

**PROTECT
YOUR COPYRIGHT
STOP PIRACY!**



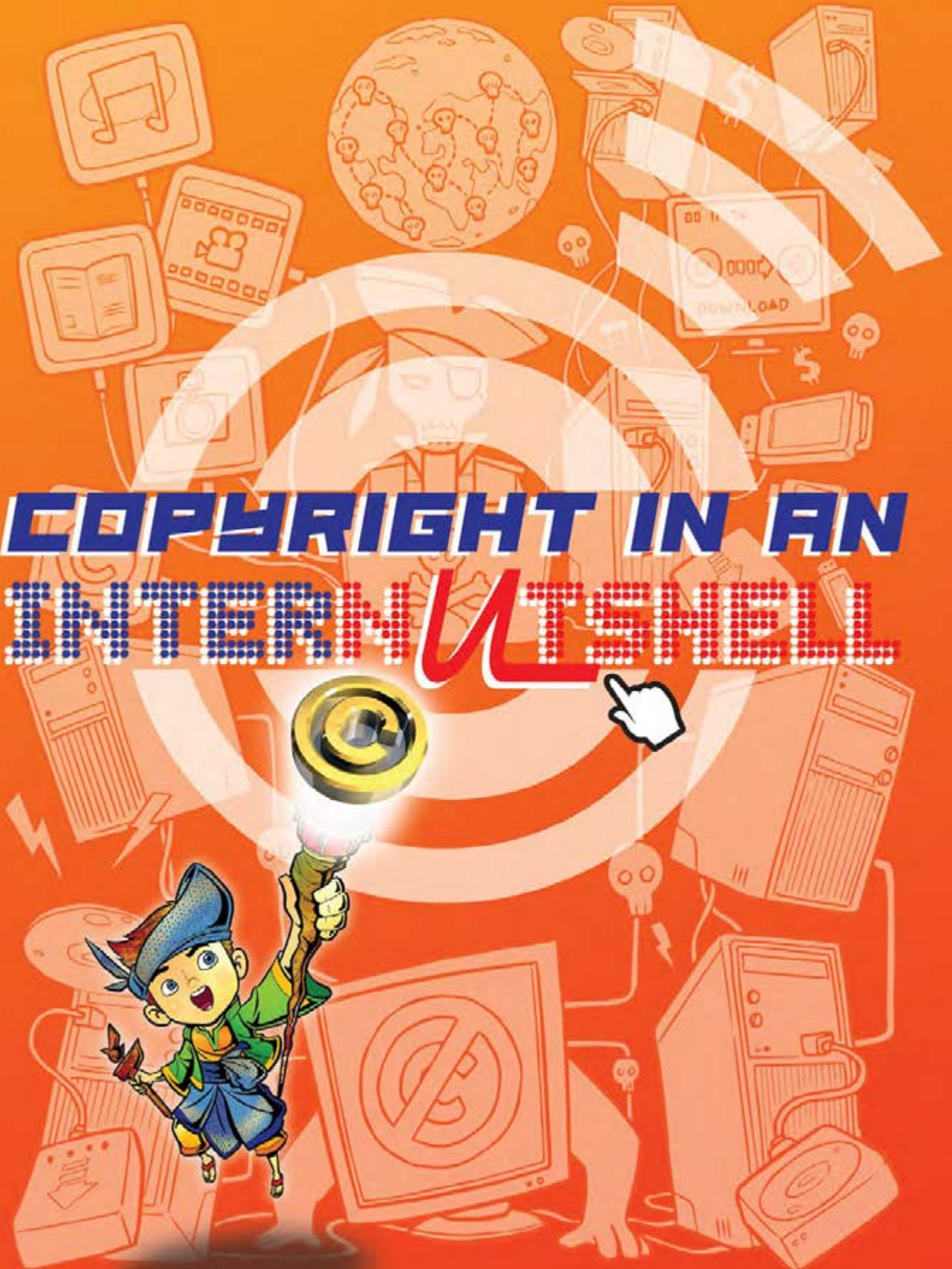
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**PROTECT
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COPYRIGHT IN AN INTERNET-LEVEL



COPYRIGHT IN AN INTERNET WORLD



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PREFACE

The copyright in the internet shell is the first edition on copyright protection in the digital environment. Copyright have evolved over time and its subject matter stretches far beyond print. In today's world, it takes the form of internet medium as a common gateway for contents to be disseminated and are subject to copyright protection.

This booklet hopes to give basic awareness and guidance to students, children and general users of how to respect copyright on the internet. It is also intended to provide a simple explanation (in a nutshell) of the copyright related activities on the internet and how it affects the users and right holders and the value of copyright.

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ACKNOWLEDGEMENT

This handbook is the outcome of a continuous support and cooperation between the Government of Japan through the Agency for Cultural Affairs (ACA) and the Content Overseas Distribution Association (CODA) whose dedication in raising copyright awareness and counter content piracy globally and had given the trust for us to produce the first edition of the educational handbook in the most creative manner.

Our gratitude goes to all who have made the Copyright in an internet shell possible.

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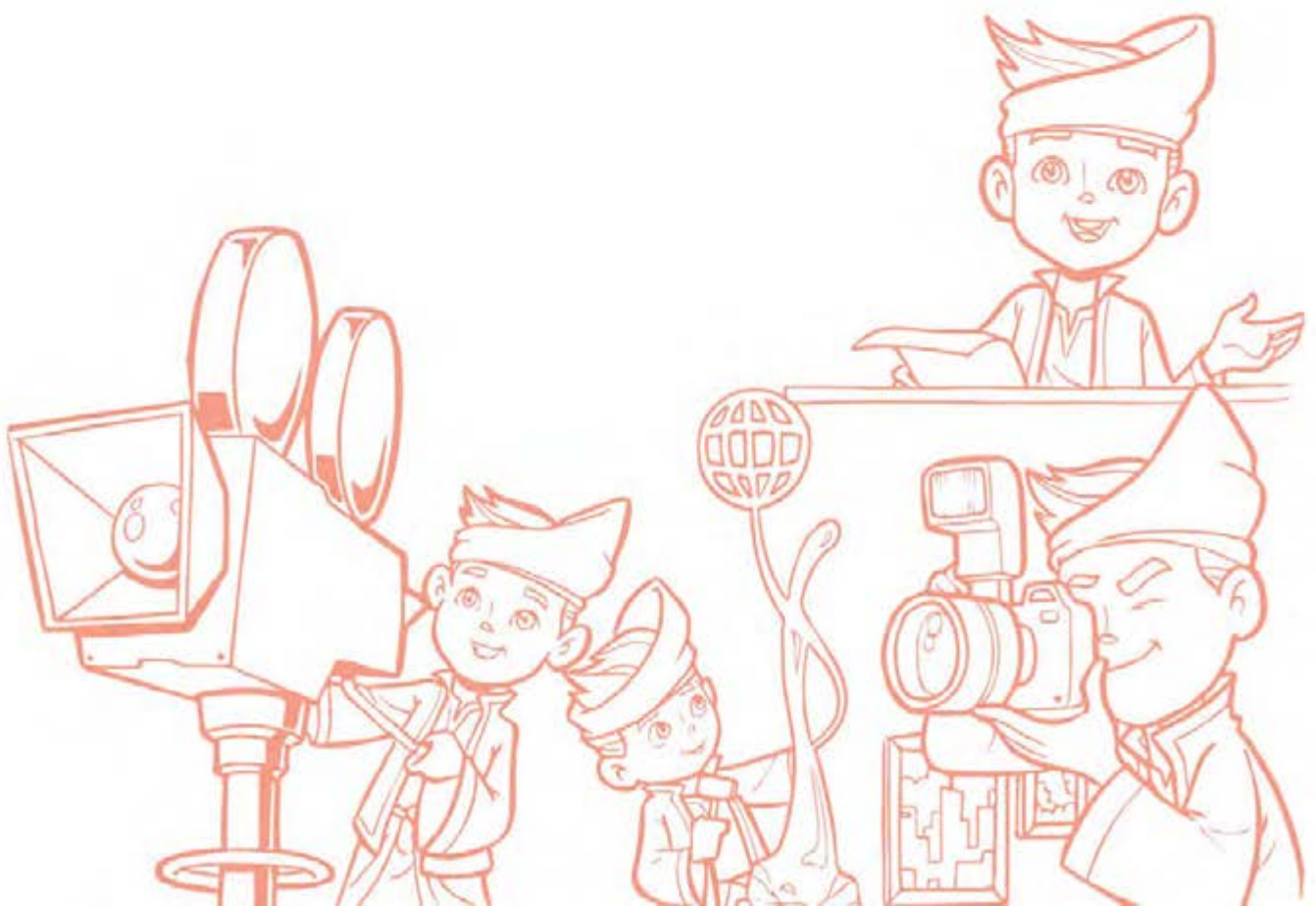
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COPYRIGHT IN AN INTERNETWORLD

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INTRODUCTION

Digital content allows us means to express and disseminate our creativity and idea to the limits of imagination and with unprecedented ease and speed. While on the one hand technology enables users to distribute their own content, it is also with similar ease and speed that another people's creative work too can be shared and disseminated. Often, acts of unauthorized dissemination of copyrighted material occur innocuously and without the perpetrator even being aware of the implications of his or her actions.

The internet and social media platforms are a vast depository of copyrighted materials such as digital images of books, music and audiovisuals. Such platforms, being open access by nature eventually become vulnerable to unauthorized, irresponsible downloading and use (without permission of the rightsholder) of the copyrighted materials. While some are flagrant and premeditated violators there remains a significant portion of largely law-abiding users who innocently use and infringe or who lack knowledge of responsible use or proper attribution of copyrighted work taken from another, particularly the internet.

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**WHAT ARE COPYRIGHT
AND RELATED RIGHTS?**

WHAT ARE COPYRIGHT AND RELATED RIGHTS?

"A man paints with his brains and not with his hands"

~Michelangelo



Intellectual Property is a combination of Copyright & Related Rights on one hand and Industrial Property of the other. To illustrate :-

Intellectual Property

Copyright:

Protects original works

Related Rights:

Protect the performances, original recordings, broadcasts of works, etc.



Industrial Property:

Patents protect **inventions**

Industrial Designs protect the **designs** of products

Trademarks protect **distinctive signs**





COPYRIGHT relates to **LITERARY, MUSICAL, FILMS** and **ARTISTIC** creations, such as books, music compositions, painting and sculptures, films, computer programs and databases.

COPYRIGHT is also sometimes referred to as **AUTHORS' RIGHTS** because it is the work of the author.



RELATED RIGHTS or neighboring rights are associated rights derived from author's works that emerged from the creation of copyright.

It includes the fixation of any work from authors such as a music arrangement that fixed into sound recording.



Traditionally, related rights have been granted to three (3) categories of beneficiaries: **Performers, Producers of sound recording (phonograms)** and **Broadcasting organizations.**

Together, copyright and related rights form the foundation for copyright protection for creators such as authors and performers!



WHAT RIGHTS ARE ASSOCIATED WITH COPYRIGHT ?



Moral rights

- Right to be identified as the author/creator of a work;
- Right of the author to be acknowledged in a correct way;
- Right of the author to object against distortion, mutilation or other modification of the work that significantly alters the work and regarded as adversely affecting the author's honor/reputation.



Legal Rights

As with any other legal rights, a right holder has a cause of action according to law and is enforceable when legal proceedings are taken in the Courts. Civil remedies claimable such as damages, injunctive relief, account for loss of profit may be obtained through the Courts with jurisdiction. Besides civil action, a right holder may also file complaints to the relevant authorities for criminal sanctions to be imposed on an infringer, these penalties may include fines and/or imprisonment.



Economic rights

Economic rights are the exclusive rights arising from the ownership of the copyright in a protected work and this includes the right to commercially exploit and to control the use of the copyrighted work. To this exclusivity means the right holder is entitled to stop or prohibit the activities by others in copying, issuing copies of the work to the public, renting or lending the copyrighted work and by extension the public performance or public communication thereof.



WORKS ELIGIBLE FOR COPYRIGHT

Literary Works

books, speeches, magazines, newspapers, articles, novels, stories, poems, essays, plays, text books, web pages, advertisements, dance notations, etc.



Musical Works

musical compositions with or without lyrics

Film

Cinematography (eg: Movies)

Broadcast

tv, radio stations and internet providers

Sound recording

Phonogram (eg: Music Records)



Artistic Works

Drawings, paintings, photographs illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science



Derivative Works

Translations, adaptations, arrangements of music & other alterations of a literary or artistic works, collection of literary or artistic works such as encyclopedia



The ideas in the work **do not need to be original**, but the form of expression **must be an original creation by the author.**



**

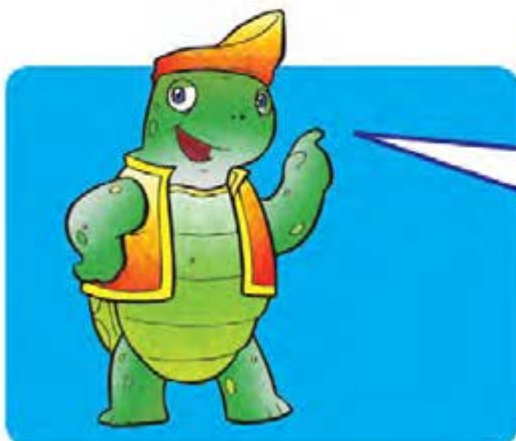
COPYRIGHT DOES NOT PROTECT IDEAS OR MERE FACTS.

In MALAYSIA, for copyright to subsist in a work, the test is in its originality. The work would also have to be written down, recorded or otherwise reduced to a material form. For derivative works, there is an additional requirement that it has to be published in Malaysia.

For the originality requirement, it has to be made by a natural person with effort (skill, effort and judgment) to produce an original work.

HOW LONG DOES COPYRIGHT LAST?

Copyright begins from the moment the work is created and is “fixed” in tangible form. In MALAYSIA, copyright in LITERARY, MUSICAL AND ARTISTIC works subsists for the life of the creator and continues 50 years after his/her death. This means that the estate of the deceased author of copyright and his/her beneficiaries can continue to own and benefit from the copyright for a further 50 years. For published SOUND RECORDING, FILMS, BROADCAST AND DERIVATIVE WORKS, the duration of copyright is 50 years from the end of the year in which the works was published.



The duration of copyright begins from the moment the work is created or, under some national laws, when it is “fixed” in tangible form. Copyright protection continues, in general, until a certain time after the death of the author.

[source: WIPO]



**COPYRIGHT
IN THE INTERNET WORLD**

Today, the internet allows content to be easily transmitted, published or otherwise shared. Now, we can instantly share text, photos, videos, and many forms of digital contents from and to any part of the world almost instantaneously with just a click of a button. Entire books can be digitized online, preserving and sharing knowledge that may have been inaccessible or isolated for centuries. Once digital images and other contents are released on the web, it is almost impossible to retract.

The internet is arguably the biggest challenge ever faced by copyright owners since the advent of copyright ownership itself. Regulators are constantly trying to keep up with technology by enacting to regulate effectively this fast-changing digital landscape. A lot of digital contents are now available or accessible on the internet that comprises of computer-generated work, taking the form of the digital image of photographs, digitally-scanned copies of artistic work, and computer aided work such as CAD (computer-aided designs) drawings. It is very important for users to check, before using any material that is not their own copyrighted work, the ownership of such material, or to ascertain its copyright status before using it.

As a general rule, if a site does not explicitly make clear that the material is free for any use, then always assume it is a copyrighted material and prior permission should be obtained before its use.



STUDENT SHARED MUSIC CONTENT

Freddy loves music. His favourite music was played on social media online.



Freddy decided to share with his friends using social media platform.



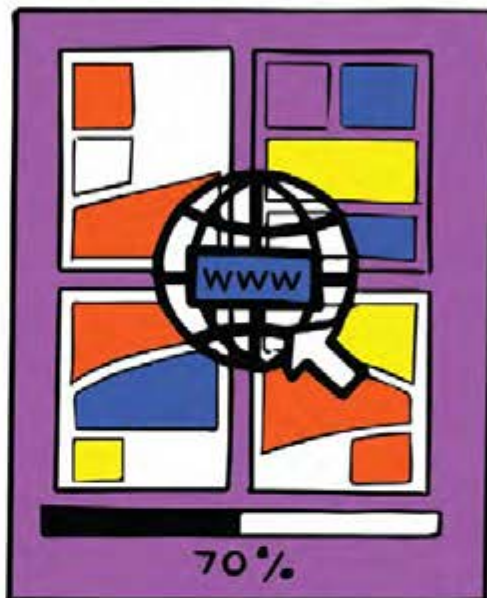
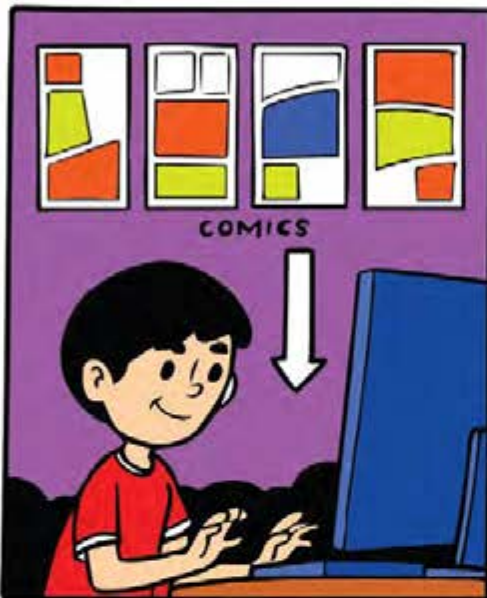
Soon, all other friends, followers and acquaintances starts sharing with others and continue to share the content provided by Freddy. Freddy's blog has garnered 772k likes. While Freddy may be promoting his favourite music, his act has resulted in a copyright infringement. Freddy has not obtain permission to share, and by creating the links to others, he may have infringed copyright by also authorizing the copyright infringement.



I PUT MY OWN DRAWINGS OF COMICS ONLINE

Mickey is an artistic person. He developed his own original ideas into a comic strip and uploaded his work online.

Since Mickey's work is very creative and popular, it has been reproduced rigorously and shared multiple times online.



One day, Mickey came across a familiar comic strip displayed on a retailers brochure. He was furious and to his dismay, he had never allowed anyone to use his comic strip without his consent. What is worst, the retailer has commercially distributed it!

As a copyright owner, Mickey has an exclusive right to enforce his copyright work by instituting a legal proceeding to those who have exploited his work without authorization.



You should be cautious when uploading your copyrighted materials.



UPLOAD/STREAM FILM ON SOCIAL MEDIA, INCREASE POPULARITY AND 'LIKES'

Bob keeps up to date with latest movies.



Since he keeps up to date with latest movies, he shares links of latest films in his website.



Bob can get access to any latest movies via many sources and unauthorised links online. His websites have attracted many 'likes'.



COPY LYRICS OF A SONG IN MY BLOG WITH MY STORY

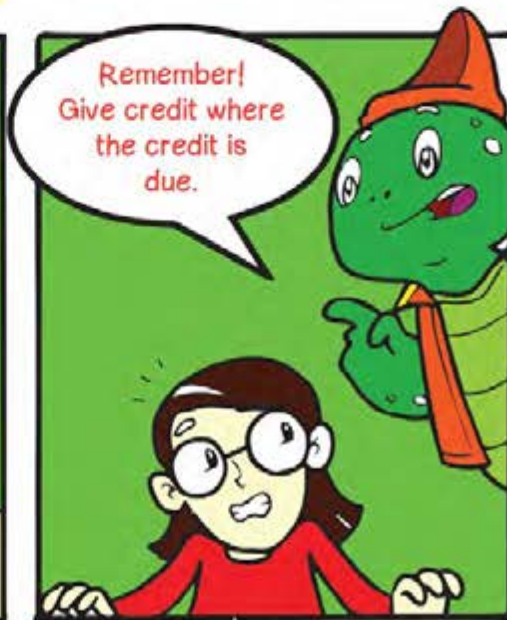
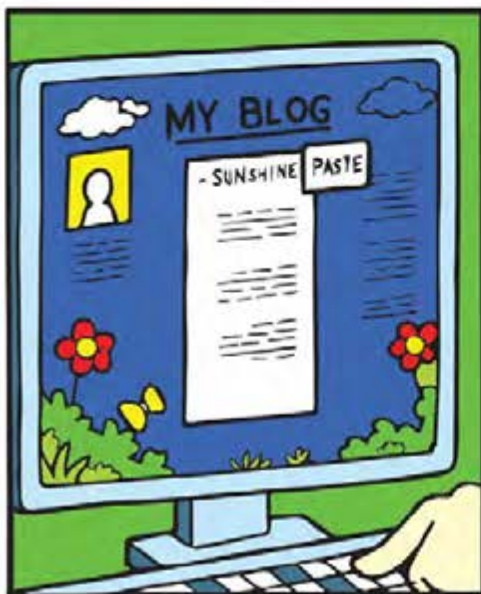
Mary is an avid blogger. She was looking for a lyrics of her favourite song to be uploaded in her blog.



Mary copied the lyrics in her blog. Mary's blog is always shared and sent to family and friends over social media.



Mary copied the lyrics without any sufficient acknowledgement of the lyrics used.



I BOUGHT A TEXT BOOK AND PHOTOCOPY 30 COPIES OF THE WHOLE TEXT BOOK AND SELL TO MY STUDENT IN TUITION CENTRE AND ONLINE

Sandy is a tuition teacher. Usually she copies certain parts of the book for teaching purposes in her tuition centre.

Sandy was so excited and decided to make multiple copies of the content of the book.



Sandy's copied teaching materials are popular and sell to many students in the tuition centers and online





COPYRIGHT PIRACY

According to Business Dictionary.com, copyright piracy means the unauthorized reproduction for sale or use of a copyrighted work such as a book, lyric, or software.

Source: <http://www.businessdictionary.com/definition/copyright-piracy.html>

Online piracy, for instance, typically involves downloading, sharing and streaming unauthorized content from the internet.

COPYRIGHT PIRACY AND HOW IT AFFECTS US

Copyright piracy rewards dishonesty. It is a serious crime that severely undermines the existence of a healthy copyright ecosystem. Copyright piracy significantly deprives industry players and creators of original content from being able to monetize their content to its full potential. Ultimately, piracy becomes a cost burden which is passed down to the paying customer which means it will cost honest paying consumers more obtaining legitimate content.

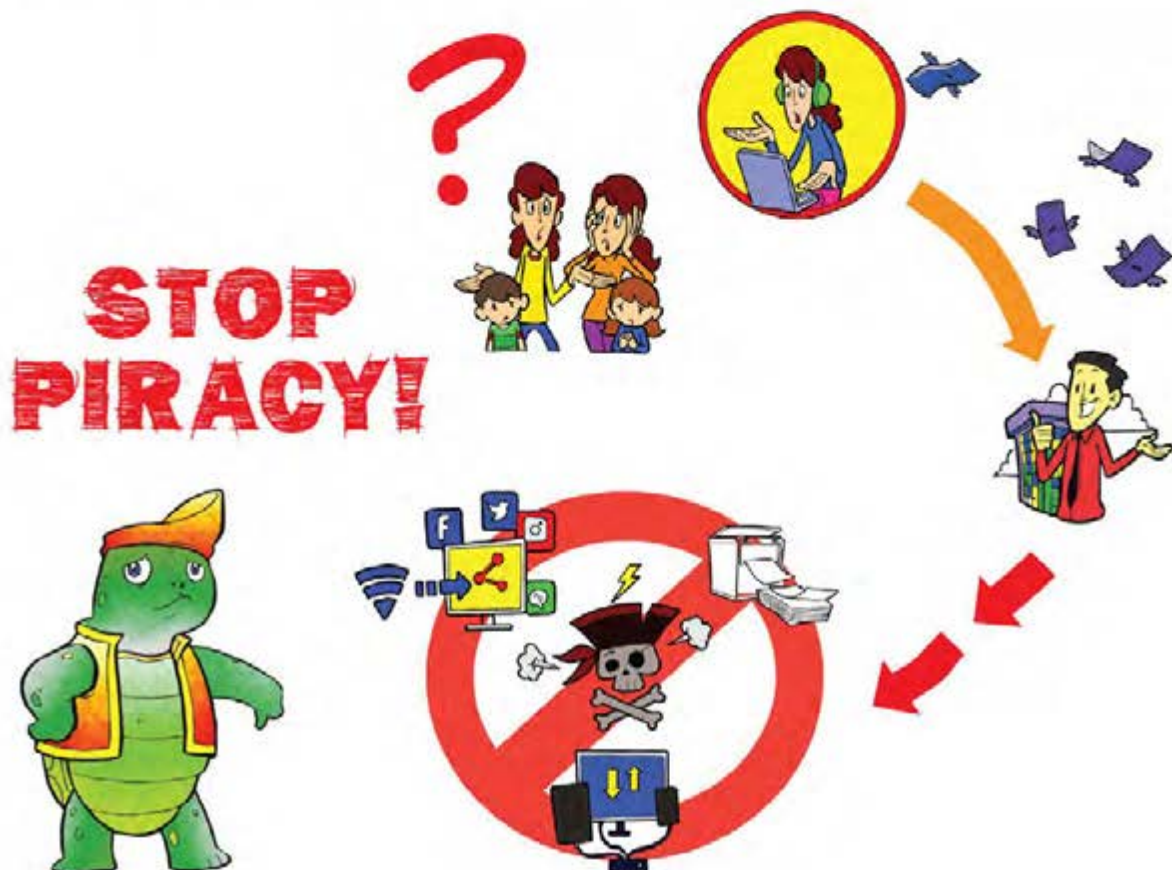
For example, by watching your favourite team through illegal sports streaming, you are actually depriving the copyright owner of legitimate revenue and this has knock on effects to the money actually earned by your favourite team. Even when someone legitimately downloads a video or song by paying the fee, that person is not allowed to share it with others as the video is only meant for his or her personal use. Once that content is shared illegally, you are in fact initiating and aiding the chain of unauthorized use of copyright content that could lead to copyright piracy.

On a global scale, copyright piracy also affects the jobs of thousands of people around the world. These are real people with real jobs, from a cashier who sells popcorn at the local cinema, a new actor who is struggling to be noticed, a dedicated producer who works tirelessly to produce a film and a financier who takes the financial risk of funding the making of a film. Their effort, time and money investment will certainly go waste if the film is pirated if we choose to get a free illegitimate content rather than paying for their effort and investment.



PROTECT YOUR COPYRIGHT

STOP PIRACY



PROTECTING YOUR WORK ONLINE

It is important to protect your work online to ensure that your work does not become an easy target of online copying.

Precautionary measures will also serve as proof that you are the originator of the content in case of any dispute or litigation threats you may encounter in the future. Protective measures may be by way of technical measures as well as the legal measures.

1. Technical measures

- To make sure that your precious piece of work that has been uploaded on the internet does not become easily copied or shared, only upload (where possible) on a low-resolution image files to websites.
- It is a good practice to put a digital watermark in the image as this will assist in the event of copyright infringement.
- The image would be more secure if it is encrypted by using technological protection measures (TPM) that allows controlled or restricted access
- Other kinds of technological assistance with the ability to search and detect for copies of your images used on the internet are also useful.

2. The Legal measures

- Always place a copyright notice to the digital image or work.
- Register your copyright works through voluntary notification at MyIPO.
- Always keep the manuscript of the work or working drafts to prove that you are the copyright owner.

COPYRIGHT INFRINGEMENT

- Using someone else's work such as songs, videos, movie clips, a piece of art, photos, and other creative works, without obtaining their permission, constitute an infringement.
- Work is infringed if used without permission or monetary compensation, or even if compensation is paid, but not appropriately.

**PLAGIARISM**

Plagiarism is an act of taking someone else's work and claiming it as your own work. For students, lack of academic originality often is the result of the inability to keep up with assessment demands, poor time management, poor linguistic ability and poor note-taking practices in class. In addition, many students unintentionally copy and paste notes taken from other materials and do not properly cite their references.

- What is the difference between plagiarism and copyright infringement?
- Plagiarism is the failure to cite adequately or the 'fail to get permission' to use other's work. For example :
 - claiming attribution for a work you did not do (you are not the author);
 - changing words or using someone else's work without proper attribution/without giving proper credit;
 - failing to put a quotation in quotation marks;
 - giving incorrect source of information.

PLAGIARISM

The act of using others' works and putting your name on it without giving credit to the original author(s)

COPYRIGHT PIRACY

The act of copying others' works and reselling or redistributing them without permission



Under the *Disciplinary Rules, Universities and University Colleges Act 1971 Malaysia*, plagiarism is a built on ethics and discipline and thus is enforced administratively by individual academic institutions.



- Plagiarism should be taken seriously. It can have negative effect on a person's image and integrity. It can also effect one's profession, sometimes many years after the fact.
- Plagiarism discredits the author's work which is highly valued in the context of copyright due to the amount of skills and effort invested.
- Involved stealing other people's words and ideas.



PUBLIC DOMAIN?

PUBLIC DOMAIN?



A copyrighted work is protected for a term of protection starting from the work is first created till 50 years after author's death.

When this term of protection expires, the copyrighted work will become public domain – i.e. the work is open to all people and may be used for free.

Any person can use/modify/publish any work in the public domain without permission/restriction.

Example:



Silent night
(popular Christmas song)



Felix the cat film (1923)



Tiga Abdul Film (1964)
a popular local film in Malaysia



**

Notwithstanding this, any new arrangement to a work in the public domain may give rise to a new copyright protection date.



**CAN COPYRIGHT
BE TRANSFERRED?**

COPYRIGHT CAN BE TRANSFERRED BY TWO MEANS:**Licensing**

- Licensee does not have ownership to the work.
- Only has certain rights as stated in the agreement.
- It is made in written agreement stating the term and conditions agreed by both parties.

**Assignment**

- Involve the transfer of rights by selling, renting, gift-giving in whole rights or partially.
- Assignment can be made in specific time period as agreed by both parties.





**DEMYSTIFYING THE
COPYRIGHT MYTH**

1.

"Proof your ownership by filing your copyright works"

In Malaysia and in other Berne Convention countries, copyright protection automatically vests in the person who creates an original work. One will get copyright protection so long as the criteria of copyright, such as originality, sufficient skill and effort are met.



2.

"Free access is not access for free"



The perception that one will get free access in the internet without any form of remuneration to the copyright holder needs to be corrected.

3.

"Obtaining the physical works doesn't entail you to own the content"

A work, for example a book, consists of a physical object such as the hard copy of a book and the content which is the author's expression of thoughts. Transfer of the physical work often involved the transfer of the physical book and the content. While the book has gone through a change of hand, it has not affect the rights affixed to the content.



PROTECT YOUR COPYRIGHT STOP PIRACY

CREATORS



Creators create original works!

Original works created with efforts by creators are automatically copyrighted.

USERS



Purchase a legal copy to support upcoming new original works!

Original works:
Originals of comics, songs, cartoon, etc.

Published contents:
Comics, CDs
Animation, etc.

SAVE COPYRIGHT!



Distributors publish the original works in the form which enables everyone to easily access them!

They examine how users can best enjoy the original works and publish them in the market.

Purchase to fund upcoming new original works

DISTRIBUTORS

Creators of original works are the sources of published works

Good works are created with efforts of artists, illustrators, writers, composers, game creators, animators, etc.

Books, Visual Works, Musical Pieces, Games and other works are copyrighted.

Distributors put the original works into the world as copyrighted products

Broadcasters, Publishers and Software (records, videos and games) companies, publish the original works as attractive products and distribute them to users.

Movies, TV programs, DVDs, CDs, books, web delivery, etc

Purchase a legal copy to get enjoyment again

Pay for contents you want so that you can enjoy them as you like. Getting legal copies will support production of upcoming and new products.

CREATORS



DISTRIBUTORS



USERS



Payment for the products in proper ways



NOTES

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NOTES

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Intellectual Property Corporation of Malaysia
www.myipo.gov.my