

Basics of copyright



Although it may seem that copyright and its use concerns only artists – graphic designers, writers, composers, it actually affects us all. Everyday we use works of other people and also everyday we create our own work, which makes us authors. This material will help you understand what work is, what type of rights authors have, what the benefits related to free licenses are and what the public domain is. You will also find here a shortlist of activities that can be used when working with young people to introduce them to the topic of copyright.

What is work?

A photo taken with a mobile phone? Funny meme? A comment posted on a forum? We all do it, which means all of us are authors. All individual forms of expression of ideas (e.g. text, photo, recording) are considered works and are protected by copyright, regardless of their artistic value. A work is not only a song heard on the radio, but also a drawing in your friend's copybook. Work has to have original and individual qualities. This doesn't mean it has to be a work of art. Even if it embodies very simple or popular ideas (like a pencil drawing of a flower), it might be creative enough to fall under copyright. Even in simple drawings, style, colours, perspective and other qualities of the picture are chosen by the author and reflect their more or less conscious, subjective and creative decisions.

Authors and their rights

Books, songs, videos, photos are all created by someone. We call this person an author. If you take photos, edit videos or create music, you are an author too. Every author has some rights, which we can divide into two categories:

- moral rights
- property rights

Moral rights apply to every author. Each author has a right to attribution and work integrity. These rights are violated when you don't credit the work with its author's name or nickname or when you change something in the work's content or form, without properly acknowledging it. These rights are unlimited in time and inalienable (this is why we all know that Hamlet was written by William Shakespeare). So when you use work created by somebody else you have to remember about signing it properly. This includes:

- name and surname or nickname of the author
- source: link or reference (title, year of publishing, publisher)

It is important to do it not just because of the copyright, but also in order to help others find and verify this original work easily.

Property rights are time bound and alienable. In the EU they expire after 70 years from the author's death. This is when the work becomes a part of the public domain. The time from the author's death is counted from the last day of the year, which means that works of Lucy Maud Montgomery who died on 24th April 1942, entered the public domain on 1st January 2013. Property rights allow their holder to make exclusive decisions about the use of their work. The author may transfer these rights to anyone.

Fair use

We are all allowed to use other people's work to some extent. Our works and works of others (it doesn't matter if it's a short YouTube video or a world class painting) are parts of common cultural life. We have a right to participate in culture, which includes using its elements. We call it fair use (in the EU "exceptions and limitations", "fair dealing" in the UK) – legal ways of using somebody else's work without having to ask for their permission, Fair use somehow limits the property rights. The example of fair use can be:

- copying and sharing work for own purposes (this includes friends and family),
- quoting fragments or whole work,
- downloading work from the internet.

Watch "Copying is not theft" by Nina Paley:

<https://www.youtube.com/watch?v=fnQzDbM-u0w>

Licenses

Property rights require asking the author for permission every time we want to use their work. For many authors it is inconvenient and unnecessary. Every author, including yourself, can decide how they want to collaborate with their users. It means deciding to what extent recipient/user can use their fundamental rights. We can do it by giving a user a license to use our work in a specific way or publish our work under a free license. Free license is a legal mechanism, which gives users the right to use of the work subject to very limited conditions. It removes the necessity of asking every time for the author's permission. Free licences leave author's personal rights (attribution and work integrity) intact.

Two most popular licenses are CC BY (Creative Commons Attribution) and CC BY-SA (Creative Commons Attribution-Share alike). They allow to use works, adapt them and distribute the adaptations. CC BY-SA license imposes also an additional condition: the adapted work has to be published under the same license. Free licenses can be found in many places and projects. For example, they govern the development of the world's biggest encyclopedia - Wikipedia.

When publishing your work using free licenses you let the users to copy, share, as well use and adapt your work. However, you are still guaranteed that your work will be signed with your name. It is important to sign your work with your name and surname (or nickname) and type of license. When using works created by others, also put in their names and surnames (or nickname), source (where you found it) and type of license.

Activities

Culture of remix

Divide the group into teams of 3. The task for each team is to create a simple meme on a topic of their choice using their smartphones or tablets. In order to do that they can use photos or graphics from the public domain or published under free licenses. Show them how to search for content that can be modified using Google search engine or other websites (e.g. [Pixabay](#), [Pexels](#), [Travel Coffee Book](#), [Rijksmuseum](#), [Metropolitan Museum of Art](#)). Then ask each group to swap their works and modify them. Repeat the swap another 2 times. Then ask each team to present the last piece of their work. If possible, use the projector. Ask participants about their thoughts and feelings about looking at their work after it has been changed. Wrap up the session by talking about free participation in culture and the culture of remix. Ask them, what their work would look like if they didn't use work of other groups. Ask, if they know any other examples of remix.

Free licenses

Divide participants into groups of 2 or 3. Give each group a copy of "Strawberry photo" and "Credits" worksheets. Tell the groups that they are working on a presentation about healthy eating and they want to use this picture on one of the slides. How should it be referenced in the presentation? Encourage participants to discuss possible solutions in their small teams and then compare the results with the rest (you will find the answers in the [trainers material](#)). Remind everyone that a reference should include information about the author, link to the source and a type of license.

Wikipedia editors

Ask participants what they know about Wikipedia. Write their answers down creating a mind map. Note down all the answers. Ask participants about the differences between Wikipedia and other encyclopedias. Consider following questions:

- Who creates traditional encyclopedias?
- How many people creates an entry in Wikipedia and how many in traditional encyclopedia?
- How often these two encyclopedias can be updated?
- What are the risks involved in creating encyclopedia by many people?

Wrap up by saying that Wikipedia uses free licenses. It is a crowdsourced project, in which everyone can take part. Then encourage the participants to take roles of Wikipedia editors. Read the information from the Wikipedia website https://en.wikipedia.org/wiki/Help:Getting_started and decide what your entry can be about – your youth club? Your neighbourhood? Famous local person? Plan your work, divide the tasks and go ahead!

Based on:

Joanna Ruta Baranowska, Weronika Paszewska „Prawa wyłączne – twórcy i użytkownicy” <http://edukacjamedialna.edu.pl/lekcje/prawa-wylaczne-tworcy-i-uzytownicy/> CC BY-SA

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The publication was created as part of the project: [EMELS](#)

Co-funded by the
Erasmus+ Programme
of the European Union



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Information about the resource

Publisher: Modern Poland Foundation as part of EMELS project co-funded by the Erasmus+ Programme of the European Union.

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This resource is attached to Media Literacy Standard for youth Workers. To find out more about the Standard go to <http://emels.eu>.

Resource prepared using [MIL/PEER](#) editing platform.

Source available at <http://milpeer.eu/documents/328/>