

LECTURE

IRR & Copyright Issues

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(TermNet)

Content

- General Part: IPR Issues in European Union and in Information Society
- Specific Part:
 - Guide to Terminology Agreements (C. Galinski, Infoterm)
 - Lecture „Copyright Issues for Terminology Management“ (S.E. Wright, Kent State University)
- Conclusions

- Training Module on Legal Issues for the eTTEC Project
(European Training Tools for eContent Start-Ups and SMEs Expansion)
Thibault Verbiest, Belgium

→ Switch to eTTEC Presentation

Specific Part

- Guide to Terminology Agreements
(C. Galinski, Infoterm)
- Lecture „Copyright Issues for Terminology Management“ TSS 2005
(S.E. Wright, Kent State University)

Guide to Terminology Agreements

- Published 1996
- Primarily reflects German copyright law
- Taking into account ISO activities and European developments
- Guide needs to be updated, but still relevant

History / Background

- 1986: Infoterm organized International Expert Workshop on Copyright in Terminology – results published as „Code of good practice“-part of the Guide
- 1995: KnowRight Congress: First International Congress on IPR for Specialized Information, Knowledge and New Technologies

Content of the Guide

- Introduction: How to use the Guide
- Part 1: Aspects and Clauses of Terminology Agreements
- Part 2: Code of Good Practice
- Part 3: Glossary
- Part 4: Bibliography
- Part 5: Index
- Annex: Directive 96/9/EC on the Legal Protection of Databases

Practical Guide

- Part 1: large number of items and sample formulations – that *may* be relevant to agreements dealing with the
 - preparation,
 - revision,
 - processing,
 - exchange,
 - production and marketing
 - of terminological data

Example

Parties to the contract

Agreements to be concluded between:

- Supplier (author, compiler, editor, copyright owner)
- and User (licensee for personal/international use or with a right of re-use (publication, online provision, etc))
- for the purpose of preparation, marketing ...
Of terminological data (and associated information).

Associated information



- Information pertaining to terminological data, e.g. Creator/reviser, experts, references, date of preparation/revision

- (Part 3, Glossary)

Example

Disclaimer

- (Supplier) Gives no warranty and assumes no liability for the correctness and/or completeness of the data forming the subject matter of the contract

Exploitation rights

- Rights granted under the contract
- Types of data (data elements, data fields, etc.)
- Frequency of use (by ... people at ... Locations)
- Transmission to third parties
- Non-disclosure agreement

Example

Data & Data protection

- Intended products and services (online database, CD ROM, multimedia, etc.)
- Personal data, confidentiality, etc.

Payment

- Flat fee
- Usage / time based
- Free of charge in exchange-based relationships
- Etc.

Example

- Application of national / international law
- Exceptions, fair use
- Contractual period, notice of termination
- etc.
- Many other contract details listed in Part 1 of the Guide

Part 2: Code of Good Practice –

Where no bilateral agreements have been concluded to the contrary

- Originators' IPR: reference, agreements on licences and royalties
- Data integrity (no changes, no taking data out of context) – in particular in case of sensitive terminological data

Code of Good Practice



- Standardized terminology: exchange between standards bodies and institutions to be encouraged

Terminology Summer School



- Lecture „Copyright Issues for Terminology Management“
TSS 2005
(S.E. Wright, Kent State University)

I like the introduction to her lecture
very much:

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 courts 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.***

„Players“ in ©

- Authors – Originators of intellectual property (works)
- Users – Readers, scholars, people who cite documents, etc.
- Secondary ©Holders: Publishers, distributors, collecting societies, etc.

Role of terminologist

- As User: reuse of textual material for definitions, explanatory notes and other support material
- As Author (Originator, creator):
Terminological collections viewed as compilations

Copyright does not protect:

- Information and ideas
- Names (which can be covered by trademark and trade name laws)
- List of observations

Copyright does not protect:

- Words and idioms
- Single sentences or fragments of sentences
- Purely factual databases (e.g. telephone directories)

Basic principle of protection

- 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)

Limits to copyright protection

- For educational or scholarly purposes
- Informational or creative work?
- Commercial versus non-commercial use
- Minimal excerpts with citations
- Fair use

Copyrightability of Terminology according to data category

■ Not covered:

- Terms and symbols
- Definitions and descriptive texts
- Usable under fair use

Thank you



For your attention!

Enjoy the following presentation on the
South African situation by
Ms Marilyn Krige from Adams & Adams