

If more than one author is involved, the result is a joint work, where each author has equal rights with all of the others. There may be, and often is, unequal contribution to a work—one person effectively did two-thirds of the work and the other person did one-third (or one did a half, one did a quarter, and two others each did an eighth)—but from the perspective of American copyright law, each author has equal rights. What this means is that each author, even the one with the minimal 1/8th input, has full right to use the work to its fullest, including publishing it, without needing permission from the other co-authors. What a joint author may not do on his or her own is transfer the copyright to someone else or give it up entirely, which is to say, put the work in the public domain.

The copyright laws of some countries, particularly the US, allow an employer, whether an individual or a large corporation, to stand in the shoes of a creative employee and be treated as the initial Author. In US law, this is referred to as the Work Made for Hire doctrine (often shortened to the Work for Hire doctrine), a terribly inapt and misleading term. Other countries reject this legal fiction of employer as Author, but find other ways to allow the employer to benefit from the creative activities of his/her/their employees, notably by contract or by 'shop right' type rules.<sup>4</sup> Nevertheless, the essential thing to keep in mind is that the default rule everywhere is that the individual creator is the Author, and that payment in and of itself does not necessarily change that fact. For the Work for Hire rule to apply, the person whose creative product is claimed by someone else must count as a real employee, narrowly defined, and not as a freelance worker commissioned to prepare the work. Thus, if you (for example) hire someone to write an anniversary song to celebrate that occasion, for which you pay a large sum, that does not make you the Author and thus copyright holder of the song. Given the essential property nature of copyright, you of course can contract to buy the copyright to the song if the composer is willing to sell it, but that is totally independent of the Work for Hire rule. Similarly, a granting agency, such as the National Science Foundation (NSF), that provides funds for your research, including perhaps your summer salary, does not thereby become the copyright holder of your creative products. As the source of funds, NSF or any other agency can impose contractual restrictions, requirements, and conditions on what you may or may not or must do with your research materials, such as insisting that results of the research be deposited in an open-access archive; but it cannot override copyright law as such, which says that as the creative party you are the Author and thereby the initial copyright holder.

### 19.2.7

Copyright is divisible. One normally uses the term copyright in the singular, but in reality copyright represents a bundle of rights, such as the right to copy, distribute, display, perform, or make derivative works (such as abridgements, adaptations, or translations). Each of these rights can be controlled, exploited, or transferred separately of the others.

### 19.2.8

Copyright comes from national law and not from international law nor from some universal natural law. Who is the copyright holder and what rights that person has and for how long come from specific laws of specific countries. The rights that creators have are limited to what the laws of that person's country say they have: no more and no less. In these days of globalization, it may seem surprising, but there is no such thing as international copyright law *per se*. There are international treaties, the most significant being the Berne Convention,<sup>5</sup> which is adhered to by over 160 countries; but although Berne sets out detailed guidelines and minimum conditions and principles that member countries are required to adhere to, it is not international law as such. All copyright actions take place within a specific country in terms of the laws of that country including its treaty obligations.