Copyright

• Some facts
• Some myths
• Australian copyright law
• Public domain / Fair use
• On the web?

Copyright

• ‘is concerned with the form of knowledge and information that would normally be termed “literary and artistic works”’ (May 2002, p.163)
• Copyright law secures for the owner of a creative work the exclusive right to control who can makes copies, or make works derived from the original work
Copyright

- Applies to *form* but not to *content*
  - Facts and ideas can’t be copyrighted
- Text, scripts, graphics, audio and movie files on the World Wide Web pages are covered by Copyright law (in Australia and overseas)
- Protected by local laws and International Conventions

Rights of copyright holders

- To reproduce the work
- To prepare derivative works based on it
- To distribute copies
- To perform publicly
- To display a work publicly

Holders can give/sell permission for others to do the same.
Duration varies (e.g. author’s life + 50 years)

‘To copy’ or reproduce covers ...

- Making a single copy (e.g. by photocopying)
- Downloading from the Web
- Scanning into digital form
‘To copy’ or reproduce

These terms can be circumvented under ‘fair use’ or ‘fair dealing’

– Legal ‘grey area’: Is posting to a web site the same as ‘public distribution of copies’?

‘Derived from’ includes

• Translation
• Musical arrangement (e.g. of a poem)
• Dramatization
• Fictionalization
• Adaptation (to cinema or radio etc.)

Some ‘myths’

• Everything on the Web is in the ‘public domain’
• Copyright must be signalled - ©
• No charge for use = no violation
Some ‘myths’

- Copyright must be defended to be retained
- Breaches of copyright are really ‘free advertising’
- We can’t reproduce anything

Australian copyright law

**NB. 1968 Commonwealth Act**

- Covers written word, art, music, drama, computer programs, compilations, film, sound recordings

Copyright – automatically granted upon recording in written or other form

- Protected outside Australia under Berne (and other) conventions
- Excludes ‘public domain’ and ‘fair use’
Public domain means?

**Material:**
- expressly placed in the public domain
- on which copyright may have expired. The term of copyright (in Australia) is 50 years from the year in which the author died
- not protected by copyright for various technical reasons such as lack of originality of expression or the material may fall outside the scope of the Copyright Act

'Fair use'

**Such provisions of copyright laws allow for:**
- limited copying or distribution of published works
- without the author's permission

**Examples:**
- quotation of excerpts in a review or critique, or
- copying of a small part of a work (up to 10%?) by a teacher or student

Four basic principles of 'fair use'

**Purpose** – teaching, research, news reporting (not for profit)

**Nature** – factual, important educational value (not highly creative work)

**Amount** – small, a portion not crucial to entire work

**Effect** – no major effect on 'market value' and user legally owns a copy of the original
Application to web sites?

- Copyright law(s) do apply **BUT**
- Are websites covered under ‘compilations’???
- Copyright can be vested in several persons – designers of graphics, text, navigation software
- Be explicit about ownership, usage permissions and contacts for clearance

Publishing on the web?

- Difficult for serious authors and publishers to make a living
  - Duplication is too easy
- Few professional authors are willing to publish directly to the Web
- So is most of what is on the Web of low value?
- the development of trusted systems

Trusted systems

- Software which enables publishers to specify terms and conditions for digital documents
  - Usage, costs, copying, distribution etc.
- ‘Trusted’ computers recognise each other via exchanged digital certificates
Trusted systems

- Agreements make explicit and permit a range of usage rights: — to copy, transfer, loan, play (video/audio) or print, take extracts and embed in other documents, expiry dates etc.
- Watermarks invisible to authorised users

Publishing on the web?

- Agreements regarding copyright need to be made:
  - Between designer and owner concerning
    - Authority to make changes
  - Use as a template for other sites/pages
  - With linked sites (if it is not clear that a link is not part of the original creation)
  - The copyright holders for graphics, music and video

Copyright summary 1

- Material is copyrighted the moment it takes any ‘tangible’ form
- It does not need to be signposted
- Copyright applies to form not content
- The Web is not public domain (although some sites may be identified as such)
- ‘Fair use’ guidelines still apply on the Web
Copyright summary 2

- Web-based systems raise some unique copyright problems
- Trusted systems allow for publication AND the protection of copyright
- Multiple contributors to a web site can have an interest in copyright
- When in doubt — ask for permission

Copyleft

'In copyleft, the copyright holder grants an irrevocable license to the recipient of a copy, generally permitting the free unlimited use, modification and redistribution (often including sale of media or auxiliary materials which may carry a different copyright license (e.g. documentation)) of copies. The distinctive condition to that license is that any modifications to the work, if redistributed, must carry the same permissions (i.e. license terms) and be made available in a form which facilitates modification. For software, this means in source code.'

http://en.wikipedia.org/wiki/Copyleft

Creative Commons

A different approach again:

'Creative Commons is a non-profit corporation founded on the notion that some people may not want to exercise all of the intellectual property rights the law affords them. We believe there is an unmet demand for an easy yet reliable way to tell the world “Some rights reserved” or even “No rights reserved.”'

http://creativecommons.org/faq#faq_3310
http://mirrors.creativecommons.org/getcreative/
Resources

The Web abounds with copyright-related sites:

MACROTHESAURUS:
http://users.erols.com/cohenjosh/190203
  copy.html#CL-natl

AUSTRALIAN COPYRIGHT COUNCIL:
http://www.copyright.org.au/

Further reading

  of Intellectual Property Rights: The New

May, C. (2003). The Information Society: A