



Credit: Josipa Matic & Andrijana Mescic

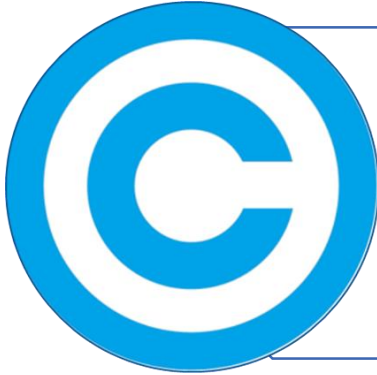
Copyright basics

**Martine Roth, Principal Trademark Attorney & Copyright
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This document is not intended to define copyright laws, nor provide copyright advice.

Assessment of copyright must be made on a case-by-case basis.

Rights	Scope	Protection	Duration
Patent	Invention	Monopoly of exploitation	20 years
<u>Author rights/</u> <u>Copyright</u> ©	Original creation (tangible form of expression)	Reproduction and representation/ Moral rights	Generally 70 years after death of author (no registration required)
<u>Trademark</u> ™ ®	Distinctive signs	Identification/ Monopoly of exploitation	∞ - as long as renewed and properly used Renewal after 10 Years
<u>Design &</u> <u>Model</u>	Appearance (ornamental aspects) Novelty	Monopoly of exploitation/ Reproduction	3-5 years (can be renewed, max. 15-25 years)



- Ideas themselves **CANNOT** be copyrighted
- Data/data points **CANNOT** be copyrighted
- Graphical presentation/expression (i.e. figures, charts, tables, Kaplan-Meier curves) of data **CAN** be copyrighted
- Algorithms **CANNOT** be copyrighted
- Software/mobile Apps **CAN** be copyrighted

Compliance is legally required, ethically mandate.

You must seek copyright permission to reuse, copy or adapt a copyrighted third party owned work

What is copyright protection for . . . ?

- **Original works of authorship, fixed in a tangible form**
 - Literary works (books, journals, newspapers, magazines, software, blogs on the internet ...)
 - Pictorial and graphic works (paintings, photos, charts)
 - Three dimensional works (models, sculptures, architectural)
 - Audiovisual works (films, TV)
 - Musical works and sound recordings
- **Automatic protection from moment of fixation**
 - Publication not required; No registration needed
 - Copyright notice © is not mandatory
- **Why do we have copyright protection?**
 - Incentivize creation



When does copyright happen & who owns it?

Copyright protection exists from the time the work is created in a fixed, tangible form of expression. The copyright in the work of authorship ***immediately and automatically*** becomes the property of the author who created the work

Only the ***author***, or those deriving their rights through the author, can rightfully claim copyright. In the case of ***works made for hire*** the employer, not the creator, is considered to be the author

Co-authored work: Permission of one of the authors of a co-authored publication is required in order to obtain a non-exclusive license to a copyrighted work in most of the countries

- Reproduce
- Distribute
- Perform and Display
- Create Derivative Work
 - New works based on preexisting works
 - Movie based on a book
 - Textbook with a new chapter
 - Translation
- Duration of right: Life of author + 70 years (in general)



Is a work created in one country protected in another?

- International copyright law does not exist
- Big differences among the nations on their copyright laws (e.g. moral rights)
- Berne Convention provides the minimum standards of copyright protection to which member countries must adhere
- 178 countries are members of the Berne Convention
- All countries recognize copyrights held by authors of all other parties to the convention
- Principle of “national treatment” in enforcement (e.g. in case of infringement)



Publicly available ≠ Free to use

The internet is not “the public domain”

Public domain is a legal term for works with expired copyrights, copyright expressly abandoned or works never protected

Assume that everything you download from the Internet is protected by copyright

Use of copyrighted work requires **permission** no matter how or where used

Case by case analysis required



Fair use

Fair use is primarily intended to allow the use of copyright-protected works for commentary, parody, news reporting, research and education. Examples of fair use of copyrighted materials include quotation of excerpts in a review or critique, or copying of a small part of a work by a teacher or student to illustrate a lesson (education purpose, non-profit environment).

The distinction between “fair use” and infringement may be unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission.

Acknowledging the source of the copyrighted material does not substitute for obtaining permission.



Protection of own material

- Copyright notice (at least once on each self-standing electronic and paper-based work produced by EFMC and intended for dissemination outside Novartis)

Example: © 2020 EFMC Pharma AG

- Evidencing ownership: Build a record of documentation of drafts and realizations
- Work for hire - Works created by independent contractors: Contract should always contain an assignment of the entire copyright.

Digital technology is impacting on the territorial and temporal framework for copyright licensing

The digital environment has changed the way in which copyright content is marketed, distributed, delivered and consumed

The digital environment is facilitating copyright licensing by different means, including by helping to rapidly locate and identify licensors and licensees, providing virtual platforms for exchange and automating contracts

Examples:

 Creative Commons

<https://creativecommons.org/>

Free and open-source software

<https://www.gnu.org/licenses/gpl-3.0.en.html>



Copyright challenges inherent to the digital world

- Ease of infringement (reproduction and distribution)
- Copyright laws (and interpretation) varies from country to country
- Law/case law is changing and updating to try to keep up with new technologies
- Outcome of legal actions is difficult to predict
- New modes of infringement and enforcement
- Evidencing copyright ownership (e.g. through blockchain)