



Terminology and Copyright



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Copyright Issues for Terminology Management



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Disclaimer



The following information is the result of extended research over a course of years, together with Christian Galinski. However it is important to note:

The author is not a lawyer and not authorized to practice law in any venue. Furthermore, copyright laws and court rulings vary over time and from venue to venue.

In serious questions involving copyright practice or litigation, the advice of an attorney licensed to practice in the affected venue is essential.

The Purpose of Copyright Protection:



**The US Constitution:
“The Progress of Science
and the Useful Arts”**



Primary “Players”



✦ AUTHORS

- ◆ Originators of intellectual property (works)

✦ USERS

- ◆ Readers, scholars, people who cite documents, etc.



Secondary Copyright Holders



- Publishers, licensees
- Distribution centers
- Collecting societies
- Agents



The Role of the Terminologist



- As user of copyrighted material
- As author of potentially copyrightable databases
- Vis-à-vis collecting societies, agencies, publishers, etc.

The Terminologist's Role as USER



- Reuse of textual material (text chunks) for:
 - ◆ Definitions
 - ◆ Context!
 - ◆ Explanatory notes and other support materials

As Author (Originator, Creator)




- Terminological collections viewed as compilations:
 - ◆ Works “formed by the collection and assembling of pre-existing materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship”

Copyrightability: Not Protected



- Copyright does not protect:
 - ◆ Information and ideas
 - ◆ Names (which can be covered by trademark and trade name laws)
 - ◆ Lists of observations

Copyrightability: Not Protected

- 
- Copyright does not protect:
 - ◆ Words and idioms (collocations and phraseological units)
 - ◆ Short utterances such as sentence fragments or single sentences
 - ◆ Databases consisting solely of facts, such as telephone directories

Copyrightability: Basic Principles of Protection

- The original expression and arrangement of knowledge.
- Personal original intellectual creation
- Individual or corporate author
- Works fixed in a tangible medium
- The printed page (or hand-written, typed, etc.)
- Other database material

Copyrightability: Protection by Genre



- Audio or visual media
- Film, video, records, tapes, compact disks
- Other carriers or embodiments of the original work (e.g., sculptural reproductions, castings, prints)
- Beginning of copyright protection: when the ink dries on the paper

FBI



WARNING

Federal law provides severe civil and criminal penalties for the unauthorized reproduction, distribution or exhibition of copyrighted motion pictures, video tapes or video discs.

Criminal copyright infringement is investigated by the FBI and may constitute a felony with a maximum penalty of up to five years in prison and/or a \$250,000 fine.

Copyrightability: Protected Primary Works



- Works of literature, science, and art, e.g., novels, textbooks, essays, and speeches
- Musical works and sound recordings
- Choreographed works (ballet) and pantomimes
- Visual arts, e.g., paintings and sculpture

Authors' Moral Rights



- Civil law intellectual property rights vs.
- Authors' moral rights (non-transferable personal rights)
 - ◆ Right to be recognized as the author of a work
 - ◆ Right to prevent misrepresentation or unauthorized modification of a work

Anglo-American Copyright



- Fully transferable rights to exploitation of works
- Right to reproduce the work
- Right to prepare derivative works
- Right to distribute copies (right of first sale)
- Right to perform the work publicly
- Right to display the work publicly

Limits to Copyright Protection



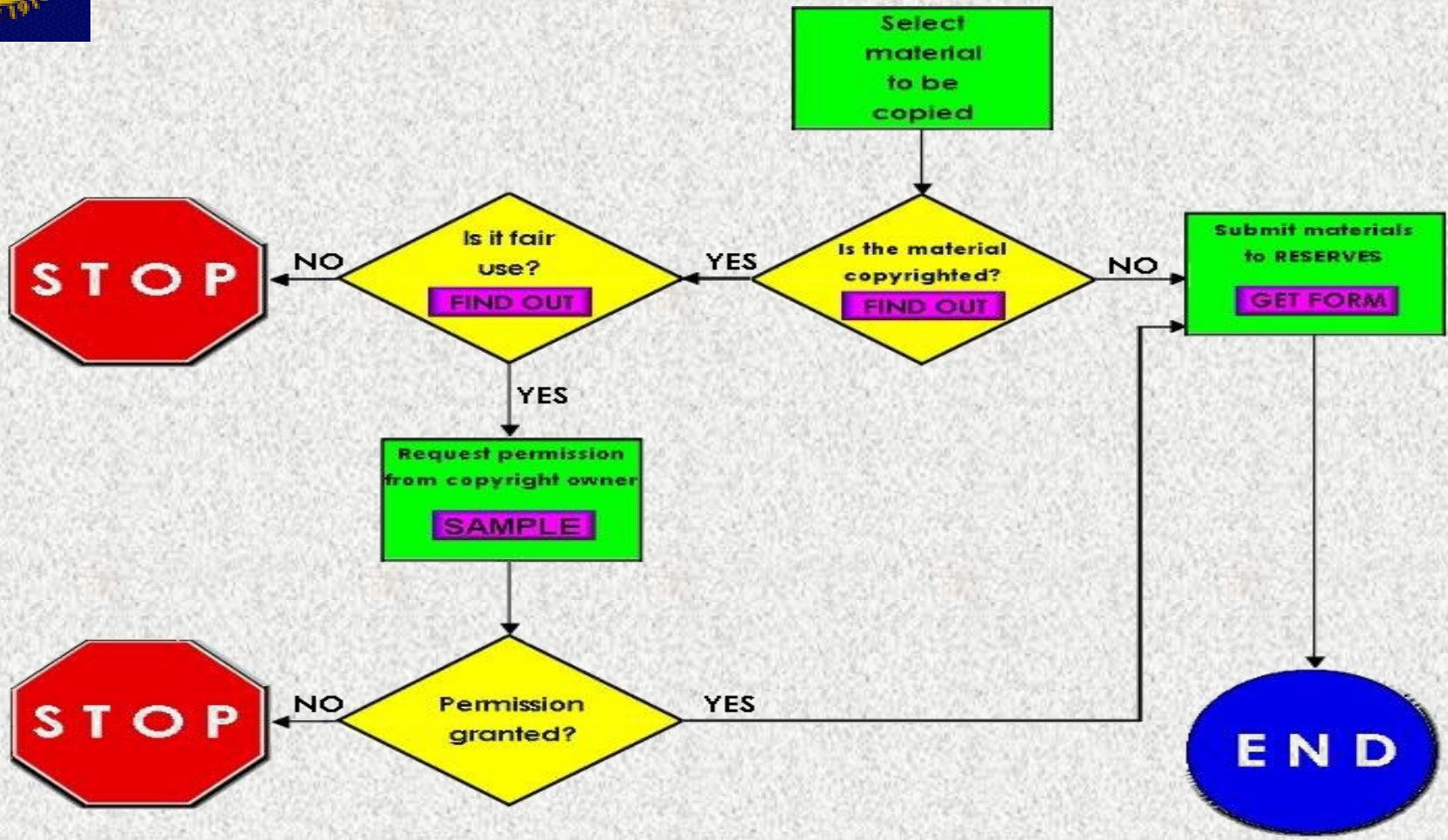
- Term of copyright: the author's life plus 70 year extension*
- (Varies according to national and regional law)
 - ◆ *Actually, there are several different factors that apply, so you need to check details in any given case.

Limits to Copyright Protection



- Fair use and your termbase
 - ◆ **Purpose and character:** For educational or scholarly purposes
 - ◆ **Nature of the copyrighted work:** Creative work or informational?
 - ◆ **Amount and substantiality:** Minimal excerpts with citations
 - ◆ **Effect on potential market for protected work:** Basically non-commercial
 - ◆ Problems arise if you want to market or share your resources

Decision Flowchart



<http://library.manoa.hawaii.edu/images/copyrightflowchart.jpg>

European Database Directive (96/9/EC of 1996-03-11)



- The sui generis right of 1996 covering non-copyrightable database information:
 - ◆ Compilations of data or other material, whether in machine readable or other form, which by reason of the selection or arrangement of their contents constitute intellectual creations, shall be protected as such.

European Database Directive (96/9/EC of 1996-03-11)



- ✦ Such protection, which shall not extend to the data or material itself, shall be without prejudice in any copyright subsisting in the data or material itself. (GATT 1994)
- ✦ Term of Protection: 15 years, plus renewal for a “substantial verification”

Copyrightability of Terminology According to Data Category



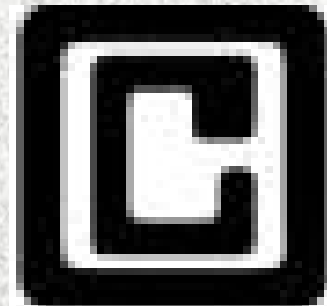
■ Not covered:

- ◆ Terms and symbols never covered
- ◆ Definitions and descriptive texts
- ◆ US: usable under fair use practice
- ◆ But “fair use” disappears under the European law

Copyrightability of Terminology According to Data Category



- Possibly covered:
 - ◆ Compilation component & linkages
 - ◆ Database component under sui generis provisions
 - ◆ Content not covered



Copyrightability of Terminology According to Data Category



- ✦ Data type concerns:
 - ◆ Photos and drawings or parts thereof definitely are covered
 - ◆ Some types of formulas are covered
 - ◆ Database materials need scrutiny

Digital Environments



- The flow of free information vs. the free flow of information
- The dissolution of form and fixed expression
 - ◆ Manipulation, modification, fragmentation
 - ◆ Sampling
 - ◆ Unlimited copy capability



Digital Environments



- TBX (TermBase eXchange)
 - ◆ LISA/OSCAR/ISO xml-based terminology interchange standard
 - ◆ Variable entry format from source to target database
 - ◆ Loss of data from category-rich to category-poor systems
 - ◆ Stable factor: linkages, the relative integrity of relationships within the term entry

Basic Units of Intellectual Property



- Defining basic units
- Arbitrary units of pre-specified lengths
- Logically defined units (individual data categories or parts thereof)
- Rugged identification

Basic Units of Intellectual Property



- ✦ Steganography, (Digital finger-printing or digital watermarking)
- ✦ Advantages
 - ◆ Data security
 - ◆ Data protection
 - ◆ Accounting
 - ◆ Product liability



Standards For Identification



- ✦ ISO
- ✦ ISBN - International Standard Book Numbering (ISO 2108)
- ✦ ISSN - International Standard Serial Numbering (ISO 3297)

Standards For Identification



- ✦ ISRC - International Standard Recording Code (ISO/DIS 3901)
- ✦ ISRN - International Standard Technical Report Number (ISO 10444)
- ✦ ISMN - International Standard Music Number (ISO 10957)

Collecting Societies



- International Confederation of Societies of Authors and Composers (CISAC):
 - ◆ International Standard Work Code
 - ◆ The International Article Numbering Association (EAN)
 - ◆ Electronic data interchange (EDI) standards

Copyright Ownership



- The position of literary translators
 - ◆ Retention of copyright for literary translations as derivative works
 - ◆ Share in author's royalties for translated works
 - ◆ Standard PEN contract for literary translation

Copyright Ownership

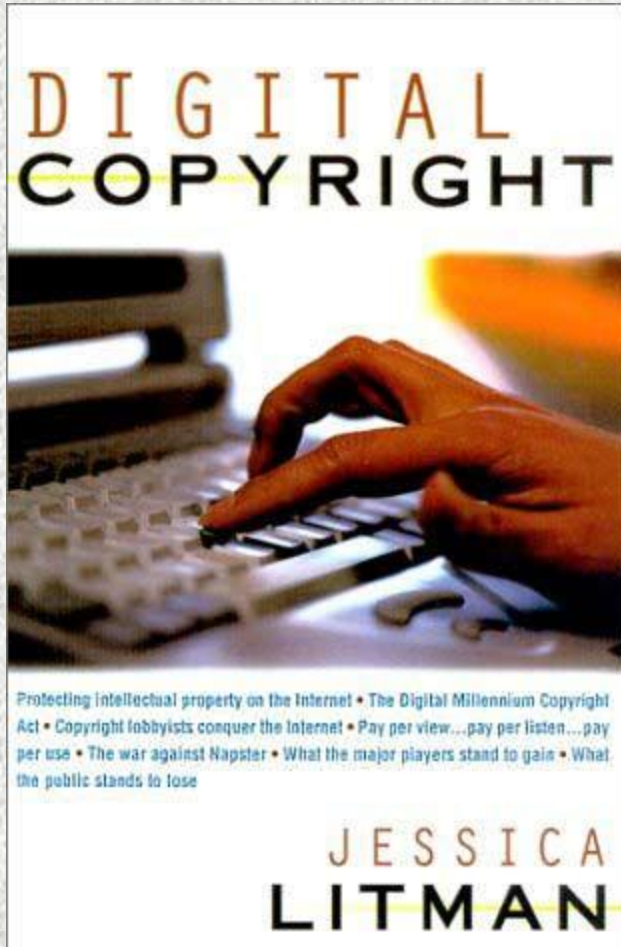


- Salaried Employees
- Independent Contractors & “Work made for hire”
 - ◆ Defined scope of work
 - ◆ Undefined scope of work
 - ◆ Confidentiality
 - ◆ Client relations
- Copyright vs. confidentiality

Copyright Ownership

- The position of university personnel and students
- The position of in-house translators
- The position of freelance translators
- Open dissemination of information
 - ◆ Example: The Microsoft GUI Guide, online glossaries

Resources



- ❖ <http://www.msen.com/~litman/digital-copyright/>
- ❖ http://en.wikipedia.org/wiki/Digital_Millennium_Copyright_Act

Open Source licenses

Browser window showing the URL <http://www.opensource.org/licenses/category>. The browser tabs include "ISOcat - Data Catego...", "ISOcat - Web interface", "Open Source Lice...", "TermNet - Internatio...", and "The GN". The search bar contains "open source".



Open Source Initiative

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⋮ License that are popular and widely used or with strong communities ⋮

- [Apache License, 2.0 \(Apache-2.0\)](#)
- [BSD 3-Clause "New" or "Revised" license \(BSD-3-Clause\)](#)
- [BSD 3-Clause "Simplified" or "FreeBSD" license \(BSD-2-Clause\)](#)
- [GNU General Public License \(GPL\)](#)
- [GNU Library or "Lesser" General Public License \(LGPL\)](#)
- [MIT license \(MIT\)](#)
- [Mozilla Public License 1.1 \(MPL-1.1\)](#)
- [Common Development and Distribution License \(CDDL-1.0\)](#)
- [Eclipse Public License \(EPL-1.0\)](#)

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- [Educational Community License](#)
- [IPA Font License \(IPA\)](#)
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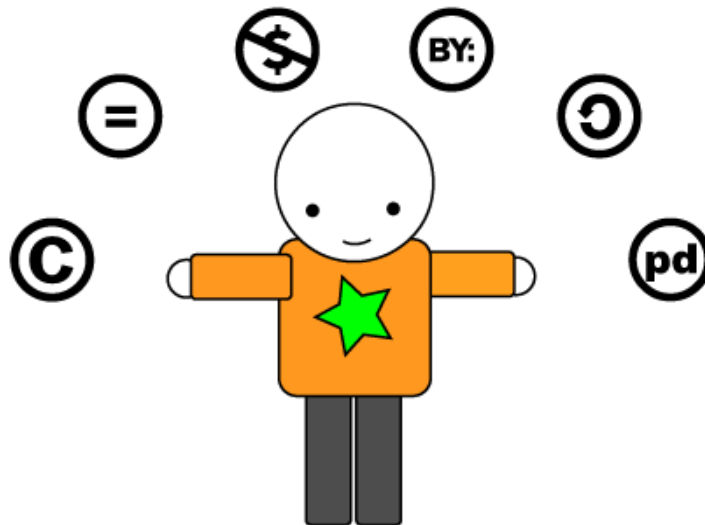
⋮ Other/Miscellaneous licenses ⋮

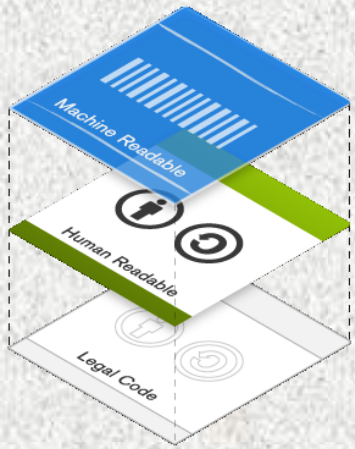
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- [Qt Public License \(QPL-1.0\)](#)
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- Makes images, text, and other copyrightable material available for various uses
- While asserting a license that retains author's rights
- Provides both human readable and machine readable information
- Typical on Wikipedia, for instance



GNU



- ✦ **“Free software”** is a matter of liberty, not price. To understand the concept, you should think of “free” as in “free speech”, not as in “free beer”.
- ✦ **Free software is a matter of the users' freedom to run, copy, distribute, study, change and improve the software.** More precisely, it refers to four kinds of freedom, for the users of the software:

Image Copyright © 2005 Nicolas Rougier



GNU Freedoms



- ✦ The freedom to run the program, for any purpose (freedom 0).
- ✦ The freedom to study how the program works, and adapt it to your needs (freedom 1). Access to the source code is a precondition for this.
- ✦ The freedom to redistribute copies so you can help your neighbor (freedom 2).
- ✦ The freedom to improve the program, and release your improvements to the public, so that the whole community benefits (freedom 3). Access to the source code is a precondition for this.

SOURCE-forge



- ✦ A web-based source code repository
- ✦ A centralized location for software developers to control and manage open source software development
- ✦ A website running on a version of SourceForge Enterprise Edition, forked from the last open-source version available
- ✦ More than 230,000 projects and more than 2 million registered users
- ✦ A home away from home for ISOcat software

The Pirate Party Movement



- Sweden, Canada, Australia ...
- Prohibition of Digital Restrictions Management,
- Legalization of non-commercial sharing of published works
- Shortening of copyright for commercial use to a five-year period



Pirate Party Links



- http://en.wikipedia.org/wiki/Pirate_Party
- [http://en.wikipedia.org/wiki/Pirate_Party_\(Sweden\)](http://en.wikipedia.org/wiki/Pirate_Party_(Sweden))
- http://en.wikipedia.org/wiki/United_States_Pirate_Party

Web Resources



- <http://www.smashingmagazine.com/2007/07/07/copyright-explained-i-may-copy-it-right/>
- US Patent office:
 - ◆ <http://www.copyright.gov/help/faq/>
- Digital Milenium Copyright Act
 - ◆ <http://www.eff.org/issues/dmca>
- European Union Copyright Directive
 - ◆ http://en.wikipedia.org/wiki/Copyright_Directive

Plagiarism



- http://www.plagiarism.org/plag_article_types_of_plagiarism.html
- <http://owl.english.purdue.edu/owl/resource/589/01/>
- http://www.checkforplagiarism.net/?gclid=CL6svLnvk5oCFQ_yDAodBE_PNQ

Inventing Copyright



TODAY 17 Oct 17 2010

BY MASTROIANNI AND HART

I HAVE INVENTED THE AUTOMOBILE!

HELLO... YES...

HMM... YES... OKAY... BUH-BYE.

WHO WAS THAT?

HANNA & BARBERA

THEY'VE JUST INVENTED COPYRIGHT INFRINGEMENT.

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A SYNDICATE OF TALENT

TAG ABOUT SHARE EMAIL SAVE PRINT EMBED

Inventing Copyright



For More Information



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