



# Intellectual Property Rights

Set of laws designed to protect the  
creations of the human mind

# Types of rights

- Copyright
  - Protects the skill and labour expended by someone creating something new
- Database (EU only)
  - Protects the skill and labour expended by someone creating collections of data or other materials
- Performance rights
  - Protects against unauthorised making of copies of “public performances”, which includes musical, theatrical, dance performance, and also lectures
- Patents
  - Protect inventions by giving inventors a monopoly on exploiting their inventions for a certain period
- Trade marks
  - Exclusively identify the product of a particular manufacturer or supplier
- Design rights
  - Protects the shape and configuration (how different parts of a design are arranged together) of objects.
- Moral rights (EU only)
  - Right of a creator to insist that his/her name is associated with his/her creation
  - Right of creator to object to derogatory treatment of his/her work which damages his/her reputation

# Copyright

## Protects

- original literary, dramatic, musical and artistic works;
- sound recordings, films, broadcasts and cable transmissions;
- the typographical arrangement of published editions.

Things protected are called "works".

# Owner's rights

Copyright gives five exclusive rights to the owner of the copyright:

- the right to copy the work;
- the right to issue copies to the public;
- the right to perform, play or show the work to the public;
- the right to broadcast the work or transmit it on a cable service;
- the right to make an adaptation of the work.

# How long do the rights last?

- In the EU, 70 years from the death of the author (in the case of a literary or artistic work, or software);
- In USA, the same for works published after 2002, but can be 95 years after the date of publication in some cases, for earlier works;
- In Canada, 50 years from the death of the author.

# Database right

## (Copyright and rights in databases 1997)

- If a database is the author's "own original intellectual creation", it is treated as a literary work and subject to copyright protection.
- If there has been "substantial investment in obtaining, verifying or presenting the contents of the database", then it is also protected by the database right. (This lasts for 15 years, much less than copyright but much longer than the database is likely to be useful.)

# Who owns the copyright?

Copyright is owned by the author(s) of the work except that:

- If the author is an employee and the work is an original literary, dramatic, musical or artistic work created in the course of employment, then the copyright belongs to the employer.

# Who owns the copyright? (cont)

- An independent contractor is not an employee and so will own the copyright in work (s)he does unless agreed otherwise.
- Copyright can only be transferred in writing.
- Copyright does not need to be registered. It comes into existence at the moment the work is recorded, in writing or otherwise.



# Infringement of copyright

- Anyone who, without consent, does any of the five things that are the exclusive right of the owner of the copyright has committed *primary infringement* of copyright.
- Secondary infringement occurs when an infringement is performed knowingly and in the course of business.
- Primary infringement is purely a civil matter. Secondary infringement can be a criminal offence.

# When is a copy a copy?

- Copyright is breached by copying ‘the whole or a substantial part of the work’.
- ‘Substantial’ can mean just a key part, which could be quite small.
- Non-literal copying, e.g. using the same design to produce a similar system written in a different language.

# Assignment

- Copyright may assigned for a limited period or forever. Copyright in future works may be assigned.
- Assignments must be in writing and signed by the copyright owner.

# Licensing

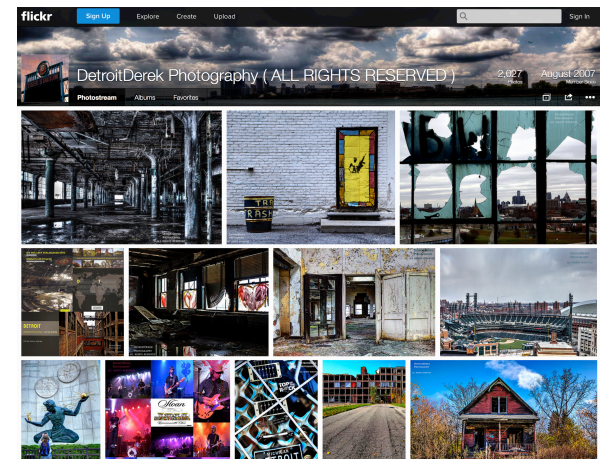
- A licence allows someone (the licensee) to use a work for some or all purposes but the owner retains ownership.
- Licences can be *exclusive* or *non-exclusive*.
- The licence may be for a fixed period or it may be *in perpetuity*.
- In an assignment, the copyright owner transfers some or all of the rights of ownership to someone else (the *assignee*).

# Copyright & Digital Technology

- Ease of Reproduction
  - Once a work is rendered in digital form, it can be reproduced
    - rapidly
    - at little cost
    - without any loss of quality.
  - Each copy, in turn, can be further reproduced without any loss of quality.
- Ease of Storage
  - Gb media files vs Tb hard disks
- Ease of Dissemination
  - Gb media files vs fibre optic and 4G networks

# Copyright & Web

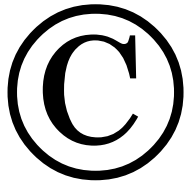
- The Web violates the principle of copyright
  - Copyright is created as soon as something is written down
  - Copies are made from server, through proxies, to hard disk, to screen
  - Explicit licenses are rarely provided
    - They are frequently unhelpful
      - <https://www.flickr.com/photos/detroitderek/>



# Creative Commons licensing

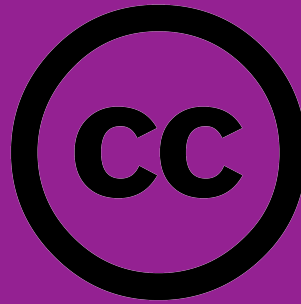
- Creative Commons (CC) addresses legal problems in the area of global copyright law
- Offers viable middle ground between
  - stringent copyright controls
  - completely unfettered use of content
- Provides a set of user-friendly online licenses
- Authors, musicians and other creators of content can use these licenses to protect some of their ownership rights, while giving others away
- A new global standard or layer of copyright law promoting the dissemination of digital content and the free exchange of ideas

Jack Valenti, Chairman of the Motion Picture Association of America



*All rights reserved;  
stringent  
copyright laws*

**Contributing  
to high-  
quality  
digital  
content  
online**



*Some rights  
reserved*

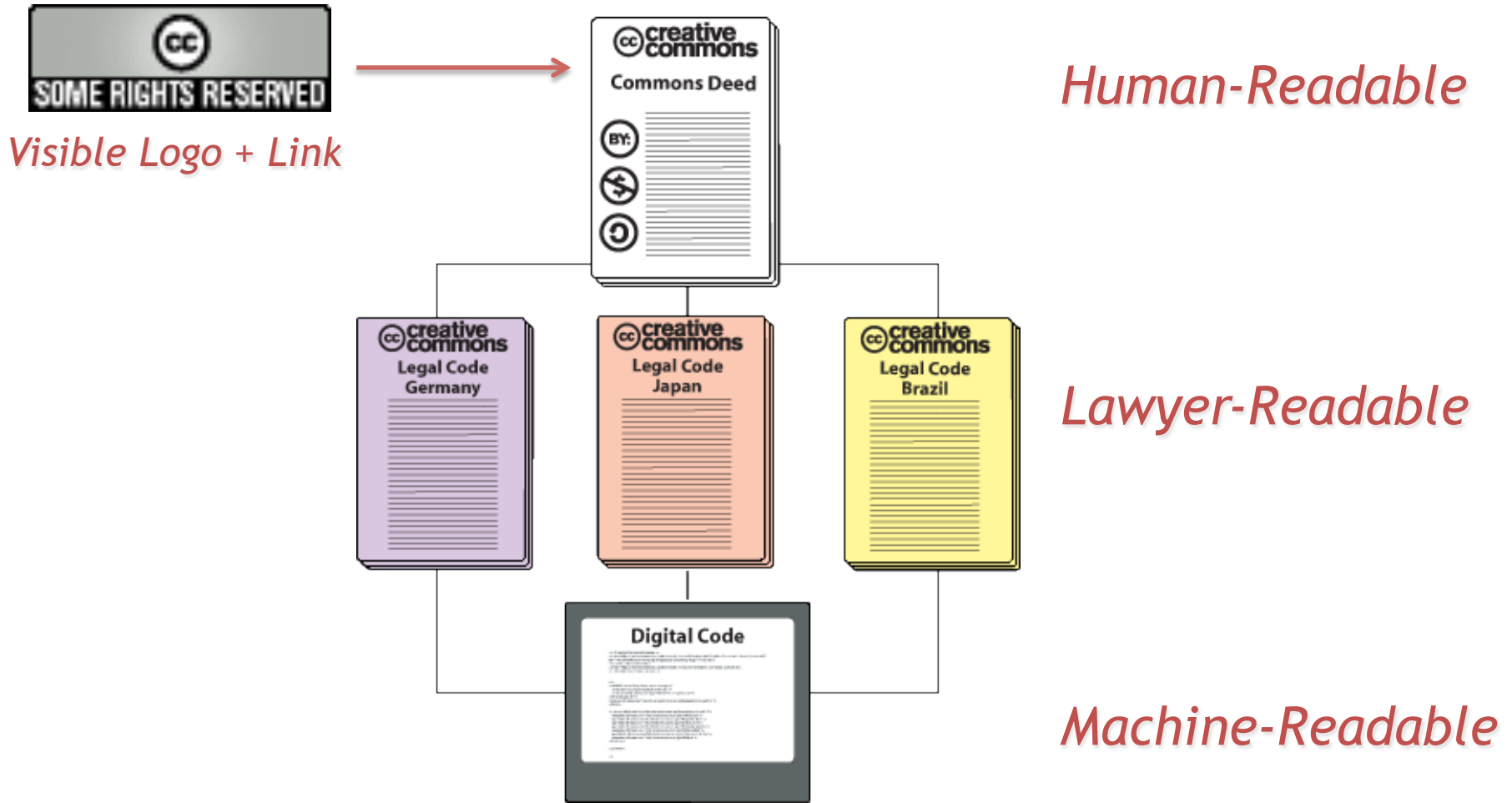
John Perry Barlow, EFF advocate and Grateful Dead lyricist



*No rights  
reserved*



# Three Expressions



## CC Licensing Conditions:



*Attribution*



*No Commercial Use*



*No Derivative Works*



*Share Alike*

## The Licenses



### Attribution CC BY

This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of licenses offered. Recommended for maximum dissemination and use of licensed materials.

[View License Deed](#) | [View Legal Code](#)



### Attribution-ShareAlike CC BY-SA

This license lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms. This license is often compared to “copyleft” free and open source software licenses. All new works based on yours will carry the same license, so any derivatives will also allow commercial use. This is the license used by Wikipedia, and is recommended for materials that would benefit from incorporating content from Wikipedia and similarly licensed projects.

[View License Deed](#) | [View Legal Code](#)



### Attribution-NoDerivs CC BY-ND

This license allows for redistribution, commercial and non-commercial, as long as it is passed along unchanged and in whole, with credit to you.

[View License Deed](#) | [View Legal Code](#)



### Attribution-NonCommercial CC BY-NC

This license lets others remix, tweak, and build upon your work non-commercially, and although their new works must also acknowledge you and be non-commercial, they don't have to license their derivative works on the same terms.

[View License Deed](#) | [View Legal Code](#)



### Attribution-NonCommercial-ShareAlike CC BY-NC-SA

This license lets others remix, tweak, and build upon your work non-commercially, as long as they credit you and license their new creations under the identical terms.

[View License Deed](#) | [View Legal Code](#)



### Attribution-NonCommercial-NoDerivs CC BY-NC-ND

This license is the most restrictive of our six main licenses, only allowing others to download your works and share them with others as long as they credit you, but they can't change them in any way or use them commercially.

[View License Deed](#) | [View Legal Code](#)