

that is a different story. A proper discussion of issues involving respect for and protection of traditional knowledge (TK) and traditional cultural expression (TCE) would require a full chapter on its own at the very least, see Brown (2003); UNESCO (2003); Story, Darch, and Halbert (2006); WIPO (2010b; 2010c).

- 3 The term 'intellectual property' is strongly disliked by progressive scholars who decry what they view as the commodification of culture (see e.g. Lessig 2004; Porsdam 2006; Vaidhyanathan 2001). In this spirit it would be preferable to refer to the person having a copyright as the copyright *holder* rather than the copyright *owner*; nevertheless, the phrase 'copyright owner' is so well established and commonly used that it makes no sense to go out of one's way to avoid it if the alternative creates stylistic infelicities. The other thing to keep in mind about intellectual property is that the scope of this concept is much broader than merely copyright. Copyright is a subcategory within intellectual property, which also includes, patent, trademark, trade secrets, etc.
- 4 'Shop right' is a doctrine in patent law that grants employers a non-exclusive licence to make use of employees' inventions created on the job without requiring extra payment or special permission.
- 5 The International Convention for the Protection of Literary and Artistic Works, usually referred to as the Berne Convention, was created back in 1886. Original signatories included Belgium, France, Germany, Italy, Spain, Switzerland, Tunisia, and the United Kingdom. Remarkably, the US didn't join until 1989, and even now does not adhere to all of the terms of the Berne Convention, US law, for example, still not fully enforcing the principle of authors' 'Moral Rights' as spelled out in Article 6bis, and discussed here in §19.2.9. The full text of the Berne Convention can be found on the website of the World Intellectual Property Organization (WIPO), see <http://www.wipo.int/treaties/en/ip/berne> , a specialized agency of the United Nations which has the responsibility of promoting and developing a 'balanced and accessible international intellectual property (IP) system' covering patent, trademark, and other types of IP in addition to copyright.
- 6 The way the Berne Convention works is that a country generally must give protection to copyright holders of all member countries on at least the same terms it accords its own citizens. It does not have to enforce the laws of the source country and normally does not. Let me illustrate with reference to the complex matter of duration. Copyright protection in Mexico lasts for the life of the author plus 100 years; in the US it is life plus 70 years. An American court adjudicating an infringement case involving a Mexican copyright will thus limit the copyright's validity to the US prescribed life plus 70 and ignore the life plus 100 duration specified under Mexican law. Similarly, under American law, a Jordanian work will have a term of life plus 70 even though the copyright term in Jordan is life plus 50. However, in both of these cases, the Berne Convention permits the US to apply the original country's duration if it wanted to do so, which would result in giving more protection to the Mexican copyright and less protection to the Jordanian copyright than the US accords its own citizens. In fact, the US has chosen to ignore the different durations of foreign countries and has opted to apply life plus 70 across the board.
- 7 Having an essentially common copyright regime throughout the world presents many advantages. However, members of the CopySouth group, see <http://www.copysouth.org> , take the position that the copyright laws of most developing countries of Africa, southeast Asia, and Latin America were taken over uncritically from the laws of European, particularly formerly colonial, countries even though these laws as written appear to be contrary to the best social and economic interests of these poorer countries (Story 2009; Story et al. 2006).
- 8 This copyright code is available in full at the United States Copyright Office website <http://www.copyright.gov> or at the Cornell University Law School website <http://www.law.cornell.edu/uscode/17> .
- 9 Formal registration actually bestows numerous legal benefits, registration, for example, being a precondition to filing suit for copyright infringement; nevertheless, it is not a condition of copyright *per se*. Moreover, registration is always possible at some later date and need not take place when a work is first produced or first published. This schizoid approach to registration—it is not required, but you had better do it!—reflects a far from satisfactory compromise between the US tradition of (and strong preference for) registration and the Berne Convention principles which forbid formalities as a requirement for copyright.
- 10 The initial author remains the measuring life for duration purposes even if, as is normally the case, the copyright has been transferred to someone else, either during the author's lifetime or later. With works where the author's life cannot be determined, e.g. anonymous items or works where a company counts as author under the Work for Hire doctrine, copyright duration is specified in terms of a set number of years, which in the US is currently 95 years from the date of publication or 120 years from the date of creation, whichever comes earlier. Some countries have different copyright durations for different classes of works, e.g. one duration for books and another for motion pictures. In the US, the duration is the same regardless of the medium or type of work.
- 11 The issue of copyright duration, however, remains a factor if the linguist wants to make use of handwritten manuscripts or other older sources. The basic term for pre-1978 publications is 28 years potentially renewable for another 67, with different duration rules applying to foreign works and to unpublished works. Determining whether older works are still covered by copyright or are in the public domain and thus available for free use turns out to be an extremely complicated question; for such matters the linguist is well advised to seek the help of a copyright professional.