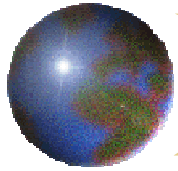




# **“CREATIVE EXPRESSION”**

## **BENEFITING FROM YOUR COPYRIGHT AND USING THE COPYRIGHT WORKS OF OTHERS**

**BY P. KANDIAH**



# Creative Expressions

Visually



Through sound



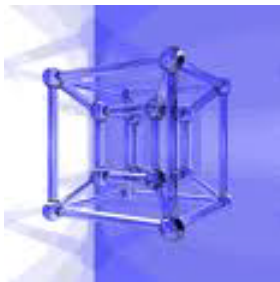
Through writing



Through motion

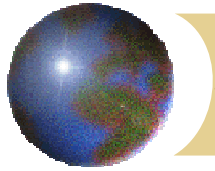


In three dimensions



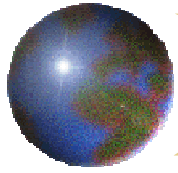
Through multimedia





## Examples of creative expressions

- Paintings
- Photos
- Songs
- Novels
- Poems
- Plays
- Music
- Choreography
- Sculptures
- Buildings
- Movies
- Computer Games

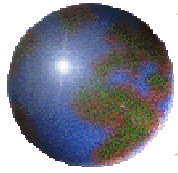


## *Copyright*

- ❑ Protects original works
- ❑ Copyright protects a wide range of works

Eg. Written works – books, speeches, magazines and newspaper, articles, novels, stories, poems, essays, plays, textbooks, web pages, advertisements, dance notations, operation manuals, written instructions.

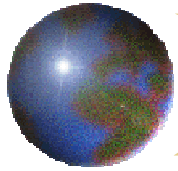




## *Copyright (Cont'd)*

Musical works – musical compositions, lyrics, songs and ring tones, in all types of formats (sheet music, CDs, MP3 files, any media)

Artistic works – drawings (both technical, engineering, scenic etc), paintings, photographs, comics, sculptures, architectural works, maps

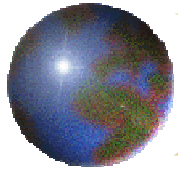


## *Copyright (Cont'd)*

Dramatic and choreographic works – plays, operas, dance

Films and multimedia products – movies, video games, TV programs, cartoons

Computer program – human (source code) and machine (object code) computer programming language

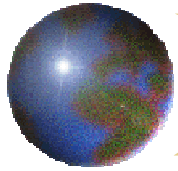


## *Copyright (Cont'd)*

- ❑ Copyright does NOT protect ideas, concepts, facts, but only the expression which is contained in a medium.
- ❑ Expression must be original

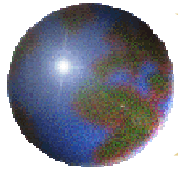
Eg. Dog playing with a ball



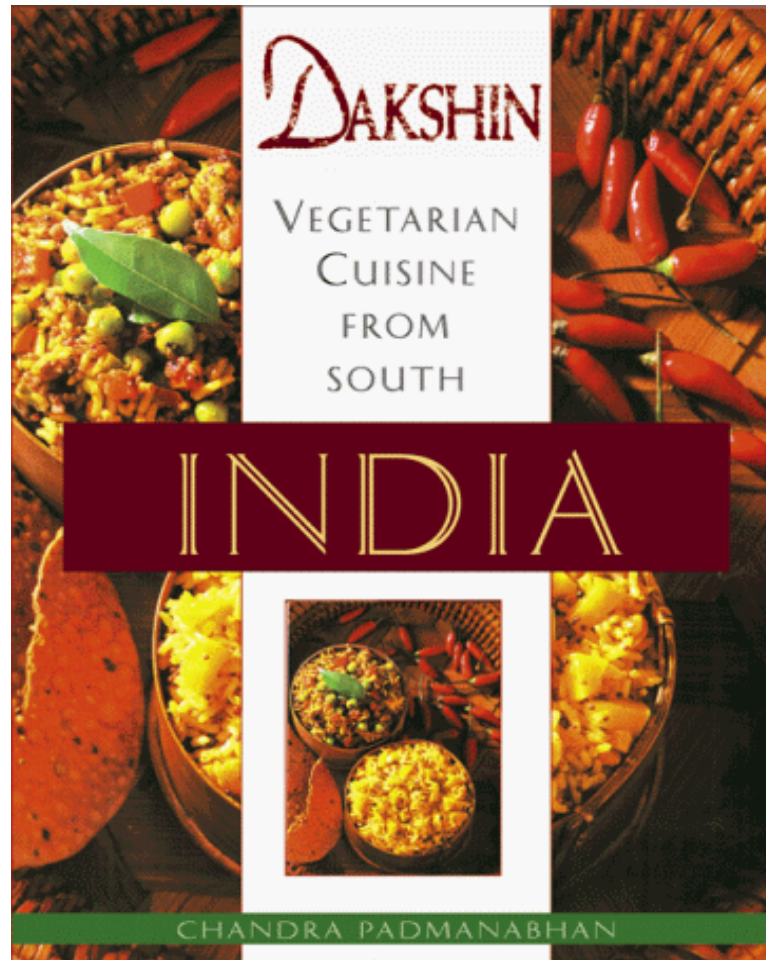


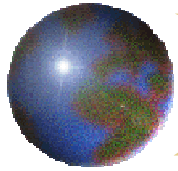
Example: A book on furniture making





## Example: A recipe book

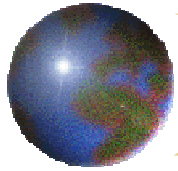




## Example: Women's magazine

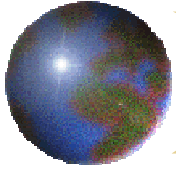






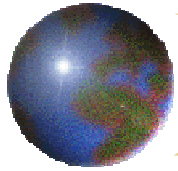
## Example: Reader Digest





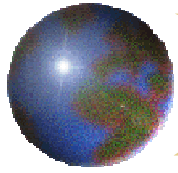
- ❑ Using copyright works of others
  - ✓ Law attempts to balance right of owner of copyright works and right of public to access / use the works.
  
- ❑ Rights granted to copyright owners
  - ✓ Economic Rights and Moral Rights
  - ✓ Moral Rights – unique to rights in copyright not found in other IP Rights.





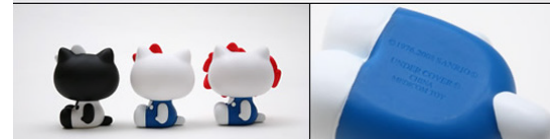
- ✓ Economic Rights – Authors (owners) have the exclusive rights to:
  - a) Reproduce the work – includes any form of copying, such as photocopying, downloading, uploading, printing, recording, photographing, scanning, etc.
  - b) Translate – the work into other language

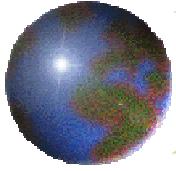


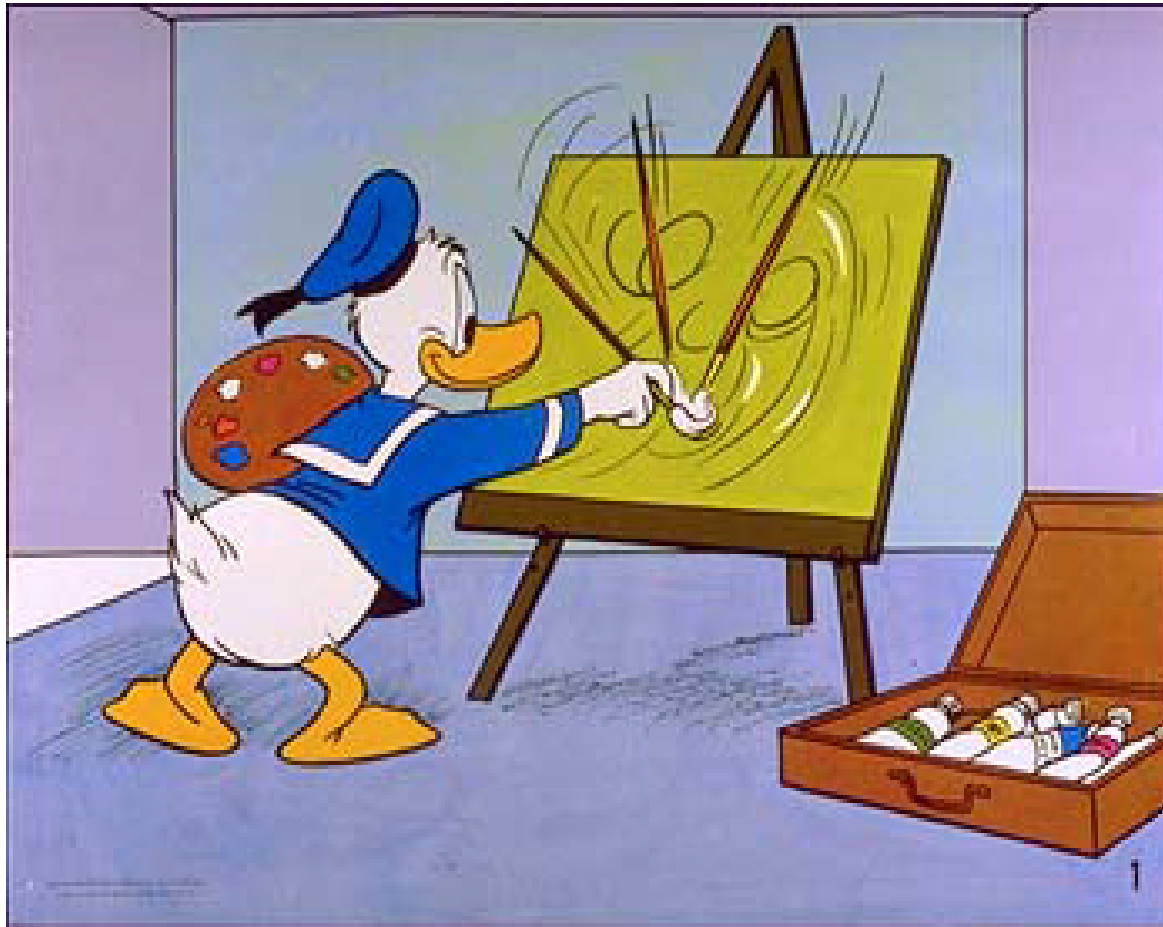
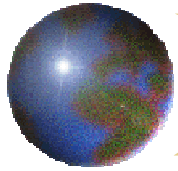


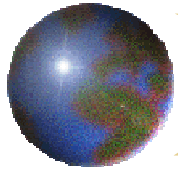
c) Adapt the work – this alteration or transformation usually changes the type of work.

Eg. making a novel into a movie, animating a drawing into a cartoon, character merchandising – toys, T-shirts,





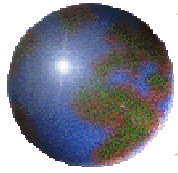




d) Exhibit / perform – the work in public

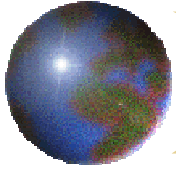
Eg. displaying photos in an art gallery,  
performing a play in front of an audience,  
playing a CD in a store or restaurant or  
any “public” place (eg. shopping mall)



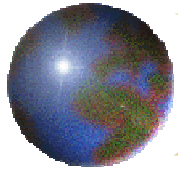


## d) Exhibit / perform – the work in public (Cont'd)

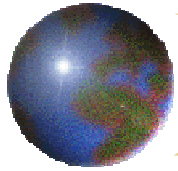




*“Your trusted IP Professionals”*

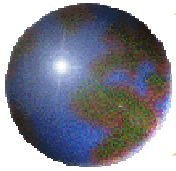






- e) Distribute – the work by selling / or commercial rental to the public
- f) Broadcast – the work. eg. playing a song over the radio, or showing a film on TV, playing a song over the PA System in a factory  
“re- broadcasting”

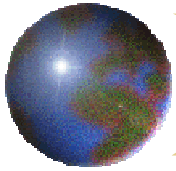




g) Communicate – the work to the public  
Eg. uploading a work onto the internet



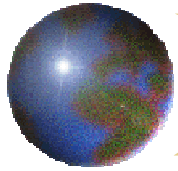
Doctrine of exhaustion of rights depends on national laws of a country parallel imports.



- ✓ Moral Rights – Rights which maintain a personal link between authors and their work.

Include the right to:

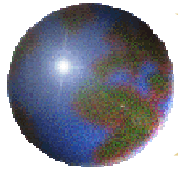
- a) be recognized as the author of a work (right of paternity). This means that authors can choose to sign their names, to not sign their names (remain anonymous), or to sign a fictional name (use a pseudonym) on their work
- b) object to any changes to the work which could damage the author's honour or reputation (right of integrity)



## ❑ Doctrine of Fair Use.

The right of control does not include.

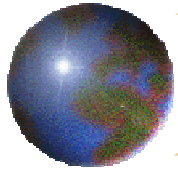
- ✓ By way of fair dealing for purposes of non-profit research, private study, criticism, review or the reporting of current events.
- ✓ Parody, pastiche or caricature.
- ✓ Inclusion in a film or broadcast of any artistic work situated in a place where it can be viewed by public.



Is acknowledge of source good enough?

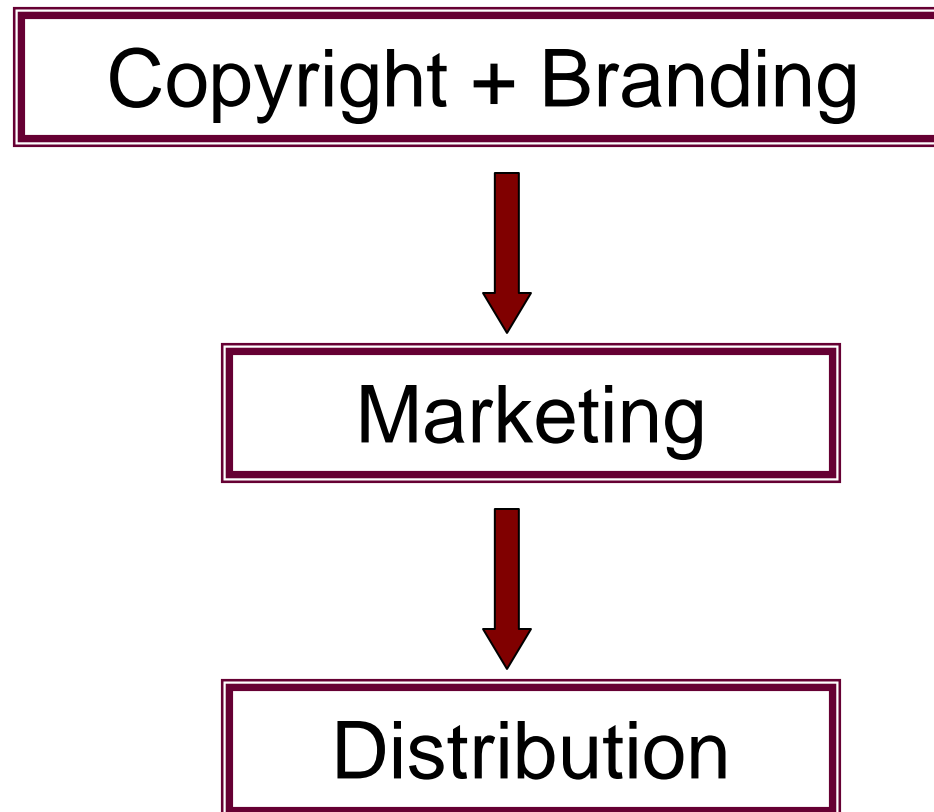
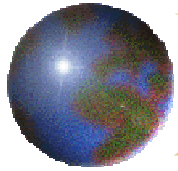
What is copying in law?

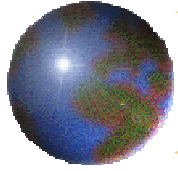
Quantitative or Qualitative



Exploitation of work globally?

Is registration required?





# THANK YOU

**P. Kandiah**

**Tel: 03 2284 7872**

**Fax: 03 2284 1125**

**E-mail: [ipr@kass.com.my](mailto:ipr@kass.com.my)**