

MODULE 2

COPYRIGHT

DR ANDRES GUADAMUZ

REMEMBER OUR QUESTIONS

- What?
- Who?
- When?
- For how long?
- What type of property?



CREATIVITY

- Literature
- Music
- Art
- Photography
- Sculpture
- Performance



BUT ALSO TECHNOLOGY

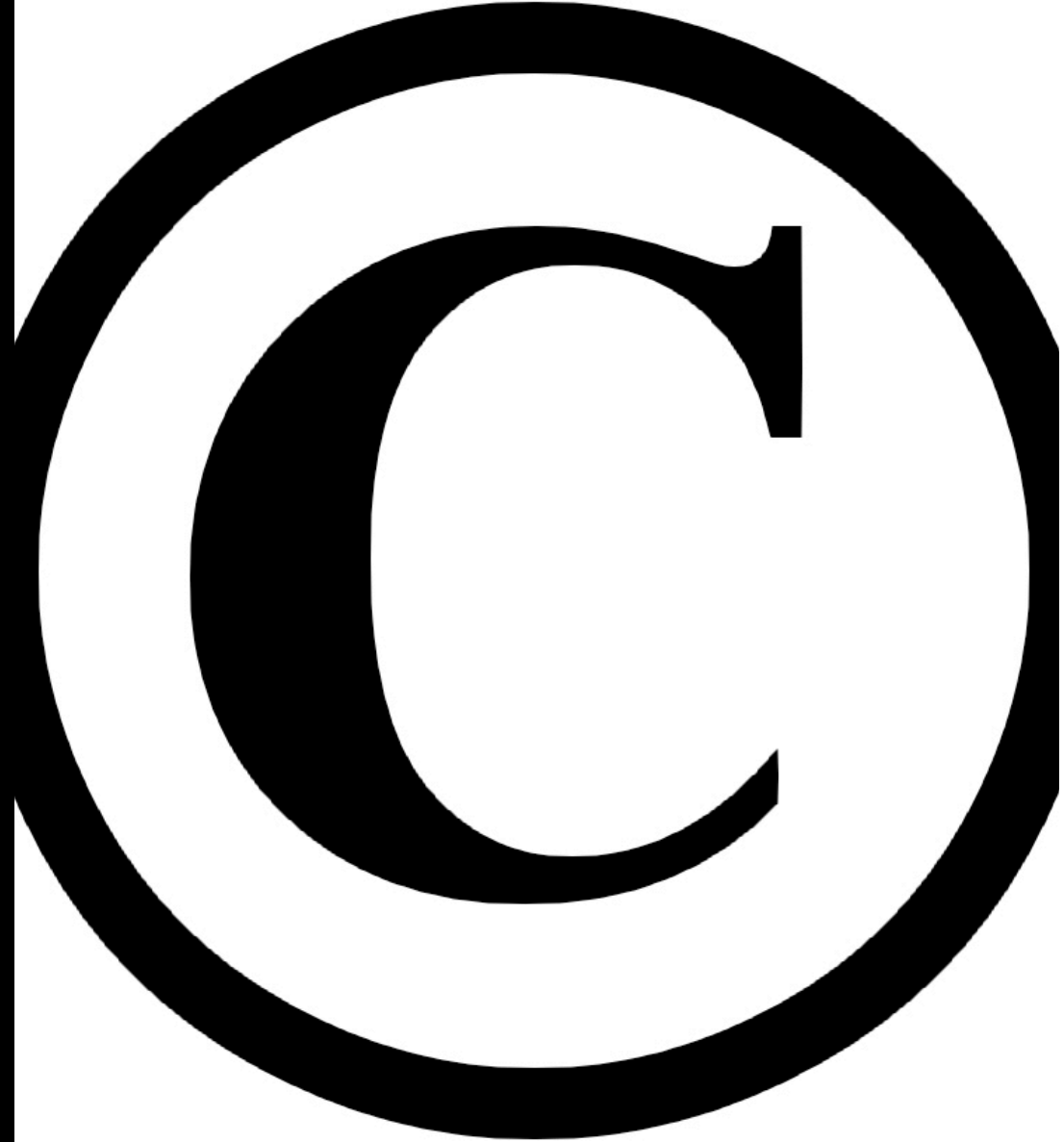
- Manuals
- Software
- Databases (under some conditions)
- Technical drawings
- Architecture

<https://unsplash.com/photos/Skf7HxARcoc>



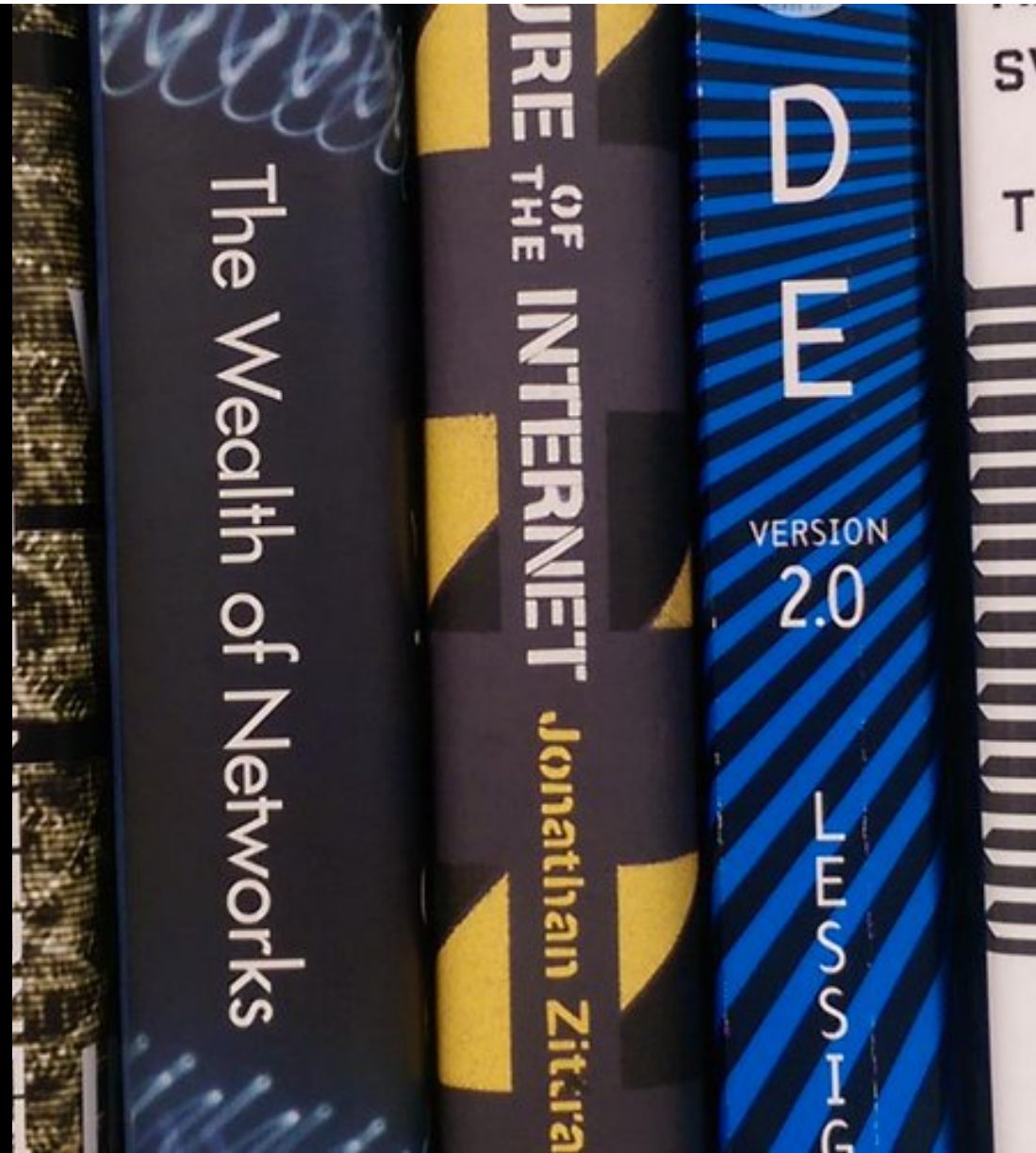
COPYRIGHT BASICS

- Promotes the arts
- Covers originality and creativity
- No registration.
- Protects the expression of an idea, not the idea.
- Requires fixation. This means it needs to have some sort of permanence.



SUBJECT MATTER

- Copyright protects original literary, dramatic, musical or artistic works;
- sound recordings, films or broadcasts, and the typographical arrangement of published editions (can be non-original).



ORIGINAL WORKS

- Literary, dramatic, musical or artistic works.
- The work needs to be original only in the sense that it has to be the author's own intellectual creation. The threshold for originality is low.
- Some works may not fall easily under one of the main 4 original works, for example, is a game a literary work?

<https://unsplash.com/photos/FJFPuE1MAOM>



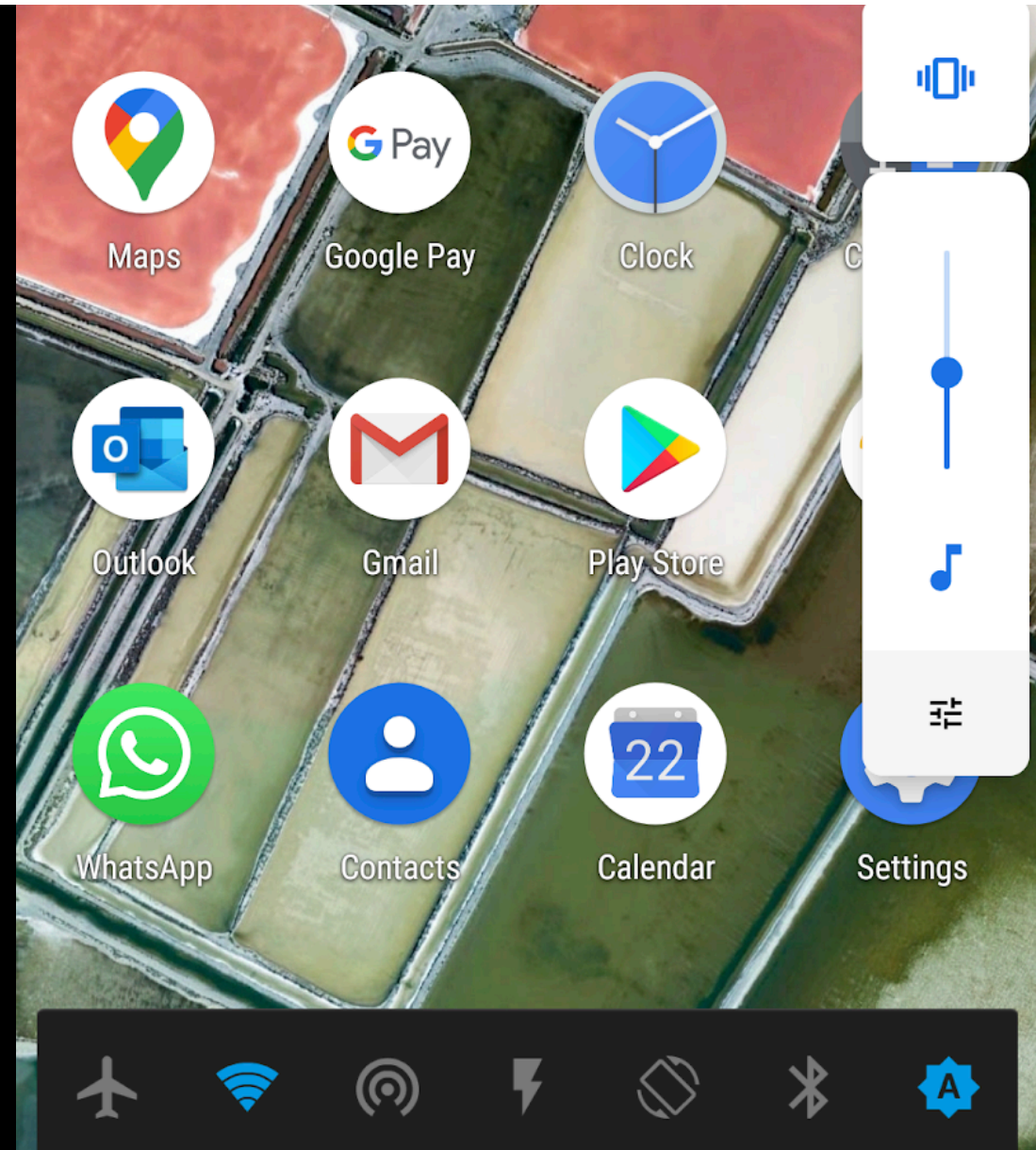
NON-ORIGINAL WORKS

- Related rights, neighbouring rights, ancillary rights, derivative rights.
- Require pre-existent original work.
- Sound recordings, films, broadcasts, published editions, all these can be based on existing original works.



SUBJECT MATTER IN APPS

- Code - literary work.
- Text, manuals, Help, FAQs - literary work.
- Music and sound effects - Musical works and sound recordings.
- Photos, images, artwork - artistic works.
- Data - not protected by copyright.



WORKS CAN HAVE VARIOUS TYPES OF COPYRIGHT



SIDE WHITE
EKS-75082-A STEREO

1. PROCESSION (May) 3:53
2. FATHER TO SON (May) 6:14
3. WHITE QUEEN (AS IT BEGAN) 4:34
(May)
4. SOME DAY ONE DAY (May) 4:33
5. THE LOSER IN THE END 4:02
(Taylor)

Produced by Roy Thomas Baker and Queen.
All Titles Published by Feldman/Trident Music
© 1974 Elektra Records

Elektra Records, 15 Columbus Circle, New York, City 10023

APPS TOO



AUTHORSHIP

- The author is the person who creates the work.
- The author is also the first owner of the work. The owner can sell his or her rights.
- Personhood required for authorship (including legal personhood). Does that include animals? AI? The answer is mostly no.



JOINT AUTHORSHIP AND COLLABORATIONS

- Collection: distinct author for each work.
- Joint authorship: authors get joint authorship if they can't be easily identified.
- Employment: work for hire, the copyright goes to the employer.

<https://unsplash.com/photos/8d2jmS73Oz8>



DURATION

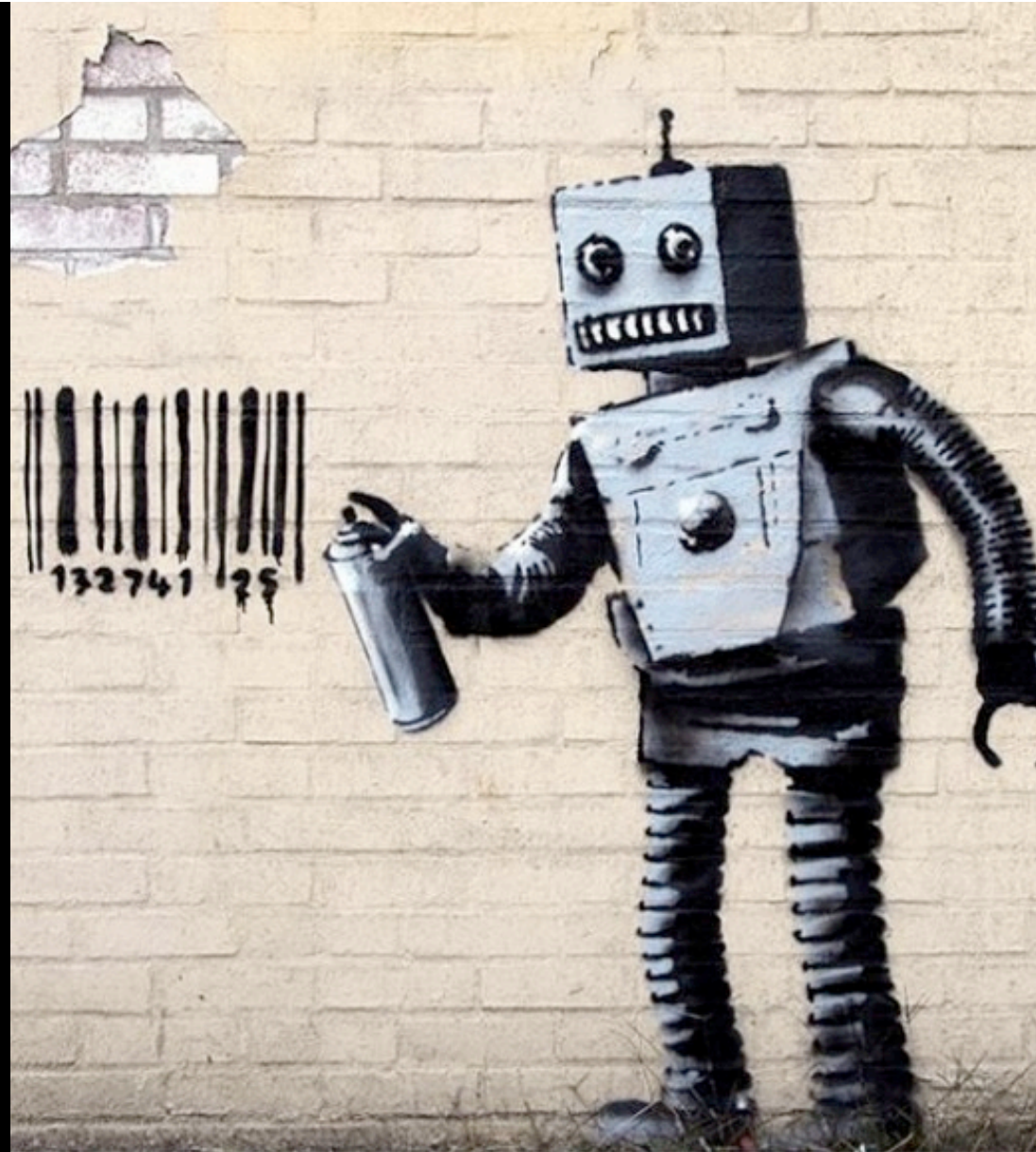
- When does it start? when it is created, remember, no registration.
- Lifetime +50 (Berne Convention).
- Lifetime +70 for original works (national legislation) original works and films.
- In most countries there's 50 years for sound recordings and broadcasts.

<https://unsplash.com/photos/y4FlrMbjcsg>



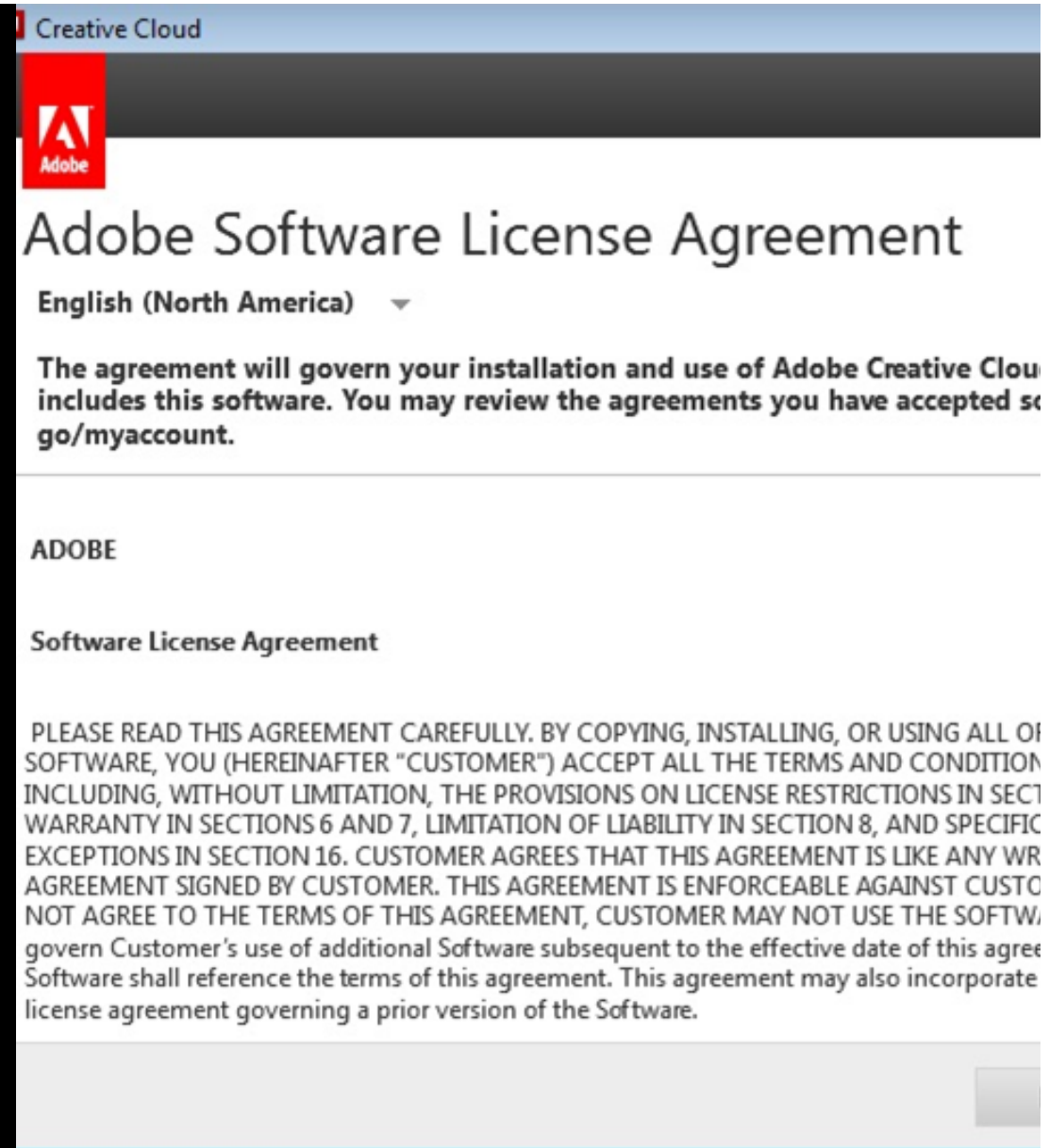
WHAT RIGHTS?

- **Economic rights:** Owners have the exclusive right to copy, rent, adapt, perform, broadcast and issue copies of the work to the public.
- **Moral rights:** Rights given to the author as a person (subsist after sale). Attribution, integrity, etc.



RIGHTS MANAGEMENT

- As an owner, your exclusive rights allow you to dispose of your work in any manner you see fit.
- You can lend the work, charge for rental, allow others to publish, etc.
- This is usually done through licensing, which means to allow others to undertake actions that are exclusive to the owner.
- Owners can also sell their rights, assign them to others, etc.



The screenshot shows the Adobe Creative Cloud Software License Agreement page. At the top, there is a blue header with the text "Creative Cloud" and the Adobe logo. Below the header, the title "Adobe Software License Agreement" is displayed in a large, bold font. Underneath the title, the language is set to "English (North America)". A paragraph of text states: "The agreement will govern your installation and use of Adobe Creative Cloud includes this software. You may review the agreements you have accepted [go/myaccount](#)." Below this, the word "ADOBE" is written in all caps, followed by "Software License Agreement". A large block of text follows, starting with "PLEASE READ THIS AGREEMENT CAREFULLY. BY COPYING, INSTALLING, OR USING ALL OF SOFTWARE, YOU (HEREINAFTER 'CUSTOMER') ACCEPT ALL THE TERMS AND CONDITION INCLUDING, WITHOUT LIMITATION, THE PROVISIONS ON LICENSE RESTRICTIONS IN SECTION 6 AND 7, WARRANTY IN SECTIONS 6 AND 7, LIMITATION OF LIABILITY IN SECTION 8, AND SPECIFIC EXCEPTIONS IN SECTION 16. CUSTOMER AGREES THAT THIS AGREEMENT IS LIKE ANY WR AGREEMENT SIGNED BY CUSTOMER. THIS AGREEMENT IS ENFORCEABLE AGAINST CUSTO NOT AGREE TO THE TERMS OF THIS AGREEMENT, CUSTOMER MAY NOT USE THE SOFTWA govern Customer's use of additional Software subsequent to the effective date of this agree Software shall reference the terms of this agreement. This agreement may also incorporate license agreement governing a prior version of the Software." At the bottom right of the page, there is a small, light gray button.

WHAT IS INFRINGEMENT?

- Infringement: to perform one of the exclusive rights without permission, and without a defence.
- Can be direct (copying of a CD), or indirect (make adaptation of a book that resembles too much original).
- Can be primary or secondary.



COPYRIGHT INFRINGEMENT

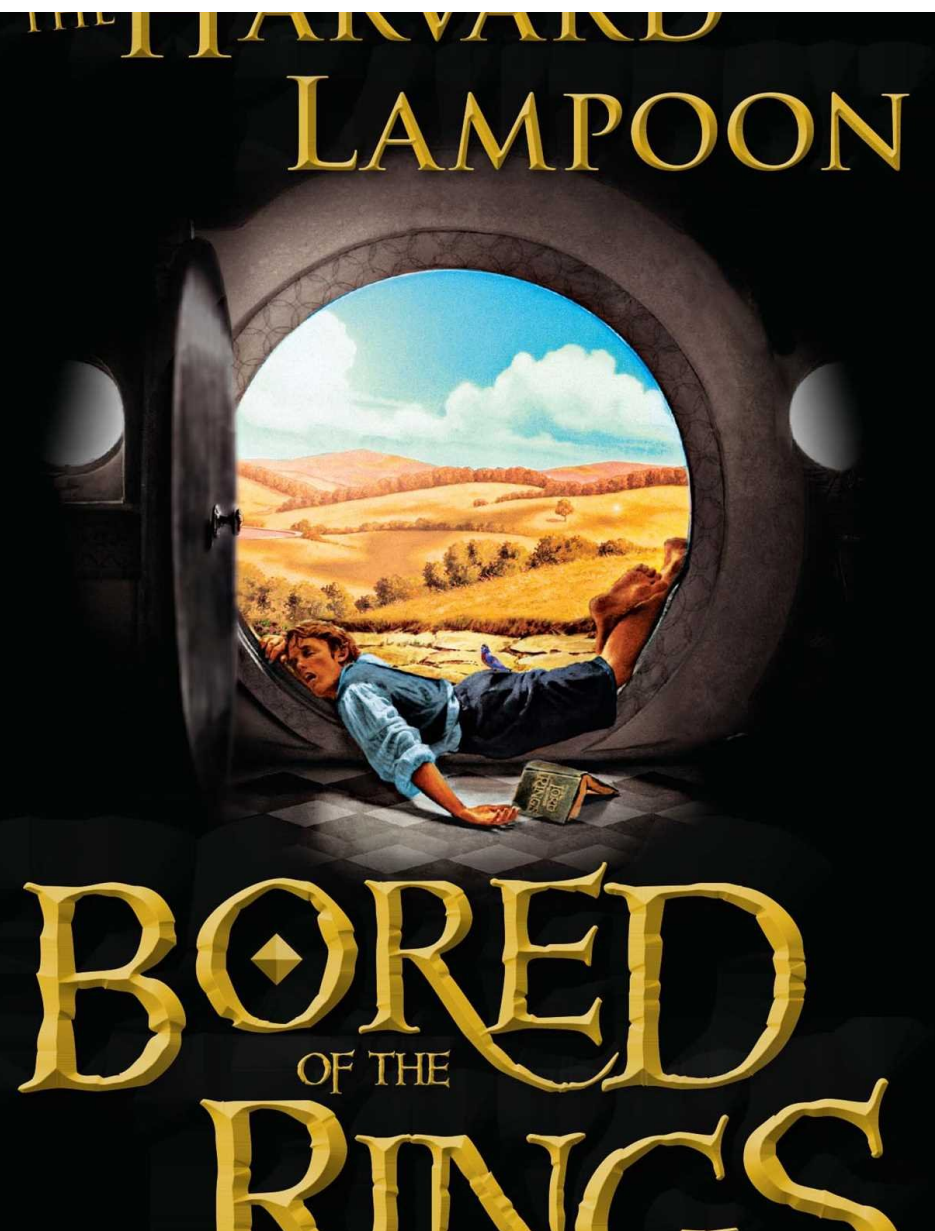
- Three elements:
 1. Defendant carries an exclusive act of the owner.
 2. Defendant's work is derived from the copyright work (causal connection).
 3. The work, or a substantial part of the work, has been infringed.

<https://unsplash.com/photos/iIJrUoeRoCQ>



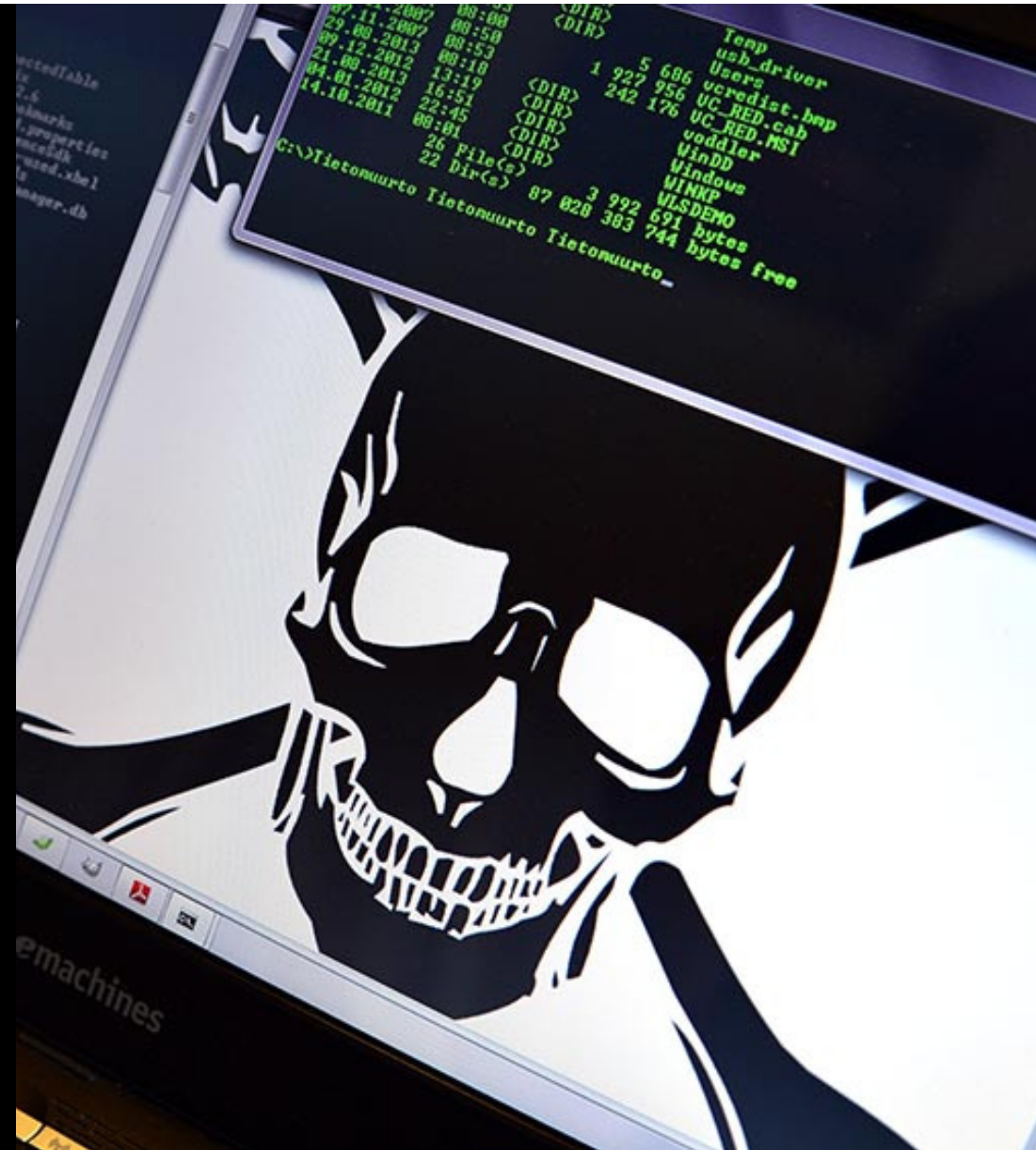
EXCEPTIONS: FAIR USE AND FAIR DEALING

- Making a temporary copy.
- Research or private study.
- Educational use.
- Criticism or review.
- Reporting current events.
- Incidental inclusion of copyright material.
- Parody.



REMEDIES

- Damages.
- Injunctions:
 - Seizure of infringing material.
 - Order to take a licence.
 - Prohibition of importation.
 - Injunction against Internet service providers.
 - Prohibition of infringing acts (including moral rights).
- Criminal (for commercial use).



WHAT DOES IT MEAN FOR YOU AS A DEVELOPER?

- **Author:** you and your team own the copyright over your creations. Code, music, images, text.
- **Owner:** you can sell or license your work.
- **Developer:** you cannot use other people's property in your work (unless you have a defence).

<https://unsplash.com/photos/RTJIXQNne68>



THANKS!

es Guadamuz, unless specified. All other images reproduced with permission