Openness, Law & Creative Commons

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***The Presentation is updated till 14 Nov. 2012***
Copyright – in what?

» Pictures
» Paintings
» Movies
» Music
» Software
» Homework
» Books
etc. …
The Rights

• Israeli Copyright Act of 2007, replaced the 1911 Copyright Act and came into force on May 2008.

• Economic Rights:
  – Reproduction
  – Publication
  – Public performance
  – Broadcasting
  – Rental
  – Making of a derivative work
  – Making a work available to the public (i.e. YouTube etc.)

• Moral Right (credit & no distortion)
Copyright Act 2007

• What works are protected?
  – Original works
  – Literary works, artistic works, dramatic works or musical works
  – Expressions not ideas
  – Fixed in any form

• Who is the Owner?
  – The author (even in case of Commissioned Works, except of a portrait or a photograph of a family event or other private event)
  – The employer
  – The state

** Unless otherwise agreed**
Copyright Act 2007

Duration of Copyright

- 70 years after the author’s death
- State works - 50 years from the date of its making

What is not protected under the 2007 Act?

1. Ideas**
2. Procedures and methods of operation**
3. Mathematical concepts**
4. Facts or data**
5. News of the day**

** however it shall extend to their expression

6. statutes, regulations, Knesset Protocols and judicial decisions of the courts or of any other government entities having judicial authority according to law
Permitted Uses in Libraries and Archives

(a) Copying of a work, a copy of which is already in the permanent collection of a library or archive of the type of libraries or archives as prescribed by the Minister, is permitted for the following purposes, provided that it is not possible to purchase an additional copy of said work within a reasonable period of time and on reasonable terms:

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(2) To replace a copy of the work held by the aforesaid library or the archive, which has been lost, destroyed or become unusable;

(3) To replace a copy of the work, that had been in the permanent collection of another library or archive and was lost, destroyed or has become unusable.
Permitted Uses in Libraries and Archives

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Permitted Uses in Libraries and Archives

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Fair Use

Purposes such as:
private study, research, criticism, review, journalistic reporting, quotation, or instruction and examination by an educational institution.

The factors to be considered shall include, inter alia, all of the following:
(1) The purpose and character of the use;
(2) The character of the work used;
(3) The scope of the use, quantitatively and qualitatively, in relation to the work as a whole;
(4) The impact of the use on the value of the work and its potential market.
Creative Commons Israel

- Established in 2004 under the endorsement of Haifa Center for Law and Technology, Faculty of Law, University of Haifa
Creative Commons

• “Creative Commons is a nonprofit organization that enables the sharing and use of creativity and knowledge through free legal tools.”

• **CC Solution**
  – free, easy-to-use copyright licenses
Copyright

“All Rights Reserved”

Public Domain

“No Copyright”

CC Licenses

“Some Rights Reserved”
CC Licenses

[Images of various CC Licenses symbols]
**CC Public Domain Tools**

**CC0**

- "No Rights Reserved"
- (**) Moral Right problem(**)

**Public Domain Mark**

- "No Known Copyright"
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Summary

• Copyright act of 2007
  ▪ Rights
  ▪ Who owns the work?
  ▪ Permitted uses
    ➢ Permitted Uses in Libraries and Archives
    ➢ Fair Use

• Creative Commons Tools
  ▪ 6 Licenses
  ▪ CC0
  ▪ Public Domain Mark
  ▪ Projects
    ➢ Scholar’s Copyright Addendum Engine (SCAE)
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