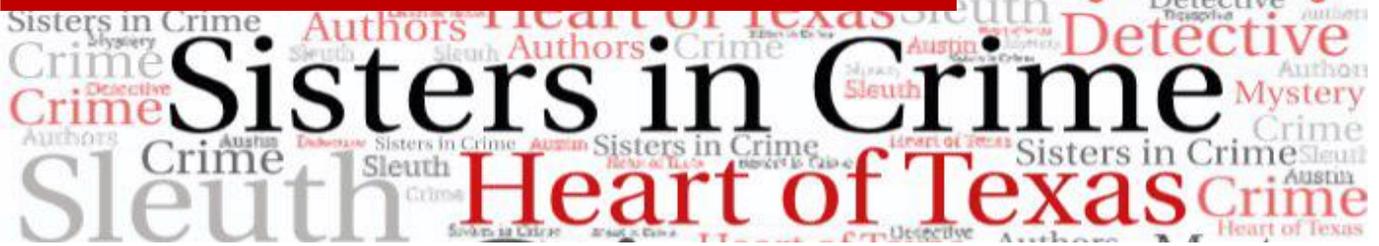


# HOTSHOTS!

sinc-heartoftexas.com

January/February 2020



## FEBRUARY MEETING – WHEN BODIES TALK



Dr. Danny Wescott, Director of Texas State University's Forensic Anthropology Center, will discuss his research on using forensic anthropological methods to reconstruct biological profiles, trauma patterns and other types of evidence gleaned from studying a crime victim's remains. Bring your notebooks and questions!!

For details on past meetings, visit our website's [Past Meetings](#) section.



Helen Currie Foster, Tiffany Cooper-Aguilar (licensed funeral director and embalmer), and N. M. Cedeño

## CONTENTS

The Indie Author: Copyright –  
2

Death in Small Town Texas -  
4

Bulletin Board Swag - 5

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# THE INDIE AUTHOR

By Kelly Cochran

Somehow, in everything we do, there seems to be paperwork — forms to fill out, fees to pay, rules to follow. Publishing independently included. Over the next few issues of *HOTSHOTS!* this column will expand on exactly what “paperwork” entails in the indie author publishing scenario.

## ***COPYRIGHT – Is filing for a copyright required?***

The real answer to the question is short. The real answer to the question might surprise you! “NO!”

Filing for copyright is not required because you are automatically considered the copyright holder when you create your work, unless you are creating the work as part of a “work for hire” by an employer, or a commissioned work. In these cases, the person who hired you to do the work is considered the copyright holder. In situations where you are creating a joint work with another author, you will be considered a co-owner of the copyright.

The second you put pen to paper or hands to keyboard and create an original work your words are copyright protected. They are protected even before you publish. Copyright protection in this form gives you, the copyright holder, the right to make copies, distribute copies, and the right to create works based on your original work.

Because the requirement to file notice of copyright was eliminated in 1989, any work created after that date does not need to be registered in order to be copyright protected.

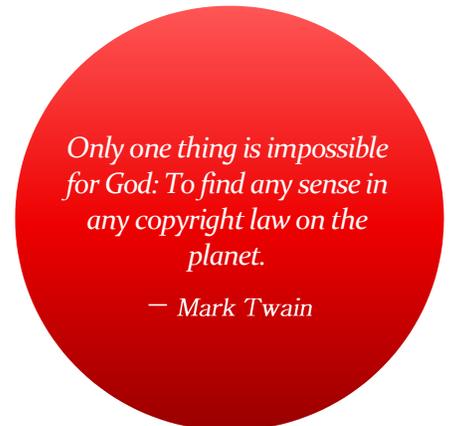
However, there are clear advantages to registering your work

with the U. S. Copyright Office and it is recommended. A few of the advantages are:

- Registering your copyright allows you to file suit in court claiming copyright infringement
- Statutory damages and attorney’s fees may be able to be obtained if the registration is done prior to the infringement you are claiming
- Registration allows you to record that registration with U.S. Customs in order to protect against any infringing copies that are imported

## ***How do I notify people of my copyright?***

Copyright notification, once a requirement for your work to be protected, is no longer necessary. If you choose to use a copyright notification, you can do so before registering with the Copyright Office. Notification format includes the copyright symbol - © - or the word “copyright” followed by the year first published and the name of the copyright owner.



continued

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## THE INDIE AUTHOR, CONTINUED

### ***Once I register my copyright does it mean I can sue someone for using any part of my work?***

Not exactly. Because of something called the Fair Use Doctrine, not every use of your work is considered copyright infringement.

The Fair Use Doctrine resulted from many court decisions and eventually was outlined in the copyright laws. The doctrine limits the exclusive rights held by a copyright holder under certain circumstances. It can allow use for the purpose of providing criticism, such as in a review, for teaching, and news reporting among other things. However, just because someone is using material for one of these purposes, it doesn't necessarily mean they are not infringing upon a copyright.

When determining if something qualifies for use under the Fair Use Doctrine, there are many factors that must be taken into consideration. More information about this can be found in Section 107 of the copyright law.

Additionally, not all parts of your work are able to be copyrighted. Names and titles cannot be copyrighted, although you might be able to seek protection by obtaining a trademark.

### **Are there any other requirements?**

The Copyright Office requires, upon publication of your work, that two copies be sent to the

Copyright Office within three months of publication. The deposit is in addition to copies required by the Library of Congress, which will be covered in a future column.

The Copyright Office states the "law envisions that deposit will be made voluntarily to satisfy the requirement of mandatory deposit." Currently there is no penalty for not meeting this requirement, unless the Copyright Office makes a written demand. If you receive a letter requesting the mandatory deposit, then you should make the deposit. Failure to make the deposit within three months of receiving the letter can result in a fine for each work plus the retail cost of the books.

### ***How long does my copyright last?***

A copyright on work written after January 1, 1978 lasts for your lifetime plus 70 years, unless the work uses a pseudonym, or you hold copyright of work for hire material. In those cases, the copyright lasts for 95 years from the date it was first published or 20 years from the date it was first written and is applied based on whichever threshold is reached first.

A copyright does not need to be renewed if it was written after January 1, 1978. Once your copyright has expired, it falls within the public domain and can be used by anyone without your permission.



Copyright.gov

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# DEATH IN SMALL TOWN TEXAS: WHO COLLECTS THE BODY?

By N. M. Cedeño

(Editor's note: Thank you to N.M. Cedeño for allowing us to print this excerpt from her most recent blog post)

Mystery authors deal in death. They must get the details correct when writing about the untimely demise of a character. Because laws for responding to death vary by location in the United States, authors have to do research depending on their setting. Without a national standard, each state and frequently each county within a state sets its own rules for handling unexpected deaths. In January, Sisters in Crime: Heart of Texas Chapter was fortunate to have Tiffany Cooper-Aguilar, a licensed funeral director and embalmer, walk authors through the legalities of collecting, handling, and storing bodies after death in small town Texas.

In Texas, the handling of medically unattended deaths varies by county population. Larger, more populous counties are required by law to have a medical examiner's (ME) office. The ME's office collects the bodies of those who die outside of a medical facility, and the medical examiner determines the cause of death. Less populous counties aren't legally required to have medical examiner's offices. They rely on contracted mortuary services or funeral homes to collect the bodies of the dead. Lacking a medical examiner, these counties rely on a justice of the peace to decide if a cause of death is apparent or if a body should be sent for an autopsy to determine the cause of death.

According to Ms. Cooper-Aguilar, in central Texas alone, laws and practices vary considerably by county. Some counties may have a single funeral home contracted to retrieve all bodies. Other counties may have several funeral homes contracted on a rotational basis. One county is even known to force family members to choose a funeral home as soon as a death is discovered to prevent the county from expending the funds needed to transport and store the body. Still other counties may use a mortuary service, which is a small company created specifically for collecting and storing the dead temporarily until a decision is made to either send the body to an autopsy or to send it to a funeral home for burial.

In counties where a funeral home is contracted, a licensed funeral director and one assistant director will go to the scene of the death to remove a body. Fire, EMS, and law enforcement personnel in less populous counties leave the body where it is discovered, so that the funeral director and assistant have to go into water, fields, ditches, wrecked cars, or other locations to retrieve the decedent.

Depending on weight, the state of decomposition, rigor mortis, and traumatic injury, the funeral home employees may need a variety of items to collect a body. Ms. Cooper-Aguilar states that a plain white sheet is her best tool in these situations. A sheet can be knotted for gripping, is an aid in unwedging bodies in awkward locations, and is perfect for ensuring that the entire body stays together during removal.



You can read the entire article at [inkstainedwretches.com](http://inkstainedwretches.com).

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## BULLETIN BOARD SWAG

Don't miss a meeting! Print this page and stick it to your bulletin board! We can't wait to see you!

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## 2020 SINC MEETING SCHEDULE

**February 9, 2020** – When bodies talk – Dr. Danny Wescott

**March 8, 2020** – Art of Writing a Thriller – Walt Gragg

**April 19, 2020\*** – Locksmithing for Writers – Tex Thompson

**May 17, 2020\*** – Forensic Locksmithing – Tex Thompson

\*Special Date – Third Sunday of the month instead of 2<sup>nd</sup> Sunday



If you have the time, our organization could use the human-power! Please contact N.M. Cedeño (Noreen) and let her know how you are willing to help.

[noreenmariecedeno@gmail.com](mailto:noreenmariecedeno@gmail.com)

