

STRUCTURE OF SCIENTIFIC DOCUMENTS

COPYRIGHT NOTICE

STW
EX20003
UNIT 04

INTELLECTUAL PROPERTY RIGHTS

- According to World Intellectual Property Organization, Intellectual property refers to creations of mind; inventions; literary and artistic works; and symbols, names and images used in commerce
- India is a signatory to Agreement on Trade Related Intellectual Property Rights (TRIPS)
- It has promulgated its own Acts
 - Copyright (Copyright Act, 2012)
 - Patents (Patents Act, 1970; Patents Amendment Act 2005)
 - Design (Designs Act, 2000)
 - Trademark (Trade Marks Act, 1999)

WHAT IS COPYRIGHT?

- Copyright protects *original tangible expression* contained in an intellectual work used to express an idea, or describe a process, fact, or discovery e. g. book, article, paragraph, poem, painting, lecture, database, computer program, figure and table, drama, film, recording, and any other original literary, dramatic, musical or artistic work
- Copyright is a ‘bundle’ of rights:
 - Right to reproduce the work
 - Right to distribute copies of the work to public
 - Right to make derivative works such as translation, abridgement, dramatization, or other adaptations
 - Right to perform and display the work publicly
- Rights belong to *author* of work, not to *creator*
- Author holds copyright up to 60 years after he/ she expires

CREATOR AND AUTHOR

- When an employed person creates something as part of their work, then employee is 'creator', and employer is 'author' of work
- Hence, copyright rests with employer
- For literary, dramatic or artistic work, including photograph, painting or portrait, created during employment or under contract, for publication in newspaper, magazine or similar periodical, proprietor of such publication shall be first owner of copyright
- However, such ownership will remain valid only publishing or reproducing the work in a publication
- For all other purposes, copyright shall remain with author of work
- Copyright in any work created on commissioned basis i. e. work done by an independent contractor, shall remain with creator, unless there is an agreement to the contrary

UNIVERSALITY OF COPYRIGHT

- India is a member of Berne Convention and Universal Copyright Convention
- Government of India passed International Copyright Order, 1958
- Any work first published in any country, which is a member of any of the above conventions, is granted same treatment as if it was first published in India

COPYRIGHT NOTICE

- ‘Copyright notice’ consists of three parts:
 - Symbol © or the word ‘copyright’
 - Year of publication
 - Name of copyright owner
 - Phrase ‘All rights reserved’ is sometimes included in copyright notice e. g.
- © 2017 Nihar Ranjan Sahoo. All Rights Reserved.

COPYRIGHT REGISTRATION

- Registration is not a prerequisite for acquiring copyright in a work
- Copyright in work is created when the work is created and given material form, provided it is original
- Copyright Act provides for a copyright registration procedure

LICENSING OF RIGHTS

- Author may transfer copyright in its entirety or a few of its four component rights by ‘licensing’ or ‘assigning’
- Separate licenses may be given for different geographically dispersed regions, different times, or for different media
- Licenses may be ‘exclusive’ or ‘non-exclusive’; exclusive licensee of a right can sublicense others, whereas a non-exclusive licensee cannot
- Author has right to (a) claim authorship of work; and (b) restrain or claim damages with respect to any distortion, mutilation, modification, or other act in relation to said work, if such acts are prejudicial to author’s repute
- Right against distortion is available even after expiry of term of copyright

TRANSFER OF COPYRIGHTS OF PAPERS TO PUBLISHERS

- When a 'copyright transfer form' is signed, publisher can license subsidiary rights to other publishers and grant permission to other publishers and authors to use portions of the work in their own publications
- Also, author cannot include the work in their future work (including thesis) without publisher's permission, unless otherwise mentioned explicitly in copyright transfer form

FAIR USE PRINCIPLE

- Fair use is copying of copyrighted material for limited and ‘transformative’ purpose, such as comment, criticism, news report, parody, teaching, and research
- ‘Transformative’ use is not illegal but not well defined
- Four considerations:
 - (i) Purpose and character of use (commercial use is not fair use)
 - (ii) Nature of copyrighted work (facts and ideas are not copyrighted)
 - (iii) Amount and substantiality (minor violation of theme is not fair use)
 - (iv) Effect on work’s value (if the work is adversely affected, it is not fair use)

HONEST USAGE OF SOFTWARE

- Acknowledge software package used in the work
- Cite source when computer programs written by others are used
- If existing codes are modified, clearly mention type and extent of modifications done
- Minor modification in existing code or renaming of some code variables does not amount to original research contribution
- Knowingly using an infringed copy of computer program is a punishable offence



THANK YOU!