

Copyright Law

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Abstract— Copyright law is a very important subject which is well known by very few people in our society. It can play an important role in motivating individuals to the creativity and productivity of an artistic works by giving them the exclusive right to control what they did with some exceptions. Fair Use is the set of exceptions of the exclusive right of the author. Copyright laws were first time enacted in 1709, from this you can imagine how much these laws had been through.

Index Terms—copyright law, copyright law history, fair use, fair dealing.

I. INTRODUCTION

Copyright law is just intended to a single property of a larger field of legal concept called *Intellectual Property*.

According to *InvestorWord.com*, intellectual property (IP) is “Any intangible asset that consists of human knowledge and ideas” [1]. As you can see, this is a very wide range definition which can possibly be categorized into smaller and more manageable categories. These categories include copyright, patent, trademark and a lot more. Each one of these laws has its own list of rules and indented to a specifically defined form of knowledge or idea [2].

Copyright law is one of the most important legal aspects of intellectual property. It provides the author of a creative work the exclusive right to control his work [3]. In the rest of this paper, I will try to describe this term in more details with example. Then, I will introduce another important topic related to the copyright which is *Fair Use* or *Fair Dealing*. And before concluding this paper, I will do my best in showing some historical events which helped in keeping copyright law enacted till today.

II. COPYRIGHT LAW

A. Definition

Copyright exists in an artistic and creative work. This work can be a book, movie, music, or even software. It gives the copyright holder the exclusive right to control what he produced. Generally, this control is for giving the right to copy, but it also gives a lot more. It also give the copyright holder the right to be credited for his work, determine who can adopt it, how can financially benefit from it, and other related right [2]-[3]. These rights is limited with a period of time which can vary from only ten years from having this

right up to seventy years after death depending on what is agreed on [2].

The first big ambiguity in the definition is in defining what a creative work is. You may think that people have different tastes, a work I consider as a creative work you may not agree with me. So, there must be a rule of thumb to decide wither it is or not. To do that, here is the two main conditions have to be satisfied to judge a creative work:

1. It has to be in a tangible form
2. It has to be creative

From the first condition, you can not copyright something you just said it till you have it in a sort of storage media such as cassette, or write it in a paper. The creativity is something more difficult to decide. But you can say in here, if it is a fact, then it is not a creative work. In general, most things you write are a creative work. While a fact is not a creative work, organizing facts in a creative way is a creative work [4].

B. Fair Use

Fair Use or some times called Fair Dealing is simply means that under some conditions you are allowed to copy without taking the permission from the copyright holder [5]. The importance of this issue is based on the *free speech right*. Some people don't like to have negative feedback for their work, which is more important than the positive ones. So, they may not give the permission to criticize or commenting there work properly. This example can show the importance of have Fair Use concept. You are also can quote some of a copyright protected work for teaching and explaining [4].

C. History of Copyright Law

The first copyright law was in 1710 in Britain. That is almost 3 centuries ago. Of course at that time, printers were not invented yet. So, copyright law was much different than it is today. [6]

The modern copyright law, we can say, was started after the advent of printing process in Britain. And that was 1662 when.

In 1887, Berne Convention was first recognized copyrights law among different nations. Under that convention, copyrights do not have to be registered, as they are automatically in force at creation. Today's mostly widely convention used is based on the Berne Convention. It is a part of World Trading Organization, under World Intellectual Property Organization Copyright Treaty (WIPO Copyright Treaty). [3]

III. CONCLUSION

As you have just read, the law can protect your creative work. And also, now you know that you can use other copyrighted in a legal way. However, do you think these laws give you enough protection? If you said yes, then I am sorry to tell you that with the advances in technology, it is not easy to control your copyrighted works if it was in the Internet or more generally in a digital form. But also technology itself can solve a lot of these privacy and copyrighted problems. [4]

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