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

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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?

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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
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.

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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.

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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.
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.

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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).

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THANKS!

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