
Professional Certificate in Intellectual Property and Contract Law

Copyright Law

Copyright Law

Copyright law is a body of law that grants authors, artists, and other creators the exclusive right to use and distribute their creations for a limited period. The purpose of copyright law is to protect the intellectual property rights of creators and provide them with financial incentives to continue creating original works.

Copyright law protects a wide range of works, including literary works, music, art, and software. It gives creators the exclusive right to reproduce, distribute, and display their works, as well as the right to create derivative works based on their original creations.

Copyright law also sets out limitations and exceptions to copyright protection, such as fair use, which allows limited use of copyrighted material without permission for purposes such as criticism, comment, news reporting, teaching, scholarship, or research.

Related Terms:

- Intellectual Property: Intellectual property refers to creations of the mind, such as inventions, literary and artistic works, designs, symbols, names, and images used in commerce.
- Fair Use: Fair use is a legal doctrine that allows limited use of copyrighted material without permission from the copyright owner under certain circumstances.

Copyright Infringement

Copyright infringement occurs when someone violates the exclusive rights of a copyright owner by using, reproducing, distributing, or displaying their copyrighted work without permission. Copyright infringement can result in legal action, including the payment of damages and the issuance of injunctions to stop the infringing activity.

Examples of copyright infringement include making unauthorized copies of a book, downloading music without permission, or using copyrighted images on a website without a license.

To prove copyright infringement, the copyright owner must demonstrate that they have a valid copyright in the work, that the alleged infringer copied the work, and that the copying is substantial and not a fair use.

Related Terms:

- Exclusive Rights: Exclusive rights are the rights granted to copyright owners to control the use and distribution of their copyrighted works.
- Damages: Damages are monetary compensation awarded to copyright owners for losses suffered as a result of copyright infringement.

Derivative Work

A derivative work is a new work that is based on or derived from an existing copyrighted work. Derivative works include adaptations, translations, and other modifications of the original work. To create a derivative

work, the creator must have permission from the copyright owner of the original work.

For example, a movie based on a novel, a translation of a book into another language, or a remix of a song are all considered derivative works. The creator of a derivative work may have their own copyright in the new work, but they must obtain permission from the copyright owner of the original work to distribute or display the derivative work.

Related Terms:

- Adaptation: An adaptation is a type of derivative work that transforms a pre-existing work into a new form, such as a movie based on a book.
- Translation: A translation is a derivative work that converts a work from one language to another, such as translating a book from English to Spanish.

Public Domain

Public domain refers to works that are not protected by copyright and are available for use by the public without permission. Works enter the public domain for various reasons, such as the expiration of copyright protection, the failure to meet the requirements for copyright protection, or the dedication of the work to the public domain by the copyright owner.

Examples of works in the public domain include works whose copyright has expired, works created by the U.S. government, and works that have been dedicated to the public domain by the copyright owner. Public domain works can be freely used, copied, distributed, and displayed by anyone without restriction.

Related Terms:

- Copyright Term: Copyright term is the duration of copyright protection for a work, which varies depending on the type of work and the country in which it was created.
- Creative Commons: Creative Commons is a licensing system that allows creators to share their works with the public under specific terms and conditions, such as requiring attribution or prohibiting commercial use.

Work Made for Hire

A work made for hire is a work created by an employee within the scope of their employment or a work specially ordered or commissioned for use in certain specified categories. In both cases, the copyright in the work is owned by the employer or the person who commissioned the work, rather than the creator.

Works made for hire include works created by employees as part of their job duties or works created by independent contractors under a written agreement stating that the work is a work made for hire. The creator of a work made for hire does not have any copyright ownership or rights in the work, and the employer or commissioning party holds all rights to the work.

Related Terms:

- Assignment: An assignment is a transfer of copyright ownership from one party to another, such as from a creator to a publisher.
- Independent Contractor: An independent contractor is a person or entity hired to perform a specific task or project for a business, but is not an employee of the business.

First Sale Doctrine

The first sale doctrine is a legal doctrine that allows the owner of a lawfully made copy of a copyrighted work to sell, lend, or otherwise dispose of that copy without the permission of the copyright owner. The first sale doctrine applies to physical copies of works, such as books, CDs, and DVDs, but does not apply to digital copies of works.

Under the first sale doctrine, once the copyright owner sells or distributes a copy of a work, they lose the ability to control the distribution of that particular copy. This doctrine allows consumers to resell, lend, or give away their lawfully acquired copies of copyrighted works without infringing on the copyright owner's rights.

Related Terms:

- Exhaustion Doctrine: The exhaustion doctrine is a legal principle that limits the rights of copyright owners to control the distribution of their works after the first sale of a physical copy of the work.
- Resale: Resale refers to the act of selling a copy of a copyrighted work that has been lawfully acquired, such as selling a used book or DVD.

Public Performance

Public performance refers to the act of performing a copyrighted work in a public setting, such as a concert, theater, or public event. Public performance rights are one of the exclusive rights granted to copyright owners, allowing them to control the public performance of their works and receive compensation for such performances.

Examples of public performances include live music concerts, theatrical productions, and film screenings in public venues. Public performance rights apply to both live performances and performances of recorded works, such as playing music in a restaurant or showing a movie in a theater.

Related Terms:

- Royalties: Royalties are payments made to copyright owners for the use of their works, such as for public performances, broadcasts, or reproductions.
- Performing Rights Organization: A performing rights organization is a collective management organization that licenses public performance rights on behalf of copyright owners and collects royalties for those performances.

Digital Millennium Copyright Act (DMCA)

The Digital Millennium Copyright Act (DMCA) is a U.S. copyright law that addresses copyright infringement in the digital age. The DMCA provides a framework for protecting copyrighted works online, including provisions for notice and takedown procedures, safe harbors for online service providers, and anti-circumvention measures for digital rights management.

The DMCA includes provisions that make it illegal to circumvent technological measures used to protect copyrighted works, such as encryption or copy protection mechanisms. It also provides safe harbors for online service providers that host user-generated content, protecting them from liability for copyright infringement by their users if they comply with certain requirements.

Related Terms:

- Notice and Takedown: Notice and takedown is a process under the DMCA that allows copyright owners to request the removal of infringing content from online platforms.
- Digital Rights Management (DRM): Digital rights management is a technology used to protect and control access to digital content, such as e-books, music, and software.

Copyright Registration

Copyright registration is the process of registering a work with a government agency, such as the U.S. Copyright Office, to establish a public record of the copyright ownership and to obtain certain legal benefits. While copyright protection exists automatically when a work is created and fixed in a tangible form, registration provides additional benefits, such as the ability to sue for copyright infringement and to claim statutory damages and attorney's fees.

To register a copyright, the creator must submit a completed application form, a copy of the work being registered, and the required fee to the copyright office. Once registered, the copyright owner receives a certificate of registration, which serves as evidence of the copyright ownership and registration.

Related Terms:

- Copyright Office: A copyright office is a government agency responsible for administering copyright laws and registering copyrighted works, such as the U.S. Copyright Office.
- Statutory Damages: Statutory damages are damages awarded by a court in a copyright infringement case without the need to prove actual financial losses, providing a minimum and maximum amount of damages that can be awarded.

Orphan Works

Orphan works are copyrighted works whose owners are unknown or cannot be located, making it difficult or impossible to obtain permission to use the works. Orphan works may include photographs, films, books, and other creative works for which the copyright owner cannot be identified or located.

The lack of information about the copyright owner of orphan works can prevent others from using or reproducing the works for fear of copyright infringement. Efforts to address the issue of orphan works include legislation that provides exceptions to copyright infringement liability for the use of orphan works under certain conditions.

Related Terms:

- Copyright Clearance: Copyright clearance is the process of obtaining permission from the copyright owner to use a copyrighted work, ensuring that the intended use does not infringe on the owner's rights.
- Due Diligence: Due diligence is the effort made to locate and contact the copyright owner of a work before using it, to ensure that permission is obtained and copyright infringement is avoided.

International Copyright Law

International copyright law refers to the network of treaties, agreements, and conventions that govern copyright protection and enforcement across national borders. International copyright law establishes minimum standards of protection for copyrighted works and provides mechanisms for creators to protect

their works in multiple countries.

Key international copyright treaties include the Berne Convention, the WIPO Copyright Treaty, and the TRIPS Agreement, which set out the basic principles of copyright protection, such as the rights granted to creators, the duration of copyright protection, and the limitations and exceptions to copyright rights.

International copyright law helps creators protect their works in foreign countries, provides for the recognition of foreign copyrights, and facilitates the enforcement of copyright rights across borders through cooperation and mutual recognition among countries.

Related Terms:

- Berne Convention: The Berne Convention is an international treaty that establishes minimum standards of copyright protection for member countries, promoting the international recognition of copyright rights.
- WIPO Copyright Treaty: The WIPO Copyright Treaty is an international treaty that extends copyright protection to digital works and provides for the protection of authors' rights in the digital environment.

Public Domain Dedication

Public domain dedication refers to the act of voluntarily giving up copyright protection and dedicating a work to the public domain, allowing anyone to use, copy, distribute, or modify the work without restriction. Public domain dedication is a way for creators to release their works for the benefit of the public and to promote the free exchange of ideas and creativity.

Creators can dedicate their works to the public domain by using a public domain dedication tool, such as a Creative Commons CC0 license, which waives all copyright and related rights in the work. Once a work is dedicated to the public domain, it can be freely used by anyone for any purpose without permission.

Related Terms:

- Creative Commons CC0: Creative Commons CC0 is a public domain dedication tool that allows creators to waive all copyright and related rights in their works, releasing them into the public domain.
- Waiver: A waiver is a legal document or statement by which a person voluntarily gives up a right or claim, such as the right to enforce copyright protection.

Joint Work

A joint work is a work created by two or more authors who intend for their contributions to be merged into a single work. Joint authors share copyright ownership in the entire work, and each joint author has an equal right to exploit the work, license it to third parties, and receive royalties from its use.

To qualify as a joint work, each author must make a separate and independently copyrightable contribution to the work, and the contributions must be merged into a single integrated work. Joint authors do not need a written agreement to create a joint work, but it is advisable to have a clear understanding of each author's rights and responsibilities.

Related Terms:

- Copyright Ownership: Copyright ownership refers to the rights held by the creator or creators of a work, including the exclusive rights to reproduce, distribute, and display the work.

- Collaboration Agreement: A collaboration agreement is a contract between two or more parties who agree to work together on a joint project, outlining the rights, responsibilities, and ownership of the resulting work.

WIPO (World Intellectual Property Organization)

The World Intellectual Property Organization (WIPO) is a specialized agency of the United Nations that promotes the protection of intellectual property rights worldwide. WIPO provides a forum for member countries to develop international intellectual property policies, treaties, and standards, and offers services to assist countries in implementing and enforcing intellectual property laws.

WIPO administers international copyright treaties, such as the Berne Convention and the WIPO Copyright Treaty, which establish minimum standards of copyright protection and promote the international recognition of copyright rights. WIPO also provides assistance to developing countries in building capacity for the protection of intellectual property rights and the development of creative industries.

Related Terms:

- United Nations: The United Nations is an international organization founded in 1945 to promote peace, security, and cooperation among countries, with specialized agencies like WIPO that address specific global issues.
- Intellectual Property Rights: Intellectual property rights are legal rights that protect creations of the mind, such as inventions, literary works, and artistic expressions, giving creators the exclusive rights to use and profit from their works.

Parallel Importation

Parallel importation, also known as parallel importing or grey market importation, refers to the importation and sale of genuine, branded goods into a country without the authorization of the trademark owner. Parallel importation allows retailers to purchase goods from authorized distributors in other countries and sell them in the local market without going through the official distribution channels.

Parallel importation can affect the rights of trademark owners to control the distribution and pricing of their products in different markets. While parallel importation can benefit consumers by providing access to cheaper goods, it can also lead to price disparities, quality control issues, and conflicts with trademark owners over the distribution of their products.

Related Terms:

- Trademark: A trademark is a distinctive sign or symbol used to identify and distinguish the goods or services of one company from those of others, such as a brand name, logo, or slogan.
- Grey Market: The grey market refers to the trade of goods through unauthorized or unofficial distribution channels, such as parallel importation or unauthorized reselling of branded products.

Trade Secret

A trade secret is confidential information that provides a competitive advantage to its owner and is not generally known or easily discoverable by others. Trade secrets can include formulas, processes, customer lists, and other valuable business information that is kept secret to maintain its competitive value.

To qualify as a trade secret, the information must be kept confidential and have economic value to its owner. Unlike patents, trademarks, and copyrights, trade secrets do not require registration with a government agency, but they must be protected through reasonable measures, such as non-disclosure agreements, restricted access, and confidentiality policies.

Related Terms:

- Confidentiality Agreement: A confidentiality agreement is a legal contract between two parties that outlines the terms and conditions for protecting confidential information and trade secrets shared between them.
- Non-Disclosure Agreement: A non-disclosure agreement is a legal contract that prohibits one party from disclosing confidential information or trade secrets shared with them by another party, protecting the secrecy and competitive value of the information.

Patent

A patent is a form of intellectual property right that grants the owner the exclusive right to use, make, sell, and license an invention for a limited period, typically 20 years from the filing date of the patent application. Patents protect new and useful inventions, processes, machines, and compositions of matter from being copied, used, or sold by others without permission.

To qualify for a patent, an invention must be novel, non-obvious, and useful, and must be disclosed in a patent application filed with a government patent office. Once granted, a patent gives the owner the right to prevent others from making, using, or selling the patented invention, providing an incentive for innovation and investment in research and development.

Related Terms:

- Utility Patent: A utility patent is a type of patent that protects new and useful processes, machines, articles of manufacture, or compositions of matter.
- Patent Infringement: Patent infringement occurs when someone makes, uses, sells, or imports a patented invention without the permission of the patent owner, leading to legal action and potential damages.

Trademark

A trademark is a distinctive sign or symbol used to identify and distinguish the goods or services of one company from those of others. Trademarks can include brand names, logos, slogans, and other identifiers that help consumers recognize and differentiate products in the marketplace.

Trademark registration provides the owner with exclusive rights to use the mark in connection with specific goods or services, preventing others from using similar marks that may cause confusion among consumers. Trademarks can be registered with a government trademark office, such as the U.S. Patent and Trademark Office, to obtain legal protection and enforcement rights.

Related Terms:

- Branding: Branding is the process of creating a unique identity for a product or service through the use of trademarks, logos, colors, and other visual and verbal elements.
- Trademark Infringement: Trademark infringement occurs when someone uses a mark that is confusingly

similar to a registered trademark, leading to legal action and potential damages.

Intellectual Property Rights (IPR)

Intellectual property rights (IPR) are legal rights that protect creations of the mind, such as inventions, literary works, artistic expressions, designs, and symbols. IPR give creators the exclusive rights to use, reproduce, distribute, and profit from their works, providing incentives for innovation, creativity, and investment in research and development.

Types of intellectual property rights include patents, trademarks, copyrights, trade secrets, and industrial designs, each offering different forms of protection for different types of intellectual property. IPR are protected by national laws and international treaties, such as the Berne Convention, the Paris Convention, and the TRIPS Agreement, which establish minimum standards of protection and enforcement for intellectual property rights.

Related Terms:

- Industrial Design: An industrial design is a form of intellectual property that protects the visual design of products, such as the shape, pattern, or ornamentation of an object.
- Trade Secret: A trade secret is confidential information that provides a competitive advantage to its owner and is not generally known or easily discoverable by others, such as formulas, processes, or customer lists.

Intellectual Property (IP)

Intellectual property (IP) refers to creations of the mind, such as inventions, literary and artistic works, designs, symbols, names, and images used in commerce. IP is protected by intellectual property rights, such as patents, trademarks, copyrights, and trade secrets, which give creators exclusive