

## **Concise Introduction to COPYRIGHT**

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### **Copyright**

In short and simple words, copyright is basically a right to copy. One is allowed to copy the original work but only if the author give the permission to the person.

Illustration: - 1. A is a painter who created a master piece, and showed it to his friend B, but B who is also a painter copied his idea and draws a similar piece and earns some revenue from it. Later when A gets to know about the fact that he copied his idea without his consent, then he sued him for infringement of copyright.

Illustration:-2. X who is an author told his friend, Z that he has written a book on Lagbaja and gave him a copy to read and give him the feedback. His Friend Z, published it without his consent. So this will also be a case of infringement of Copyright.

**Copyright** is a term describing **RIGHTS** given to creators for their literary and artistic works. It includes: literary works such as Novels, Poems, Plays, Reference works, Newspapers and Database, Films and Artistic works such as Painting, Drawings, and Photographs. **It is an intellectual property (IP)**. If a person owns the copyright to something, then he is the only owner of it and also the decider on who can copy it. In short, Copyright is to reproduce the work in which copyright subsists.

Copyright in every country, including Nigeria is a creation of statute (LAW). The object of copyright law is to motivate the new ideas of Authors, Composers, Painters and Artists and to create an original work without the fear of exploitation. The copyright laws by extending economic benefits to authorship, encourages writing original works. Today copyright includes a variety of industries like: the information industry and the entertainment industry and industrial designs.

### **Historical Background**

The concept of copyright was first introduced in Britain with the passing of the **Statute of Anne in April 1710**, which provides the protection of 14 years for works published after commencement of the act. Further, various judicial pronouncements developed the concept of copyright in Britain and largely through various juristic opinions. Later, the British System adopted the **Copyright Act of United States of America in 1790**. It provided for the protection of Books, Maps, and Charts for a period of 11 years from the first publication, which could be renewed for a further term if the author was still alive.

**The English copyright act of 1842**, (a new era in the regime of copyright law in England) expanded the scope and nature of copyright. In 1884, an International Copyright Act was empower her Majesty to provide protection to the authors of books and works of giving foreign jurisdiction.

### **Joint Authorship:**

Joint authorship means a work produced by two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors. It is necessary for the authors to have common design and idea and co-operation in carrying out the idea to constitute a joint-authorship. A person who only suggests the idea or subject matter of the work cannot be considered a joint author. The following conditions are necessary to constitute joint authorship:

It is necessary to show that each of the author contributed in the making of the work but it is not necessary that the authors' contribution to be in equal proportions or equal amount. There should be a process of collaboration between the authors. For a work to be jointly authored the respective contributions must not be distinct or separate from each other. In other words, the contributions must merge to form an integrated whole, rather than a series of distinct works, no author would be able to point a substantial part of the work and say that is mine.

### **Terms of Copyright**

The term was 50 years after the death of the author. But now it is 60 years after the death of the author. But the 60- year rule does not apply to the authors of cinematographic films, records, photographs, etc. because the authors in these cases are usually corporate persons, associations or companies and not individuals. It may be noted that on the expiration of the term of protection, the work falls in public domain.

Every person can use such open works. But a work adapted from an open work enjoys a fresh copyright from the time the new work is done and as a new work. The limited term of the copyright applies only in case of published works. Thus, where a literary, dramatic, etc. is unpublished, copyright would subsist for an unlimited term. There is copyright protection from the time the work is created even though it remains unpublished.

### **Infringement**

Infringement of copyright is:

When any person, without a license granted by the owner of the copyright or the Registrar of Copyrights under an Act or in contravention of the conditions of a license so granted or of any condition imposed by a competent authority under an Act

### **Licenses**

A license is an authorization of an act which, without such authorization would be an infringement and considered unlawful in the eye of law. The author or the copyright owner has the only right to grant a license with respect to his work. The license may be exclusive or non-exclusive. The term exclusive license has been defined in the Act in Sec. 2(j) as a license which confers on the licensee and persons authorized by him, to the exclusion of all other persons, any right comprised in the copyright in the work.



**There are basically two types of licenses:**

Licenses granted by the author: In this case, the author or the owner of the copyright himself gives his consent to reproduce his work.

Licenses grant under compulsion: it is a license requiring the copyright owner to grant the necessary authorization.

### **SUMMARY**

In short, copyright is the right given by the law for a certain term of years to an author, composer, etc. to print, publish and sell copies of his original work. Copyright is right to copy. Its main object is to protect the author of the copyright work from an unlawful reproduction or exploitation of his work by others. It has amended so many times because of the advancement in the technology and society. Copyright is a bundle of rights. Copyright provides 3 kinds of rights to the author or the owner of the copyright that is: Economic rights, Moral rights, Related rights.

Further, the act talks about the licensing and infringement, when the author voluntarily gives his consent to other to reproduce his work then it is voluntarily license and when the author is obliged to give the consent then it is compulsory license. Without the authorization there will be infringement.

**Intellectual Property (IP)** is an intellectual work which is produced by intellectual human brain. Ex:- Literary work, Musical work, inventions, etc. It is an intangible property. It is described as property because it is capable of sale, purchase, mortgage, etc. The owner of IP has rights over his intangible property. No one can make use of IP without the consent of the owner.

In simple words, Intellectual property gives rights of intangible property which is non-physical and derives from ideas and skills and talent. IPR is made to protect their rights and the infringement. Its object is to motivate other authors, painters and artists to come forward to show their original skills without being fear of that they will be copied by others.

And the rights which a person enjoys with respect to his IP are his intellectual property rights. And the law that protects the intellectual property rights is known as intellectual property law. It is indispensable in nature which provides access to knowledge, experience and expertise that results to mutual benefit to all.

Example:

Copyright law protects the copyright of Authors, Musicians, etc.

Patent law protects the inventions of the Inventors.

Trademark law protects the Trademark.