



# Web design is a real steal

Most business people and independent companies now recognise that a website is an invaluable tool in promoting their business in a global market. But the prospect of designing and organising a sophisticated yet easily negotiated site can be a daunting prospect. For most people, the only realistic solution is to employ a web designer, whose efforts can cost anywhere from a couple of hundred to thousands of pounds.

Having employed a designer or invested your own time and effort to create something you consider to be totally unique to your company, the last thing you would want would be to see your work duplicated elsewhere. But this is exactly what happened to Jason Behzadi, the managing director of Meadway Radio Cars ([www.meadway.com](http://www.meadway.com)), one of London's largest fleets of private-hire cars.

While browsing the internet one day, Behzadi was horrified to discover that much of his website he had so painstakingly constructed and written appearing on behalf of another taxi company, called Fairway Car Service. "The worst thing of all, though," says Behzadi, "is that Fairway just happened to be three quarters of a mile down the road". Fairway cars were one of Meadway's direct competitors.

Stunned by his discovery, Behzadi started scrutinising the smaller details of the site to see just how far they really resembled each other. "I read the text and recognised it as my own words. It had literally been pasted in whole

When Jason Behzadi found his site had been copied by a rival, he took legal action to shut it down. He's not alone.

**Michael Pollitt** discovers how to protect your creative gold

chunks," he says. "For example, in one section they wrote that they'd been around for 12 years, but in another they said they'd been established since 1983. That was their downfall, because it proved they'd lifted my text."

But did Behzadi storm off down the Finchley Road for a showdown? No. Instead, he telephoned Clare Griffiths of the legal firm Be for advice. "She told me that I really didn't have anything to worry about because it was such a clear-cut case," he says. Griffiths has seen 15 copying cases already this year and understands how traumatic the experience can be. However, she stresses that when a company is approached by a solicitor, site owners usually take down copied material and often pay legal costs and damages.

Griffiths's first move was to write a "cease and desist" letter to Fairway Car Service. The managing director of Fairway, Pritam Singh Bhangoo, was taken completely by surprise. "We only knew that our website was so similar when we got the letter from the solicitor," says Bhangoo. "When I found out, we immediately took the site offline and changed everything. The matter was settled."

The story illustrates just how easy it is to "lift" someone else's creative ideas. So how did it happen?

Like many firms, Bhangoo had sought out a web designer and discussed some rough ideas of what he was looking for. But, like many other people, he was mindful of how much the project could amount to, and, in an effort to keep the cost as low as possible, he employed a friend of one of his colleagues to help him out.

Bhangoo admits that he left the details to the web designer and, charitably perhaps, blames the copying on that individual's inexperience: "I didn't have a desire to copy anybody. After all, we are in a similar field of providing a car service and we share the customer base. We did not want to cause any harm or grievances to any of my fellow operators."

Just like Behzadi, Bhangoo became a victim too: a victim of shoddy, corner-cutting work by his web designer. Bhangoo had to pay Meadway Radio Cars' legal bill of several hundred pounds, and so, he adds, made a deduction from the web designer's invoice. He also suffered the ignominy of being telephoned by the chairman of the London Private Hire Cars Association over the matter.

But what of the web designers involved, and why did they do it? The company used by Bhangoo was called Cyberonic Systems ([\[www.cyberonic-systems.co.uk\]\(http://www.cyberonic-systems.co.uk\)\), and was operated by a man called Ayub. Despite efforts to talk to him, Ayub cannot be found: e-mails bounce back, his mobile numbers are unobtainable, and the website features a business address which has proved to be unobtainable. Another of his customers, the Tyyynbs restaurant in East London, has been trying to locate him for over six weeks to fix its broken e-mail.](http://www.cyberonic-</a></p>
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It's been a hard lesson for the unfortunate Bhangoo, who'd have done better to use a pin and the phone book in order to find a designer. So, how can anyone be sure that their chosen web designer won't simply lift somebody else's work?

The best way to protect yourself is to look for accreditation from the British Web Design and Marketing Association (BWDMA). The organisation describes itself as "the ethical home of UK web design". "We live in a cut-and-paste world," says the BWDMA founder, Patrick White, on the tricky legal implications that surround such a nascent industry. "There is a lack of knowledge and understanding of intellectual-property rights and a lack of understanding of copyright law. Nobody has any statistics for web theft, but it certainly happens."

Webcredible ([\[www.webcredible.co.uk\]\(http://www.webcredible.co.uk\)\) is a web design company. One of its directors, Trenton Moss, says that, while some web designers do copy sections of source code \(that's how they learn\), the copying of whole websites has not happened to him. But, "for somebody to come along and steal everything that we'd done would make me very angry."](http://www.webcredible.</a></p>
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So how do you protect yourself? The short answer is that you can't. Anything you see on the internet can be copied, including your entire website (look at [www.pirated-sites.com](http://www.pirated-sites.com) to see numerous examples). And if your web designer is the one doing the copying, then you'll be in the same unhappy position as Bhangoo.

If you want to put your mind at rest (a little), then you can check that your site hasn't been lifted with the Copy-scape utility, which is on White's website ([www.bwdma.co.uk](http://www.bwdma.co.uk)). And if you're in dispute over copying, you can check to see who established their site first using the Wayback machine at [www.archive.org](http://www.archive.org). Other than that, keep your fingers crossed.

Not surprisingly, Cyberonic Systems doesn't belong to the BWDMA. Its members have never behaved like this, says White and, should they do, he promises a public naming and shaming. The low cost of entry to the industry, the "can do" nature of the internet, and cheap websites are a recipe for wrong-doing. Indeed, White agrees that the only way of creating a cheap website is to copy other people's work. Just remember that originality always costs more and looks better.