



Copyright: Protecting Your Literary and Artistic Expressions

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Copyright

is the legal protection extended to the owner of the rights in an original work that he has created.

- WIPO (Publication No. L450CM/E)

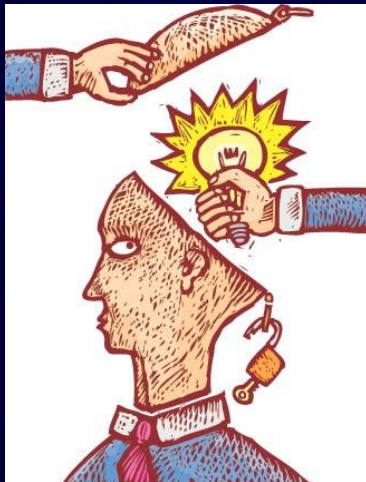
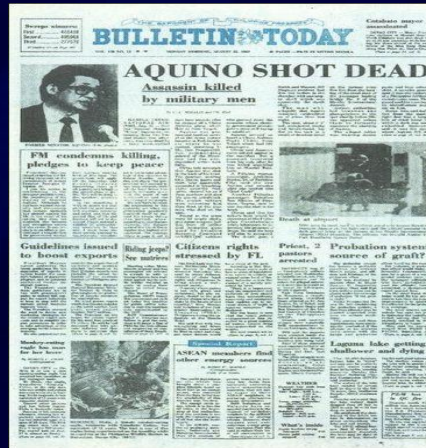
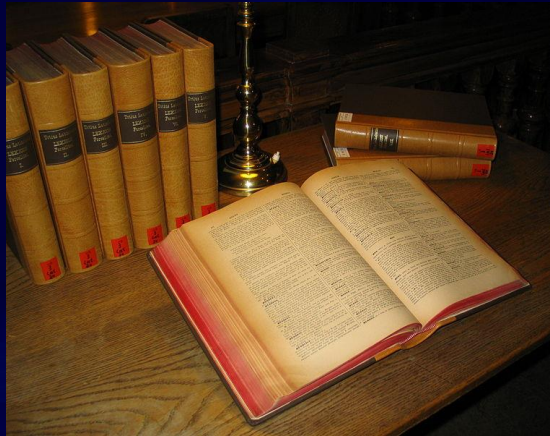
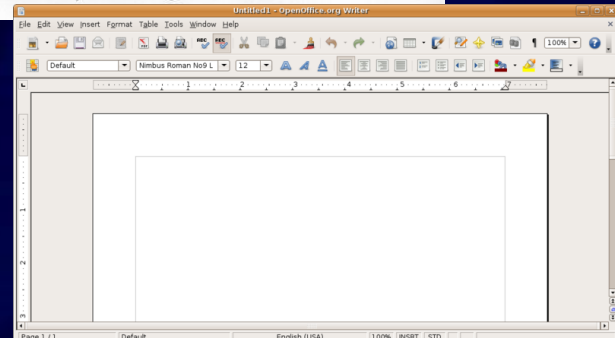
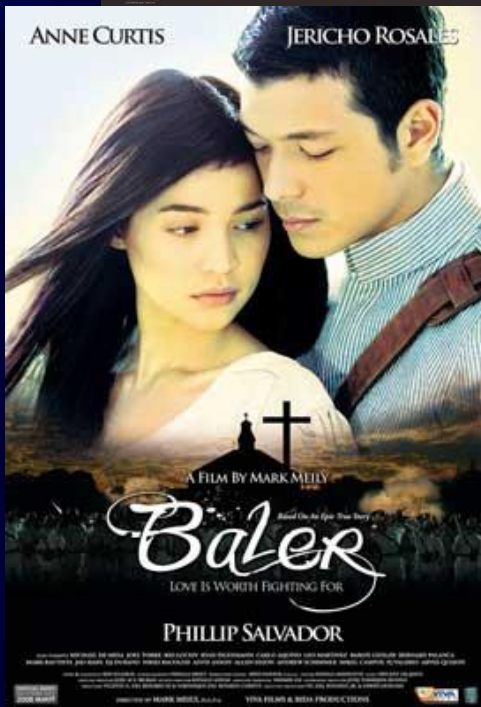
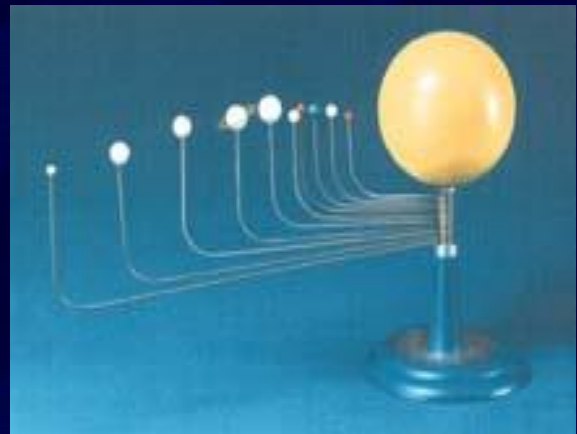
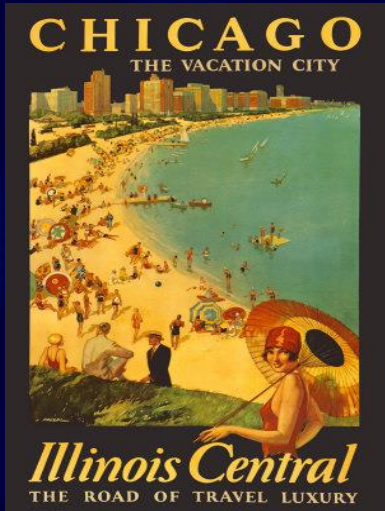


Photo courtesy: Shutterstock

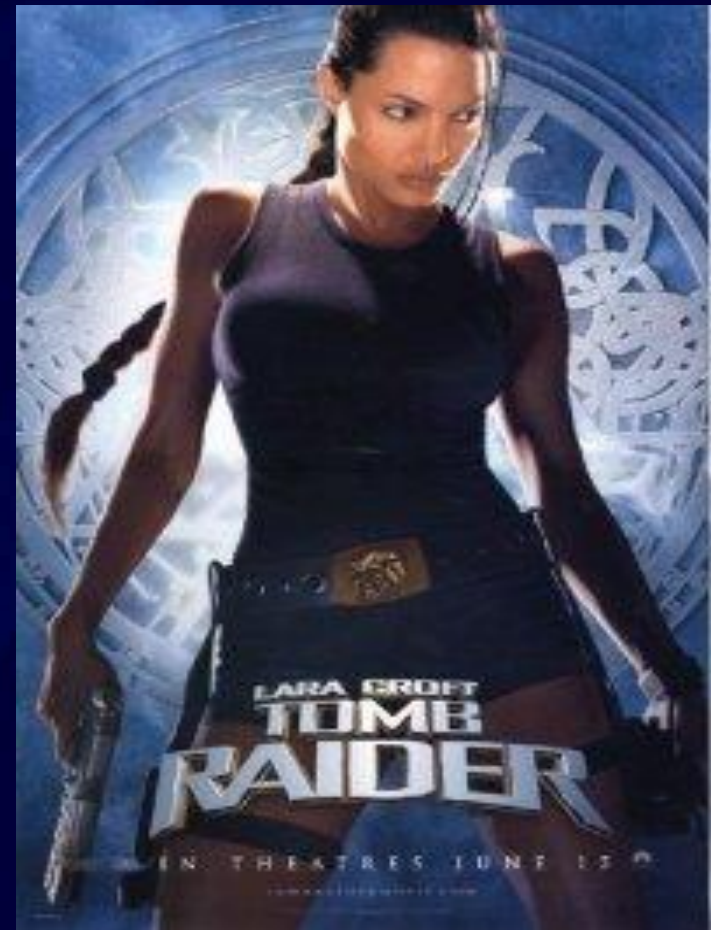
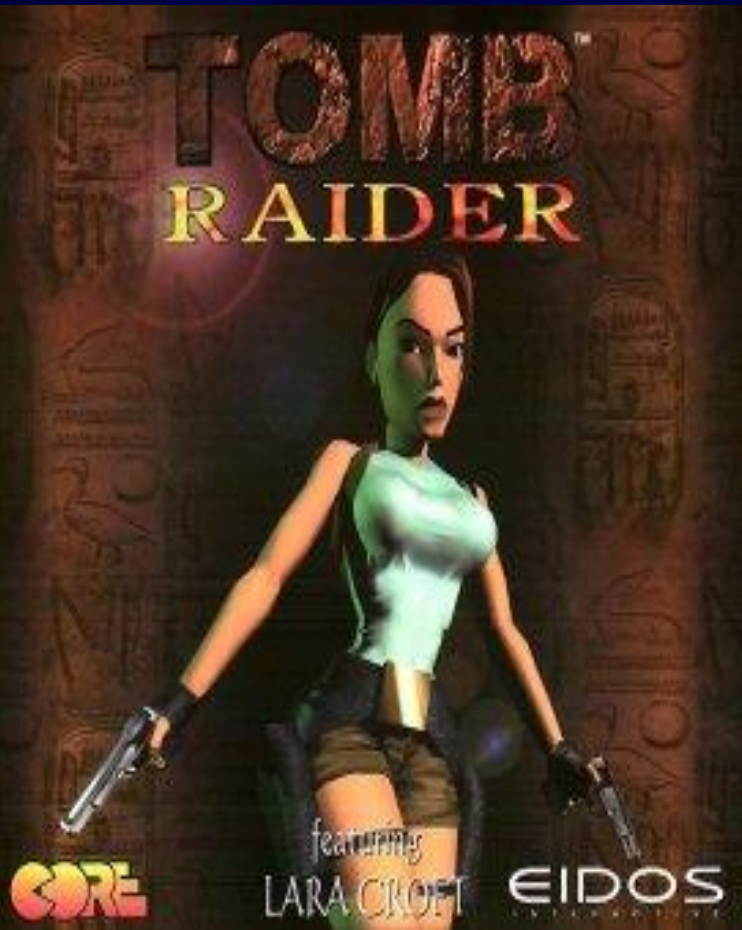


Original literary and artistic works





Derivative Works



Source: wikipedia.org

Unprotected Works

- Titles, names, short phrases, and slogans;
- Familiar symbols or designs;
- Mere variations of typographic ornamentation, lettering, or coloring;
- Mere listings of ingredients or contents;
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices;
- Common information such as calendars, measurement charts, TV guides; and
- Government or legal documents.

How is copyright acquired?

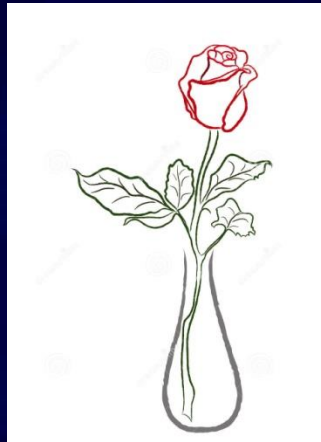
ACCRUAL
RIGHT

Copyright is automatically vested on the creator at the moment of creation.

Copyright protects the way in which ideas are expressed.



Art by: Maryna Salagub



courtesy: Dreamstime

Subject: red rose in a vase



Photo by: Aleksander Dimitrov

Do I need to register my copyright? **NO!**

Registration establishes a public record of the artist's claim to authorship and is a necessary prerequisite to asserting any copyright claim in court.

© DUAAD 2014



**Economic Rights –allow
the owner to derive
financial reward from
the use and exploitation
of the work.**

reproduction



T-shirts, etc.

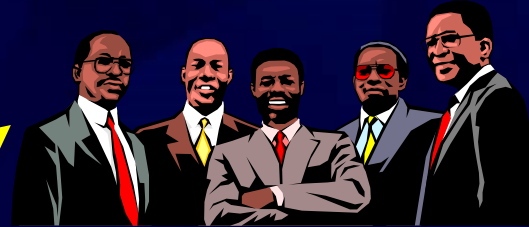
transformation



play



movie

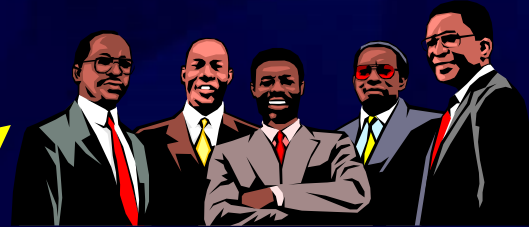


Transfer of ownership

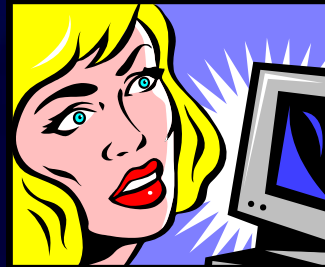


First public distribution





Transfer of possession

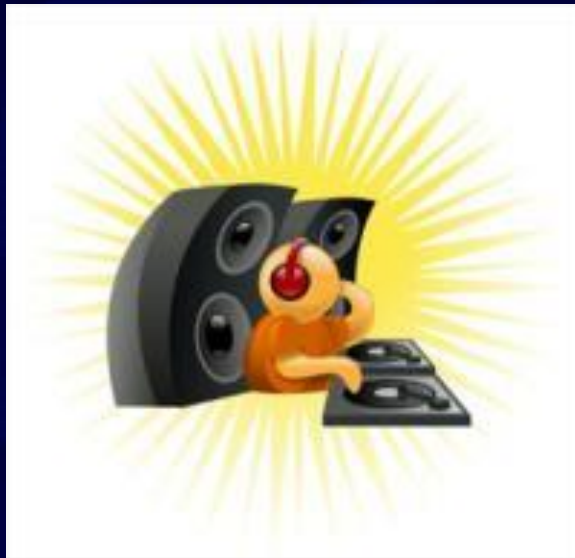


Rental



public display

public performance

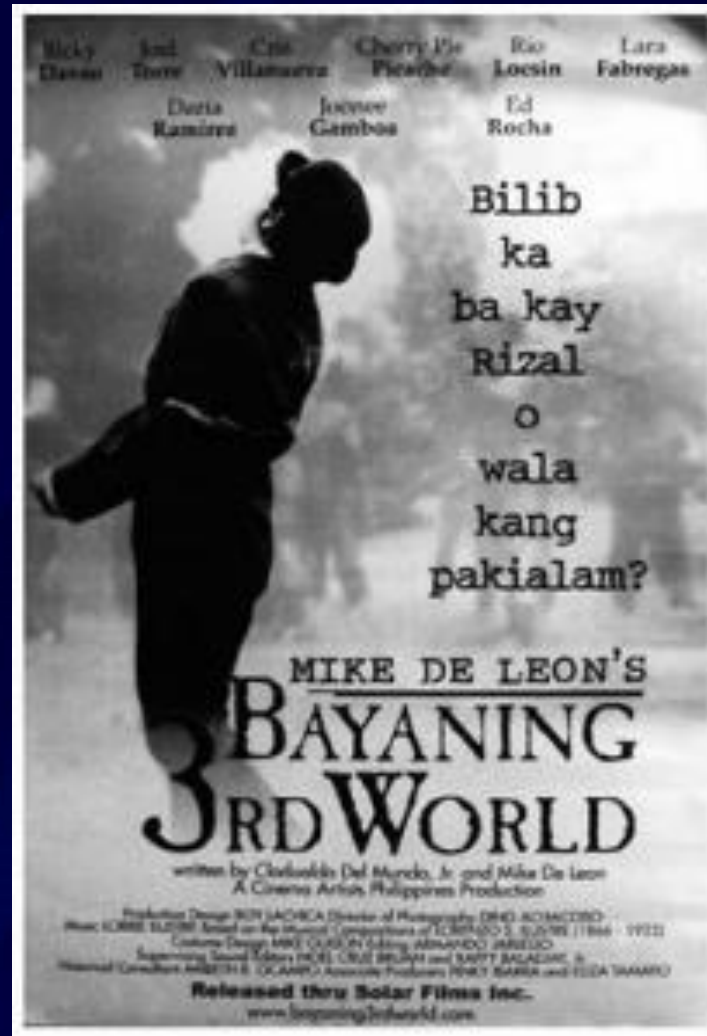




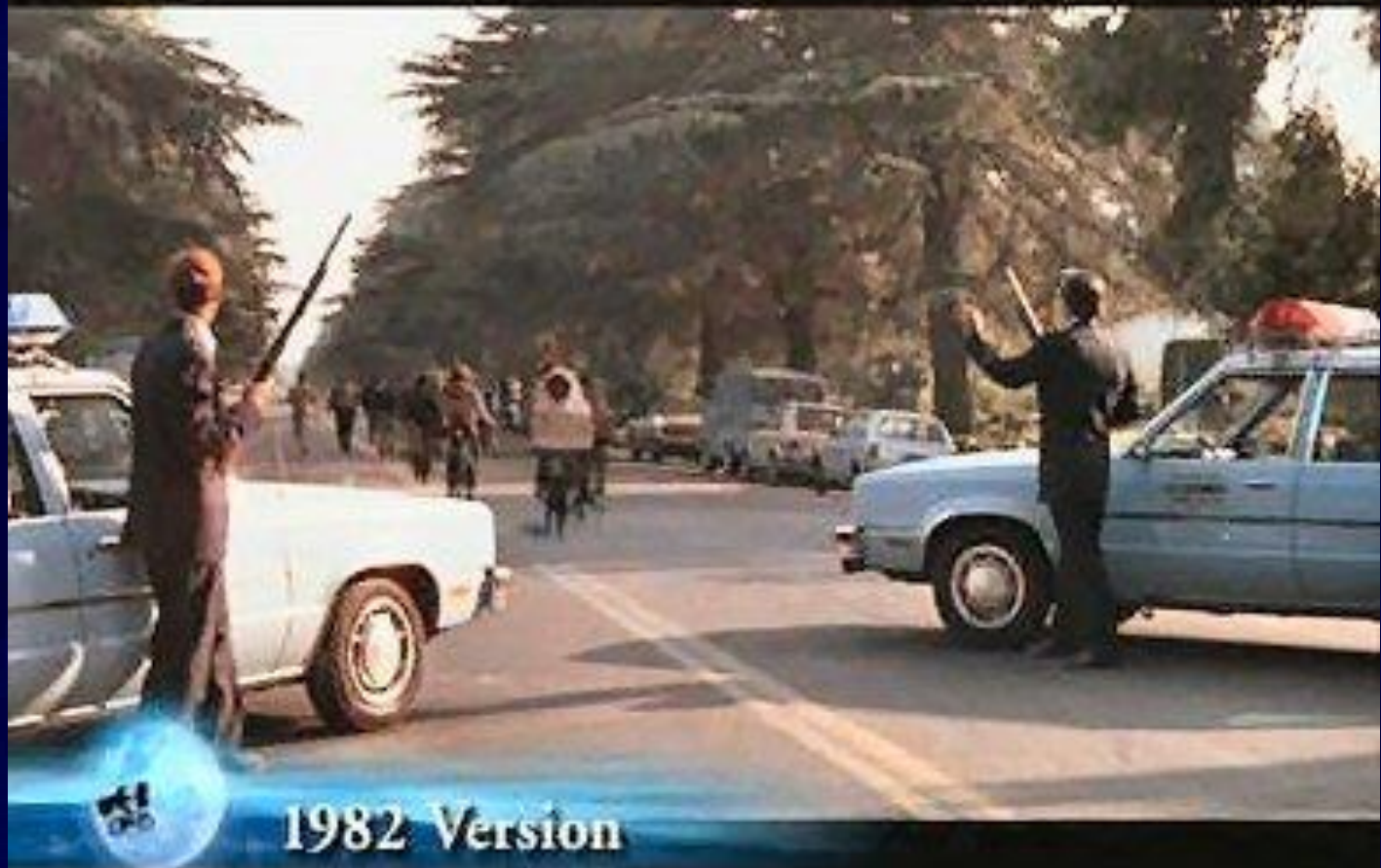
communication
to the public



Moral Rights – highlight the personal link existing between the author and the work.



attribution



1982 Version



alteration

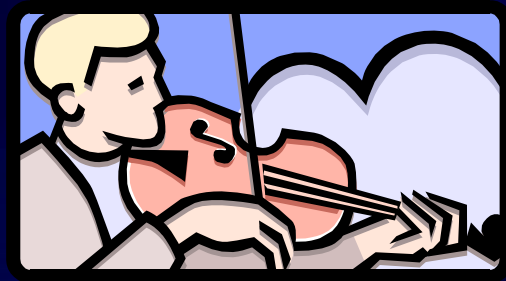
Source: wikipedia.org





object to distortion

Related Rights



performers

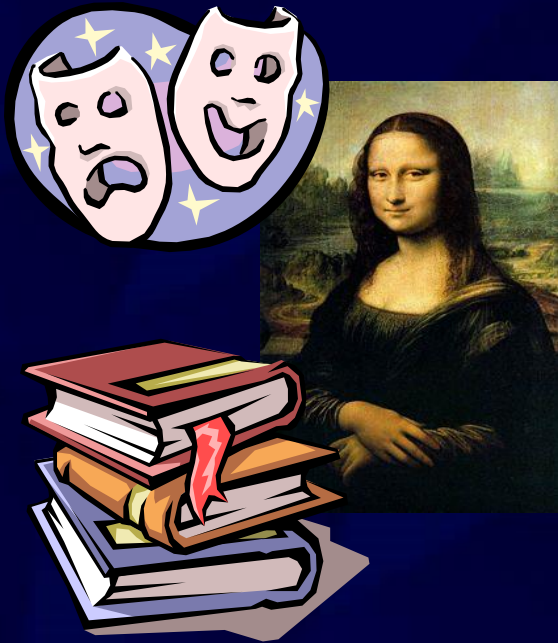


**broadcasting
organizations**



sound recording producers

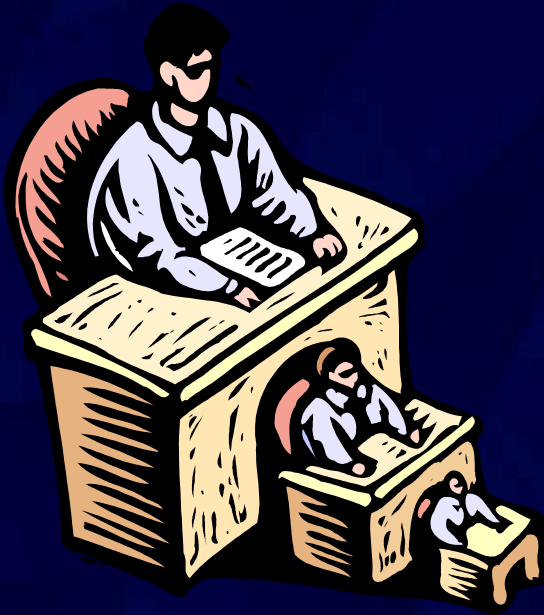
who owns the copyright?



Author: natural person
Co-author: joint
authorship

Who owns the copyright?

Under employment contract-



- employee: not part of regular duties
- employer: part of regular duties

Commissioned work –
creator

How long does the protection last?

original/derivative works	➤	life + 50 yrs p.m.a.*
works of joint authorship	➤	last life + 50 yrs p.m.a.
ano-/pseudonymous works	➤	50 yrs fr. publ./making
works of applied art	➤	25 yrs fr. making
photo/audiovisual works	➤	50 yrs fr. publ./making

* post mortem auctoris = after the death of the author



Do I have copyright protection in other countries?

- Berne Convention for the Protection of Literary and Artistic Works
 - More than 160 countries have ratified this treaty

What is copyright infringement?

Copyright infringement is when someone uses a copyrighted work without permission, or in a way that violates the terms of an agreement or license.

Who is liable for infringement?

Any person or entity involved in the unauthorized use of a copyrighted work, from the initial copying through publication and distribution, is liable for infringement.

Remedies for Infringement

Civil

- Injunction, damage, impounding, destruction of infringing materials & copies

Criminal

- Imprisonment & fine (1 – 9 yrs, P50k – P1.5 M)

Administrative

- Cease & Desist Order, fine, damages, other analogous penalties

When is there no violation?

- Fair Use: for purposes of criticism, comment, news, teaching, research, decompilation

- ✓ Factors:

- purpose & character of the use
- nature of the copyrighted work
- amount & substantiality
- effect on the market

REQUIREMENTS

- Copyright Registration and Deposit Form (3 copies)**
- Affidavit of Ownership (3 copies)**
- 2 Government Issued ID (3 copies)**
- Copy of Original Works(2 copies)**
- Filing Fee(Php 750)**

"Copyright doesn't protect your work from being used at all, it just protects it from being used unfairly."



-Terry Lee Stone-

THANK YOU!

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www.ipophil.gov.ph

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