

A decorative border surrounds the page, featuring a repeating pattern of stylized, overlapping letters and symbols in shades of blue, green, and black. The border is most prominent at the corners and along the edges.

The Written Word

In the

Digital Age

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...Really, I mean it...

Topics for Today

“Deal or No Deal”

and

International Copyright Protection

(“Hey, that looks just like my book...”)

The Written Word

- As an Art Form
 - Shakespeare, Kipling and Keats
- As a Form of Commerce
 - Facilitate Commercial Flow

How We Got Here

- Contract Law has evolved over time
 - *Like 5,000 years of time*
 - Egyptian Civil Code dating to 3,000 BC
 - Common Law
 - Statutes and Regulations

Where Are We Now?

- Volumes of statutes – written laws and rules
- Case Law
- Commercial vs. Consumer Contracts
 - Commercial – fewer protections
- Usage of Trade
- Conduct of the Parties

It's Confusing and Complicated!

What Can I Do?

- Buy an AK-47 and move to Montana
- Rely on advisers like agents and lawyers
- *Take the time to read and ask questions*

Parts of a Contract

- Three Parts to Every Agreement (According to me)
 1. “The Deal”
 2. Operational
 3. Legal

Part I – *The Deal*

- What is my understanding of “The Deal”
- What is the other parties understanding of “The Deal”

Part II – Legal

- Why you need a lawyer and agent (maybe)
 - Legal Terminology and Provisions
 - “Time is of the essence”
 - Jurisdiction and venue
 - Remedies, indemnification
 - Applicable law
 - Terms of Art – Industry Specific

Part III - Operational

- What do I have to do?
- When do I have to do it?
- How do I have to do it?
- *Make sure you can live up to the terms*

International Copyright

- First – Some Basic U.S. Stuff

Copyright law in the U.S. is based on the Copyright Act of 1976.

State "copyright" laws exist, but they are limited to works that cannot be protected under federal copyright law.

To receive copyright protection, a work must be "original" and must be "fixed" in a tangible medium of expression. Certain types of works are not copyrightable.

Only minimal creativity is required to meet the originality requirement. No artistic merit or beauty is required.

Under current law, the copyright term for works created by individuals is life of the author plus 70 years.

The copyright term for "works made for hire" is 95 years from the date of first "publication" (distribution of copies to the general public) or 120 years from the of creation, whichever expires first. Works made for hire are works created employees for employers and certain types of specially commissioned works.

What Is Protected

Literary works: A steamy romance novel, etc

Musical works: Songs, advertising jingles, and instrumentals.

Dramatic works: Plays, operas, and skits.

Pantomimes and choreographic works: Pantomimes? *Really?*

Pictorial, graphic, and sculptural works: This includes stuffed animals.

Motion pictures and other audiovisual works: Includes interactive multimedia works.

Sound recordings: Recordings of music, sounds, or words.

Architectural works: Building designs, whether in the form of architectural plans, drawings, or the constructed building itself.

Copyright Rights - Right?

- Five rights belong to the owner of a copyright
 1. Reproduction
 2. Modification
 3. Distribution
 4. Public Performance
 5. Public Display

How Do I Get An International Copyright?

- *YOU DON'T!*
- There is no such thing as an “international copyright”

International Copyright Protections

- Protection against unauthorized use depends on the laws of the particular country
- International treaties and conventions

U.S. Law

- Civil Remedies Against an Infringer
 - Injunction – Temporary and Permanent
 - Impounding of Infringing Articles
 - Actual Damages and Profits
 - Statutory Damages
 - \$750 to \$30,000
 - Up to \$150,000 for willful infringement
 - Attorney Fees and Costs

U.S. Criminal Penalties

- Criminal penalties only for willful infringement:
- For commercial advantage or private financial gain*; or
- Reproduction or distribution, including by electronic means, one or more copyrighted works having a total retail value of more than \$1,000; or
- Distribution on a computer network accessible by the public of a work the offender knew or should have known was being prepared for commercial distribution
- *The No Electronic Theft Act of 1997 (NetAct) made it a felony to reproduce or distribute copies of copyrighted works electronically regardless of whether the defendant had a profit motive.

U.S. Criminal Penalties

- Felony
- Imprisonment up to 5 years*
- Fines up to \$250,000
- *Up to 10 years for repeat offenders

Treaties and Conventions

- Berne Convention for the Protection of Literary and Artistic Works
- World Intellectual Property Organization (WIPO) Copyright Treaty
- The WIPO Performances and Phonograms Treaty
- Agreement on Trade-Related Aspects of Intellectual Property Rights
- World Trade Organization
- Universal Copyright Convention

'Da Playas'

- Which of the following countries are a party to one or more of the international agreements, treaties or conventions for the protection of intellectual property?

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• ARMENIA?

ARMENIA

- YES



•CHINA?

CHINA

- YES



•ETHIOPIA?

ETHIOPIA

NO

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IRAQ?

IRAQ

NO

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KIRIBATI?

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KIRIBATI

UNCLEAR

A decorative border with intricate Arabic calligraphy in shades of blue and gold surrounds the central text.

SAUDI ARABIA?

SAUDI ARABIA

YES

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TUVALU?



TUVALU

UNCLEAR

Remedies for Infringement in a Foreign Land

- Depends on the treaty or convention
- Protection under the laws of that country
 - Some countries offer little or no protection

Practically Speaking

- Take the precautions that are available
- It's all about the money
- Prosecutors have other concerns

Questions?

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