil law terminology, as we all know by now, does not go smoothly into English, and a prudent, common-sense approach is needed in order to avoid the many translation traps involved.

How to negotiate the minefield? Fistfuls of generally informative tips are to be found in *An English Reader's Guide to the French Legal System* by Martin Weston (available at Dillons in London, fax: 0171 580 7680). For example, Weston offers *decisions to detain accused persons pending trial* as a rendition for *décisions de mise en détention provisoire* (p. 47). You be the judge (well, wouldn't we all?).

Of course, these translation problems do not exist in a vacuum. They must be seen in relation to the broader social ramifications of Lady Diana's death. Among other things, the royal funeral has shed remarkable light on British cultural values, including attitudes toward the expression of emotion in public, sex and parenthood.

Foreign observers have always been stunned at the callousness with which the British upper classes treat their children. By tradition, little boys were separated from their parents at the age of eight (my late father was the world record holder; he was packed off to boarding school in a distant land at the hideous age of 5). Under this system, sensitive

children are toughened into warriors for an empire that no longer exists.

The British royal family honor this tradition energetically. Prince Charles attended Gordonstoun, a Scottish establishment feared for its rigor, where pupils face a daily regime of cold baths, salted oatmeal breakfasts and early morning runs in the gorse. Pupils at such schools learn to go with the flow.

Above all, boarding-school boys learn not to *blub*; they are expected to take bad news on the chin, for their fellow pupils will haze them at the first sign of tears. In his memoirs, English author Colin Welch described one visit to the principal's office at his childhood boarding school, shortly after his twelfth birthday. Welch was terrified but dared not show it. What fate awaited him? 12 strokes of the cane (one for each year)?

The principal (or *headmaster*) had some bad news for the little boy: Colin's father had been killed in action at Dunkirk. Here the principal showed some imagination. Rather than release little Colin back into a pack of braying schoolboys, the principal delegated his young and very attractive French wife to look after Colin over the weekend, to drive him to a nearby seaside resort and feed him on Eccles cakes and Walls ice-cream, but above all to let him cry in peace. Welch never forgot this kindness; and as he took up his pen to write 50 years later, he

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pondered that his headmaster must have had a passionate side to be married to such a warm and beautiful woman. Respectable people were not supposed to do such things.

Washingtonians have been flocking to the British historical drama, Mrs. Brown, recounting the widowed Queen Victoria's friendship with her Scottish equerry, John Brown. Some may question whether Victoria, a byword for priggery, would have countenanced a love affair with such a man. And yet, according to one well-attested tradition, Victoria's marriage with her late husband Albert was a carnal union in the best sense of the term; so anything's possible. Still, doubts linger; respectable English folk are not meant to behave that way.

The ancient British attributes of sexual reticence and emotional reserve are inculcated from the cradle, but they have been called into question in the wake of Lady Diana's death. This reappraisal is long overdue. You might think there is nothing left to say about Diana; however, not all sides of the story have received the attention they deserve. Some observations:

(1) Lesson No. 1. It used to be *not done* to shed tears in Britain. Here again the royal family were defenders of tradition; they held back the tears, and by their example, gave comfort and fortitude to their subjects in times of trouble. Diana would have none of this; her death gave the English an emotional slingshot, enabling them to show feelings which their culture forbids them to express.

Thank goodness it is no longer unacceptable to cry in public over there! Alas, the tearful outpouring of sympathy for William and Harry will not be replicated when the boys return to school. There are no worse places to recover from bereavement. The schoolboy mob may spare them for a day or two, but not longer. There will be tactless remarks, innu-

endo, and graffiti, and worse. William may survive in the *Lord of the Flies* social hierarchy that rules Eton. But pray for young Harry.

(2) Lesson No. 2. Despite Queen Elizabeth's professed admiration for Lady Di, for all the talk about Prince Charles' sobbing in the Balmoral hills, rest assured of one thing: Buckingham Palace had been counting on Diana to age into obscurity. The royals are nothing if not patient. They have infinite devices for wearing their enemies down. They are tenacious and indefatigable. Remem-

**William may survive
in the *Lord of the
Flies* social hierarchy
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Harry.**

ber Sigourney Weaver's combat with the monster in the movie *Aliens*? Diana's struggle with the Windsors was like that. In death the Princess has her victory.

(3) I was forced to go to daily chapel in London's Westminster Abbey from 1975 to 1979 (I attended the private school next door—less rigid than Gordonstoun but not by far). The Abbey's sound system was muffled and inaudible (a good job too—it meant that we boys could catch forty winks during the long and droning sermons). How Elton John and Lynne Dawson made themselves heard I shall never know (they managed it!). Charles Spencer's stinging eulogy likewise came through loud and clear. The surest

sign that England has undergone a cultural shift of seismic proportions? Spencer mentioned his sister's eating disorders. In polite society, such things were as unmentionable as they were commonplace. Now the veil has been lifted.

(4) The social circles from which Lady Diana sprang are wealthy but entirely anti-intellectual. Her peers are known as *Sloane Rangers* in London, *Eurotrash* in America and elsewhere. Shopping expeditions to Gucci, Bally, and Benetton are peak experiences; the years drift by, punctuated by skiing vacations in St. Moritz and languid yachting trips to the Aegean. These youngsters are nothing like us; they have no intellectual pursuits; their interests are not valuable and their values are not interesting. It is to Diana's credit that she transcended this environment, even if she never entirely left it.

It is because Diana was such a product of this world that the British royal family thought they knew what they were getting; in fact, they had no idea what they were getting into. The royals liked the idea that Diana was pretty but not too sexy; "chased and chaste," they said. She had a job at a kindergarten down the street from my home in South West London. The future princess was good with children and, as the royal gynecologists who examined her prior to her marriage so tactlessly reported, fully capable of breeding them also. Buckingham Palace officials were patting themselves on the back on finding a bride so traditional, so virginal, so cooperative (read: stupid).

But Diana was not stupid, and she led those palace intriguers on a merry dance that lasted for 16 years. Whether she gave the monarchy a new lease on life, thereby ensuring its survival into the next century, or whether she defrosted the royal family in preparation for roasting it, is something that time will tell.

We all have our memories of that time. Most begin with *The Wedding* and Diana's gown that stretched all

the way to the moon and the stars; the entire occasion, by the way, was swathed in a bovine traditionalist aura (no two-career couple this). While I couldn't begrudge them their happiness, I despised the pair of them in the way adolescent boys do, and I fled the country on their wedding day. I thought I had planned the perfect getaway—was I in for a shock! On the flight to Washington, I found myself sitting next to an Anglophile who had what seemed like 365 different magazine profiles of Lady Di piled on his lap, one for each day (or Di?) of the year—he insisted I peruse and comment learnedly on each one.

My parents were royal-bashers of long standing. My mother chortled at the royal family's obsession with horses; my father turned down end-

less invitations to garden parties at Buckingham Palace. But change was in the air, even if Diana's role in that change was not apparent. The Prince of Wales loosened up just a little, and whether or not it was under his bride's countercultural influence, Charles' defense of non-traditional medicine and other fringe beliefs endeared him greatly to my papa, who shared similar views. As for my own hostile assessment, I too reassessed it, albeit gradually. I am a romantic; Charles and Diana seemed at least briefly in love ("whatever that means," muttered Charles) until after William was born ("Charles is going to have the next one," deadpanned Di). Still, the idyll couldn't last, and it didn't.

As the marriage crumbled, I grew to admire Diana's skill at stealing

Charles' thunder, pre-empting his public appearances with appearances of her own. It takes a giant to knock down so many useless taboos all at once. The princess identified herself with AIDS research, landmines, and other awkward and distressing issues which the royal family wouldn't dare touch; remember, respectable folk didn't do that sort of thing. And now they do. As Diana's self-confidence blossomed, her fashion sense blossomed likewise, to the consternation of her dowdy and insipid royal enemies. Throughout this personal odyssey, the British public evolved with Diana, and sided with her. I too had been won over.

At the last, she became the queen of people's hearts. And of mine. ✍

Glare check

by *Cassandra Decker*

A poor lighting arrangement can increase eyestrain. Check to see whether your desk light is causing glare from your source text and other things you look at. Turn on your normal lighting arrangement and place your source text and dictionaries as you usually have them. Sit down at your desk and place a mirror on your source text. Do you see a reflection of the light bulb in the mirror? Then you have glare! Adjust your lights so that your text is illuminated more indirectly. If you can, repeat this process for other items which you look at for long periods of time. Be good to your eyes, you'll miss them when they're gone! ✍

Tour Translingua!

We could not offer you a tour on the Potomac, but thanks to Mary O'Neil, we can offer you a tour of Translingua. Have you always wondered how computers can be your friends when it comes to translating? Are you curious about what Translingua does? This is the opportunity for you to get answers to all your questions. Join us on Saturday, October 18, 1997 from 2 p.m. to 5 p.m. at Translingua, Overlook Center, 5457 Twin Knolls Road, Columbia, MD 21045

You will be able to tour the facilities, see various tools at work (Trados, Multiterm, Termium) and enjoy some refreshments. Interested? Please make reservations before October 15th with Alissa Martin, NCATA Program Chair at 5230 Baltimore Ave., Bethesda, MD 20816, (301)718-0405, or via email Martina2@gusun.georgetown.edu. A \$5 fee is required at time of registration.

If you wish to know more about the event, or have questions, please contact Alissa directly and not Translingua. ✍

A warm welcome to the following members:

Aslan Aslanian, Henk Boute, Marie-Felixe Dumanoir-McLetchie,
Sonya Simek, Peter Theroux

Calendar

Date	Time	Event	Location
October 18	2 pm to 5 pm	Tour Translingua	Translingua, Overlook Center, 5457 Twin Knolls Road, Columbia, MD Contact Alissa Martin 301-718-0405
November 5 - November 9		ATA 38th Annual Conference	Hyatt Regency Hotel, San Francisco, CA Contact ATA Headquarters 703-683-6100
December 13	1:30 pm	Accreditation Examination	Graduate Education Center, GWU, 1775 B Duke St., Alexandria, VA Contact ATA Headquarters 703-683-6100 or Bill Keasbey 301-530-5031
December 14	TBA	NCATA Christmas Party	Contact Alissa Martin 301-718-0405

NCATA
P. O. Box 65200
Washington, DC 20035-5200