



Copyright Considerations for Women Entrepreneurs

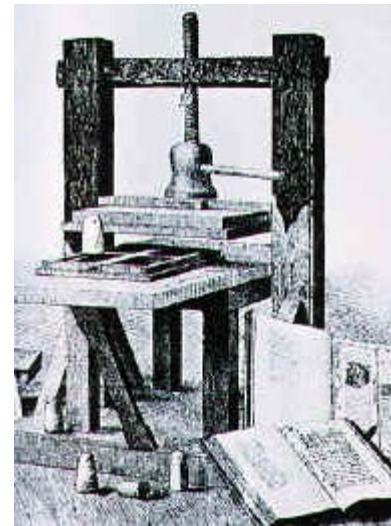
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WIPO
Geneva
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Copyright

Right to copy = activity of exploiting the work by means of reproduction

Common Law Tradition
– Statute of Anne,
England, 1709



Johannes Gutenberg printing press - 1440



Whereas Printers, Bookellers, and other Persons have of late frequently taken the Liberty of Printing, Reprinting, and Publishing, pretending to be Printed, Reprinted, and Published Books, and other Writings, without the Consent of the Authors or Proprietors of such Books and Writings, to their very great Detriment, and too often to the Ruin of them and their Families: For Preventing, therefore, such Practices for the future, and for the Encouragement of Learned Men to Compose and Write useful Books: His Majesty's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, hath from and after the



CC

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Author's right – *droit d'auteur*

Set of prerogatives or rights which the author enjoys in relation to his/her work.



Protected Works – Berne Convention (Article 2(1))

Protected Works:

The expression “literary and artistic works” shall include every production in the literary, scientific and artistic domain,

whatever may be the mode or form of its expression,

such asbooks, pamphlets and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works and entertainments in dumb show; ...

Written Materials

Newspapers

Magazines



Books



Music

Recordings

Concerts



Scores



Television, Movies, Games

Games



[Source: iFixit]

Cinema
&
Theater



Television



[source: Videohive]

Artistic design, jewellery, carpets, paintings, etc.

Art



Jewellery



[source: pixabay]

Carpets



[Source: Wikipedia]

Related Rights to Copyright

- Also called neighboring rights to *droit d'auteur*
- Underlying work must be protected by copyright
- Person or organization
- Intermediaries between authors/creators and their works
- Add value to the work: creativity or technique
- Disseminate/make available a creative work to the public



Alcina Charlie

<http://www.myspace.com/alcinacharlie/photos/>

Some Beneficiaries of Related Rights

- Performers
- Phonogram (sound recording) Producers
- Broadcasting Organizations



Some Basic Principles of the Copyright System

- Territorial; based on national treatment
- Protects expressions; not ideas
- No formalities required
- No exploitation required
- Limitations and exceptions
- Flexible and balanced

Limitations and Exceptions

Rationale: need to **balance the rights of authors of creative works and the public interest**, by **allowing some uses** of copyrighted material to be **exempted** from the requirement to seek **authorization from the author or right-holder or to pay royalties.**

What Are Copyright and Related Rights?

Moral Rights

■ Basic Rights:

1. Attribution (Paternity) or Authorship
2. Integrity

Moral rights cannot be transferred to someone else (in most jurisdictions)

Economic Rights

■ Basic Rights:

1. Reproduction
2. Distribution
3. Communication to the Public
4. Broadcasting
5. Adaptation
6. Translation
7. and many others

Can be transferred, divided and inherited

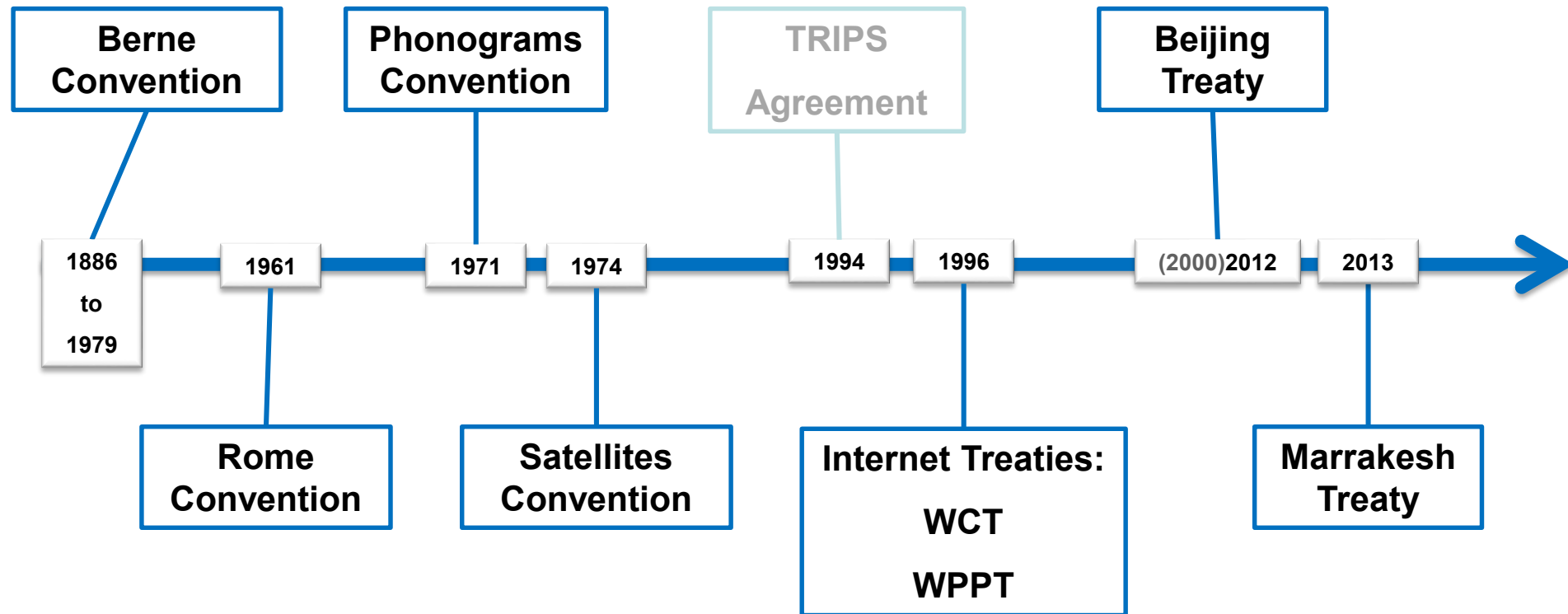
Copyright Term of Protection ?

Author's Life +

50 years

- Term of years is governed by the legislation of the country where protection is claimed
- Treaties establish minimum terms; contracting parties can do more at the national level
- Lots of discussion about this in the digital era

International Copyright Legal Framework



Entrepreneurs as Copyright Owners

- Recognize your copyrighted works/ works that are the objects of related rights
 - Know the basics of your national copyright law
 - What are your rights?
 - What flexibilities are available to others?
 - Are you the author of creative works, written works, etc.?
 - Not just the works that are the focus of your business
 - Are others creating works for you?
 - Who is the rights holder
 - Contractual issues

Entrepreneurs as Copyright Owners cont.

- Claim your copyrighted works
 - Registration if available
 - Copyright or related rights notices
 - Remember your moral rights
 - Think about succession of rights
- Protect your copyright and related rights
 - Monitor your works
 - Pursue infringers if necessary
 - Consider collective management
 - Alternatives for dispute resolution

Entrepreneurs as Copyright Users

- Inventory your use of copyright and related rights
 - Know the basics of your national law
 - Are you using photos, video clips, text excerpts, software, etc. created by others
 - In your works
 - Licensing considerations
 - Exceptions and limitations
 - Notice considerations
 - For marketing or other business purposes

Entrepreneurs as Copyright Users cont.

- Determine if you need permission
 - Limitations and exceptions
 - Licensing – e.g. Creative Commons
 - Collective management
- Remember moral rights
 - Attribution
 - Respecting integrity

Online Considerations

- Copyright is national but markets and distribution channels are global
- Consider territorial reach in business planning
- Specific protection mechanisms may be needed for online distribution
 - Digital rights management
 - Be aware of intersection with exceptions and limitations



Thank you!

www.wipo.int/copyright

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