

**ZOOM Series
Session 2**

World Intellectual Property Day - April 26, 2023

Women and intellectual property

Accelerating innovation
and creativity

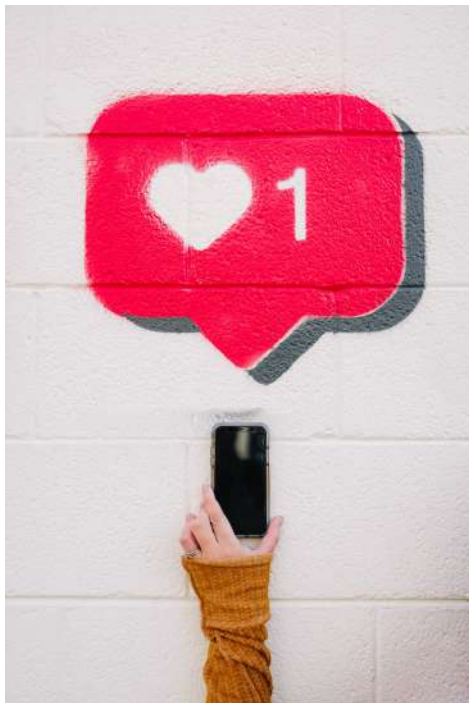
COPYRIGHT & SOCIAL MEDIA: WHAT YOU NEED TO KNOW

**Host: Candace Westby
Director of Intellectual Property**



Women and intellectual property

Accelerating innovation and creativity



DISCLAIMER

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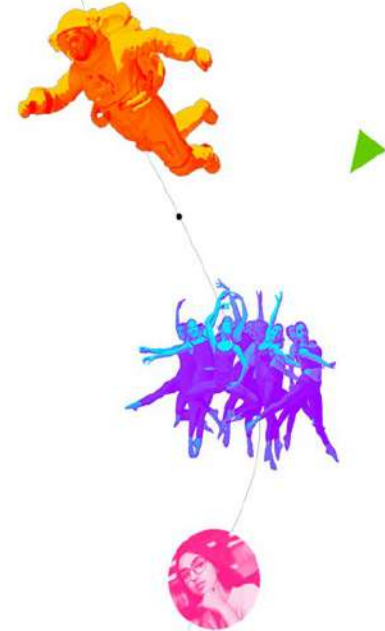


What is Intellectual Property?

“Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.”

—WIPO

#WorldIPday



MAIN PRINCIPLES OF IP

Creator acquires exclusive rights known as Intellectual Property Rights (IPRs)

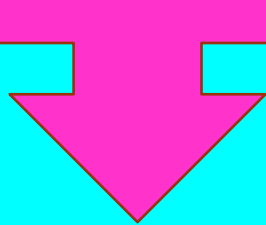
IPRs are treated as personal property

IPRs may be assigned or licensed

IPRs are territorial



COPYRIGHT



COPYRIGHT DEFINED:

Automatic protection given to creators of original works, such as photographs, videos, text, art, audio recordings, cinematograph films, and other original creations.



OWNERSHIP

1 **Creator and First Owner**

author or creator of the work, record producer, broadcaster, producer or publisher

2 **Works created for an employer**

employer is first owner subject to any agreement to the contrary

3 **Commissioned Works**

the person or organisation that created the work and not you the commissioner

4 **Joint Authors**

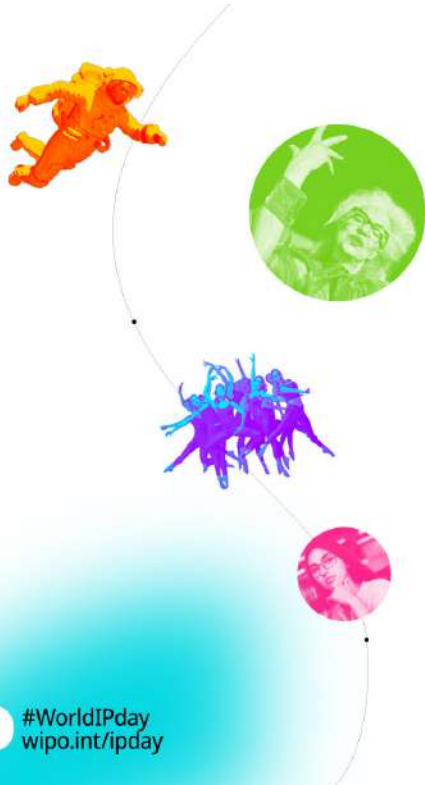
two or more people created a work, they may be considered joint owners

5 **Cowritten works**

Where individual contributions are distinct and separate, each person is author or part created

6 **Works created by students**

normal rules of ownership will apply



DURATION OF PROTECTION

70 years after author's death

Literary, Dramatic, Artistic, Musical Works

Non-literary, Written work

50 years from the year of creation
e.g. software, web content

50 years from the year in which the sound recording was made or 70 years from the year it was published.

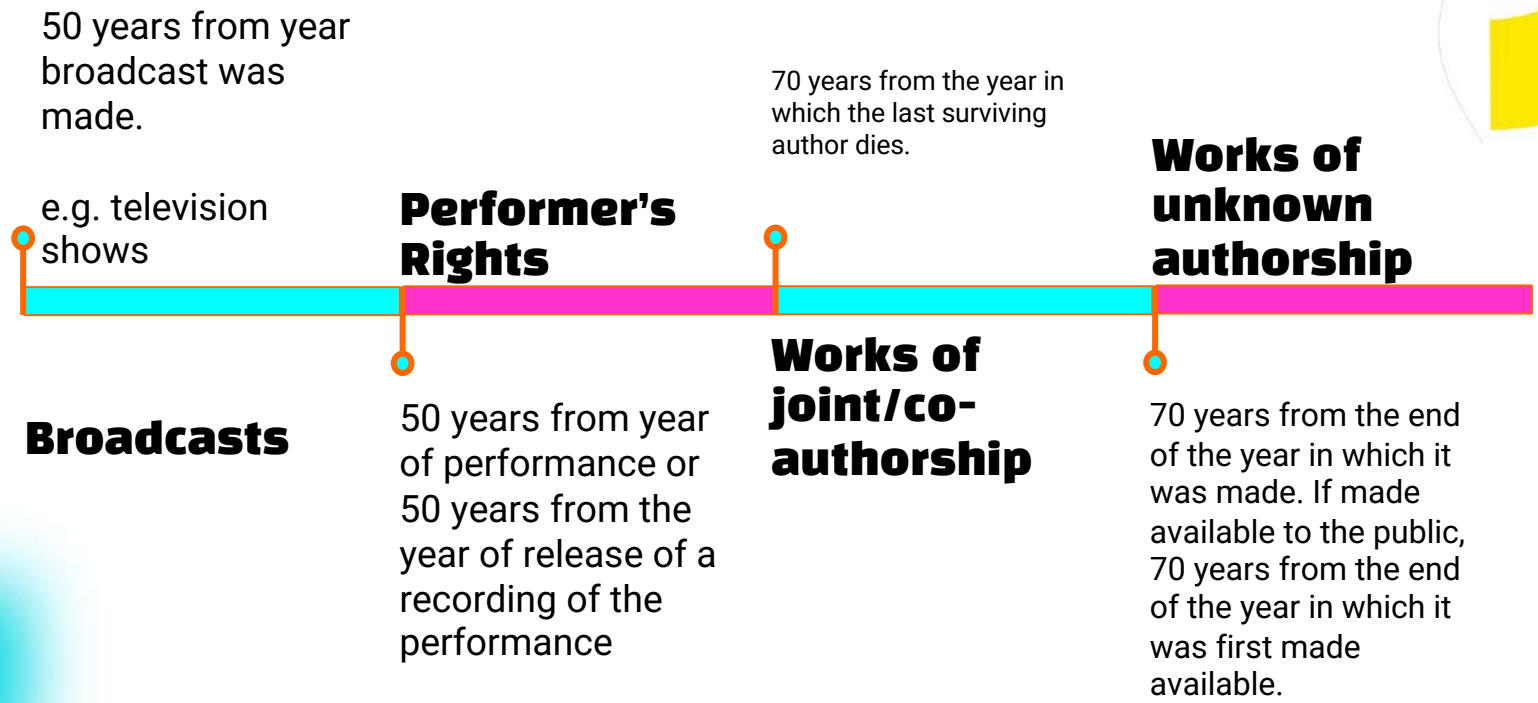
Sound and Music Recordings

Film & Television Recordings

70 years after the death of the last surviving author, director, writer, or composer or 70 years from date made available



DURATION OF PROTECTION



ECONOMIC RIGHTS

Reproduction/ Make Copies

photocopying, reproducing a printed page by handwriting, typing or scanning into a computer, or taping recorded music

Distribution of Copies

e.g., a book being sold in a bookshop

Rental or Lending

e.g., renting from a video store or loaning a CD from a library

Public Performance

covers performing, showing or playing a work in public

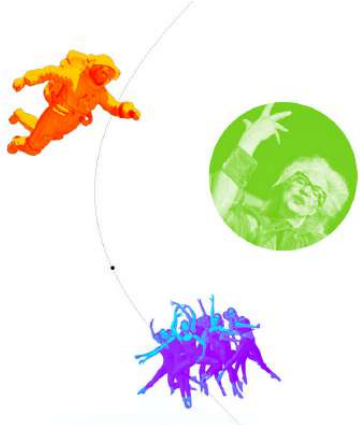
Broadcasting or other communication to the public

communication by electronic transmission, including putting on the internet

Adaptation and Translation

e.g. making a film out of a novel, transcribing a musical work, translating a work into a different language or converting a computer program into a different computer language or code





MORAL RIGHTS

01 Right to Attribution

right to be recognised as the author of a work; must be asserted by the author

02

Right to object to derogatory treatment of a work

Derogatory treatment is defined as any addition, deletion, alteration to or adaptation of a work that amounts to a distortion or mutilation of the work, or is otherwise prejudicial to the honour or reputation of the author.

03

Right to object to false attribution

This is the right not to be named as the author of a work you did not create. This would prevent, for example, a well-known author being named as the author of a story they did not write.

04

Right to privacy of certain photographs and films

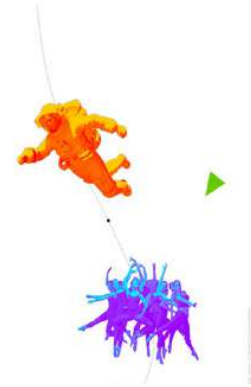
Example, preventing a photographer from putting your wedding photos on their website without your permission



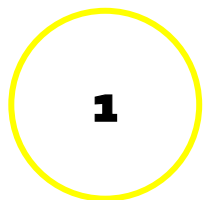


- Non-commercial research or private study
- Text and data mining for non-commercial research
- Criticism, review and reporting of current events
- Teaching
- Helping disabled people
- Time-shifting
- Parody, caricature and pastiche

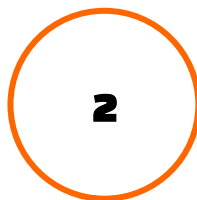
EXCEPTIONS TO COPYRIGHT “FAIR USE”



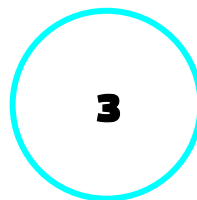
“FAIR USE” CHECKLIST



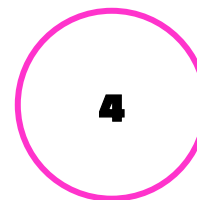
Is my use for commercial purposes?



Will my use hurt the original creator's ability to make a profit from the content?



Is my use more artistic or technical/informative in nature?



Is the amount of the work taken reasonable and appropriate? Was it a necessary to use the amount taken?





DEFEND YOUR IP

Get the other party to stop or come to an agreement

Contact them and ask them to stop
Offer to make a deal or license your IP

Seek Legal Advice Take Legal Action

File legal proceedings
through the courts

Use mediation

Mediation is a way of
resolving disputes without
going to court.

Report IP Crime

File a complaint with the
enforcement arm of DCI

IMAGE USE

Always obtain permission (license) from all copyright owners

Obtain a license from CIPO for use of orphan works

Copyright symbol does not have to be present for copyright to exist

Deliberate removal of metadata that identifies the copyright owner is unlawful



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IMAGE USE



**Is the copyright
term expired?**



**Do I have
permission from
the copyright
owner?**



**Does my use fall
under one of the
purposes known
as permitted
acts?**





IMAGE USE CHECKLIST

1

Seek royalty-free images or images in the public domain

2

Obtain written permission to use

3

Acknowledge your source

4

Never alter an image



YOUR DUE DILIGENCE

Make your copyright known:

© name date.

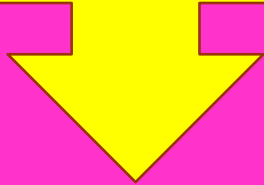
If there are more than 1 authors, sort out © ownership BEFORE you create the work.

Ensure that the person granting a license has the underlying rights.

Get it in writing.



SOCIAL MEDIA

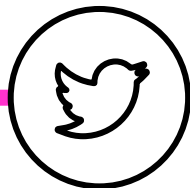


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Facebook

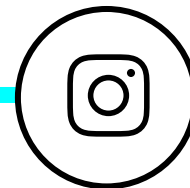
Non-exclusive, transferable, sub-licensable, royalty-free, worldwide license to use any content that you post



Twitter

tweeters retain ownership of content posted on the platform but users are free to retweet

SOCIAL MEDIA PLATFORMS

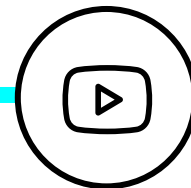


Instagram

non-exclusive, royalty-free, transferable, sub-licensable, worldwide license to host, use, distribute, modify, run, copy, publicly perform or display, translate, and create derivative works of your content

YouTube

videos are copyrighted to the person who created and then uploaded them onto YouTube



TikTok

prohibits posting, sharing, or sending any content that violates or infringes someone else's copyrights, trademarks or other intellectual property rights



SOCIAL MEDIA PLATFORMS



Websites

Content you created and upload to your personal website is yours

Pinterest

irrevocable, perpetual, non-exclusive, transferable, royalty-free license, with the right to sublicense, to use, copy, adapt, modify, distribute, license, sell, transfer, publicly display, publicly perform, transmit, stream, broadcast, access, view, and otherwise exploit

Vimeo

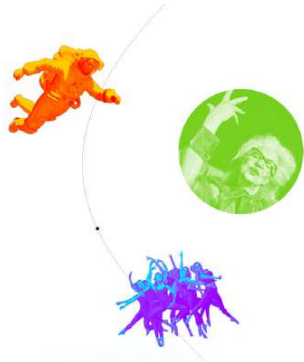
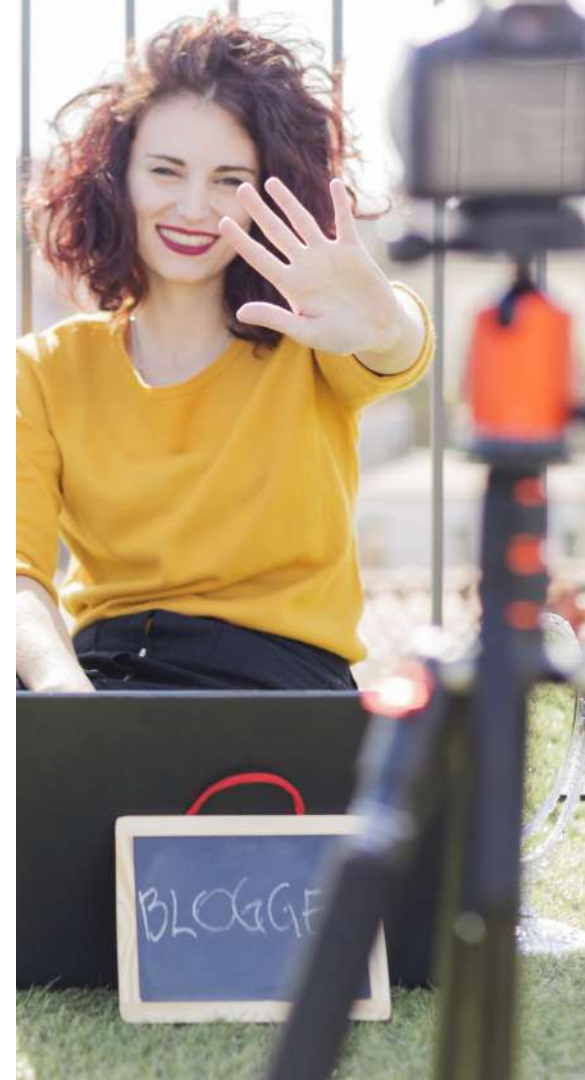
Vimeo permission to use your name, likeness, biography, trademarks, logos, or other identifiers used by you in your account profile



CASE STUDY

Ye's 'Fade' Music Video

“One Twitter user thought it would be a brilliant idea to post the eagerly-anticipated music video for Kanye West’s song ‘Fade’ before it was generally released. If you were a member of the music streaming service TIDAL, you could enjoy the video early. The accused user took the video from TIDAL and uploaded it to Twitter, invoking the wrath of angry lawyers who threatened to sue him for US\$20m. Unsurprisingly, the video was hurriedly taken down.”



TIPS FOR POSTING YOUR CONTENT ON SOCIAL MEDIA

1

Use the © symbol on your content

2

Include a link to your email or website so people can easily obtain your permission

3

Post low resolution images or videos

4

Use visible and digital watermarks



YOUTUBE

If your video violates copyrights, YouTube removes it and issues a strike.

After three strikes, you are blocked from the platform.

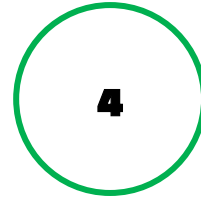
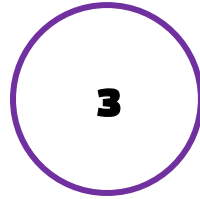
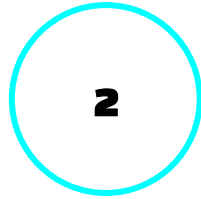
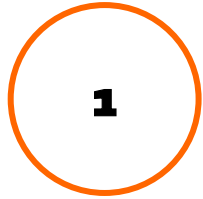
This could mean losing all your published content and your subscribers.

If someone uploads your video content, YouTube conducts an automation 'search and match' operation and catches the infringer.

Attribution does not protect you from copyright infringement.



KEY TAKEAWAYS



When seeking to repost, leave a comment, direct message or email asking permission

By agreeing to join social media sites, you grant a non-exclusive, worldwide license to the platform

Only way to remove content from social media is to delete the content and/or your account

Posting content on social media does not mean giving up ownership

GUIDING PRINCIPLES



Uploaded Content

Have a clear copyright policy and only upload content you've created or have the right to share

Built-in Flagging Tools

Make use of take down notices and programs where you suspect infringement of your content, e.g., YouTube's "Content ID" program



IP CHECKLIST FOR CONTENT CREATORS



Trade Mark Your Brand

Trademark is a word, phrase, symbol or design or a combination of any of them that identifies and distinguishes the source of the goods or services of one party from another.



Understand Terms & Agreements

Read the contracts you accept when you sign up for social media.



Declare Your Ownership

© Name Year



WORLD IP DAY 2023

QUESTIONS?



WEDNESDAY, 26 APRIL