

Chapter Two

Copyright

what is copyright ?

Copy right :- is a protection that covers published and unpublished literary, scientific, and artistic works, whatever the form of expression, provided such works are fixed in a tangible or material form. This means that if you can see it, hear it, or touch it , it is protected.

What is Copyrighted:

- Anything tangible – in a fixed form
- **Examples**
 - Literary works, including software
 - Musical works, including accompanying words
 - Dramatic works, including accompanying music
 - Pantomimes and choreographic works
 - Pictorial, graphic and sculptural works
 - Motion pictures and other audiovisual works
 - Sound recordings
 - Architectural works

What is not Copyrighted

- Works that have not been fixed in a tangible form of expression.
- **for example:-**
- Works that lack originality
- Works in the public domain
- improvisational speeches or performances that have not been written or recorded.
- Titles, names, short phrases and slogans; familiar symbols or designs; variations of typographic ornamentation, lettering or coloring; listing of ingredients or contents.
- Ideal procedures, methods, systems , processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation or illustration.

Which materials do not require copyright permission?

Material in the public domain e.g.

- Government documents
- Works whose copyright has expired.
- Material like personal lecture notes or sample exams.
- Materials for which the instructor holds the copyright.

Two types of rights under copyright

- **Economic rights**:- allow the rights owner to derive financial reward from the use of his works by others.
- **Moral rights**:- allow the author to take certain actions to preserve the personal link between himself and the work.

Copyright and the Internet

Everything(except some exceptions) on the Internet is copyrighted

- World Wide Web pages
- Courses
- Electronic mail, listservs and newsgroups
- The same copyright laws apply to electronic materials as to print materials.

Copyright law was developed to encourage creativity by protecting the interest of the author or owner of the copyrightable work.

- Its objective is to protect the writer and artist from the unlawful reproduction of his material.
- The protection given by copyright law is expressed through entrusting the author or the owner of copyrightable work the exclusive right of
 - reproduction
 - sale, rent, transfer and other

- Copyright law has to also take in to account the interest of the society at large. That means the copyright law has to allow some access to and use of information of the copyrighted works.
- To balance between the interest of owner of the copyrighted work and the public, the copyright law provides exceptions. The important exception is Education that sides with the interest of the public. Which means the doctrine of “**fair use.**”

Ethiopian copyright act and policy paper

The 1976 Copyright Act generally gives the owner of copyright the exclusive(private) right :

- To reproduce the copyrighted work
- To prepare derivative works
- To distribute the copyrighted work
- To perform the copyrighted work publicly or
- To display the copyrighted work publicly.

Assigned © is the copyright symbol in a copyright notice.

Transfers of copyright may take one of two forms:

Assignments and licenses.

- **Under an assignment:-** An assignment is a permanent transfer of one or all of the copyright rights, similar to the sale of personal property. . An assignment is a transfer of a property right. So if all rights are assigned, the person to whom the rights were assigned becomes the new owner of copyright.

Transfer of Copyright cont'd..

- **Under Licensing** : is a temporary or limited transfer of certain copyright rights. It can be made on an exclusive or non-exclusive basis, meaning the copyright owner can license the work to more than one person at the same time. it may also take the form of combined administration of rights.
- Under collective administration, authors and other rights owners grant exclusive licenses to a single entity, which acts on their behalf to grant authorizations, to collect and distribute remuneration, to prevent and detect infringement of rights, and to seek remedies for infringement.

Copy right collectives or clearance

- **Copyright Clearance Center (CCC)** :-it provides collective copy right licensing services for corporate and academic users of copyrighted materials
- CCC procures agreements with rights holders, primarily text publishers and authors, both for print and online, and acts as agent for them.

Cont..

- **Collective licensing** :- is a means through which a user (licensee) can pay one annual fee for the use of all the covered materials of CCC's publishers and authors. This arrangement provides one-stop shopping for the user, and obviates the need for users to track down many rights holders, many times, for many uses of copyrighted content.

Benefits of Collective Licensing

- **Faster**, more **convenient** for content users than pursuing rights from individual copyright holders.
- **More efficient** way for copyright holders to license their material to many different customers.

The acts of **translating** or **adapting** a work protected by copyright also require authorization from the rights owner.

- **Translation:-** means the expression of a work in a language other than that of the original version.
- **Adaptation:-** is generally understood as the

Ethiopian case law

- **Case law:-** is the set of existing rulings which made new interpretations of law and can be cited as precedent.
- These interpretations are distinguished from **constitutional law** which are the statutes and codes enacted by legislative bodies, and **regulatory law** which are regulations established by executive branch agencies. Trials and hearings that do not result in written decisions of a court of record do not create precedent for future court decisions.-

Duration of Copyright ©

- Ideas are not protected by copyright.
- Literary, dramatic, Musical and Artistic Works published during life time of author: **Life + 50** years after death and then become public domain.
- The purpose of this provision in the law is to enable the author's successors to benefit economically from exploitation of the work after the author's death.
- European Union, the United States of America

What is a valid copyright notice?

A copyright notice should contain:

- the word “copyright”
- “c” in a circle (©)
- the date of publication, and
- the name of either the author or the owner of all the copyright rights in the published work.

For example, the correct copyright for the ninth edition of The Copyright Handbook, by Stephen Fishman (Nolo) is

Copyright © 2006 by Stephen Fishman.

Advantages of using copyright

- Control commercial exploitation :- competitive advantage
- Generate income :- selling, licensing
- Get financing : - using copyright as a collateral
- Build up an image/brand