



Protecting Human Expressions Copyrights

ONG | BAGAY-VILLAMOR | FABIOSA
LAW FIRM & PATENT CONSULTANTS

Andrew Michael S. Ong



Copyrights

**GIVING VALUE TO
COMMUNICATIVE EXPRESSION
BY PREVENTING UNAUTHORIZED
REPRODUCTION**

Author's Right

Droit d'auteur (France)
Derecho de Autor (Spain)
Urheberrecht (Germany)

Copyrights

PROTECTS

OLD MEDIA

NEW MEDIA

Books, Photography,
Motion Picture, Sound
Recordings

Computer
programs

**SUPPORTS & MAKES
POSSIBLE**

INFORMATION INDUSTRIES

Music, TV, Movie, Home Video, Books, Periodicals,
Newspapers, Software

Purpose of Copyright

HISTORIC: STATUTE OF ANNE 1709 –
RESPONSE TO THE INVENTION OF PRINTING

Moral

Natural Law

“Just Reward for Labor”

(encourage investment in creative industries)

Economic

Stimulate Creativity,

Social Requirements

(society will benefit from it)

Copyrights Economics

PROVIDES LIMITED TERM FOR THE RESTRICTIONS

ALLOWS AUTHOR'S RIGHTS TO BE TRANSMITTED TO

ALLOWS EXCEPTIONS TO RESTRICTED REPRODUCTIONS

PUBLIC DOMAIN

UPON EXPIRATION, IT BECOMES FREE FOR ALL

PUBLISHERS

PREVENTS UNAUTHORIZED REPRODUCTION THAT THREATENS THE VIABILITY OF PUBLISHING BUSINESS

STEADY FLOW OF PRINTED MATERIALS IN THE MARKET

FAIR USE BY CONSUMERS

ALLOWS USE WITHOUT NEED OF AUTHORIZATION

Public Interest

Public Policy Considerations: striking balance between author's rights and access to the author's work

Bundle of Rights

- Patents (inventions, utility models)
- Trademarks & Geographical Indications
- Industrial Designs & Lay-out Designs of Integrated Circuits
- Trade Secrets

- **Copyrights** and other related rights



Bundle of WORKS & Rights

LITERARY WORKS
VISUAL WORKS
MUSICAL WORKS

RIGHT TO
REPRODUCE,
RENT, PERFORM IN
PUBLIC,
DISTRIBUTE, ETC.

Literary Works



Computer programs

- (a) Books, pamphlets, articles and other writings (electronic copies & other internet materials);
- (b) Lectures, sermons, addresses, dissertations whether or not reduced in writing or other material form;
- (c) Letters (electronic mails & other internet materials);

Visual Works

- (d) Drawing, painting, architecture, sculpture, engraving, models or designs for works of art;
- (E) Photographic works including works produced by a process analogous to photography; lantern slides;
- (F) Pictorial illustrations and advertisements;

Visual Works...

- (g) Illustrations, maps, plans, sketches, charts and 3-dimensional works relative to geography, topography, architecture or science;
- (h) Audiovisual works and cinematographic works and works produced by a process analogous to cinematography or any process for making audio-visual recordings;

Musical Works

- (i) Musical compositions, with or without words;
- (j) Dramatic or dramatico-musical compositions; choreographic works;

Factual Works



(k) Periodicals and newspapers;
Non-Fictional works like biographies & documentary feature films

Useful Works



- (l) Ornamental designs or models for articles of manufacture and other works of applied art;
- (m) Drawings or plastic works of a scientific or technical character;
- (n) Computer programs (source code & object codes)

Copyrightability

Not every aspect or element of a copyrighted work is protected by copyright.

The protection is limited to those aspects of the work that reflect original authorship and comprise the author's expression, rather than the idea itself.

WHAT DOES **Copyright** PROTECT?

FIRST REQUIREMENT

**ORIGINAL INTELLECTUAL
CREATIONS**



**REQUIRES INDEPENDENT
CREATION (NOT NECESSARILY
UNIQUENESS OR NOVELTY)**

**PLUS A MODICUM OF
CREATIVITY (authorship)**

ORIGINALITY V. NOVELTY

What is required is that the work “owes its origin” to the author. It does not necessarily mean that the work is “novel.” Thus, an author is entitled to copyright protection of his work even if it is identical to a prior work **but he has no right to prevent others from publishing the prior work even if it is identical to his.**

Herbert Rosenthal Jewelry Corp. v. Grossbardt, 436 F.2d 315, 316

SUFFICIENCY OF AUTHORSHIP

Author is “he to whom anything owes its origin.”

..even with the aid of machines (computers). The author is one who employs the computer.

... even if drawn from life (sight of performance).. in indeterminate works (photography and video)

ORIGINALITY in PHOTO/VIDEO

ORIGINAL SUBJECT

When photographer exercised creative control on the subject matter;

choice of subject, artistic posing of the subject and composition of elements

ORIGINAL RENDITION

When photographer exercised creative control on taking an existing subject matter

decision on lighting, angle, exposure, shutter speed

ORIGINAL TIMING

When photographer happens to be in the right place at the right time Kennedy Assassination Pictures

MODICUM OF CREATIVITY

...there is nothing remotely creative about arranging names alphabetically in a white pages directory. It is an age-old practice, firmly rooted in tradition and so commonplace that it has come to be expected as a matter of course.

Alphabetical arrangement “is universally observed in directories published by local exchange telephone companies”. It is not only unoriginal, it is practically inevitable.

FEIST PUBLICATIONS INC v RURAL TEL SERVICE CO

499 U.S. 340 (1991)

WHAT DOES Copyright PROTECT?

SECOND REQUIREMENT EXPRESSIONS



**NOT THE IDEAS,
FACTS OR
CONCEPTS BEING
EXPRESSED**

WHAT DOES Copyright PROTECT?

Section 175

No protection shall extend, under this law, to ⁽¹⁾any idea, ⁽²⁾procedure, system, method or operation, ⁽³⁾concept, ⁽⁴⁾principle, ⁽⁵⁾discovery or ⁽⁶⁾mere data as such, even if they are expressed, explained, illustrated or embodied in a work; ⁽⁷⁾news of the day and other miscellaneous facts having the character of mere items of press information

IDEA-EXPRESSION DICHOTOMY

LITERARY WORKS — Copyright protection is available for the "association, presentation, and combination of the ideas and thought which go to make up the author's literary composition." "What is protected is the manner of expression, the author's analysis or interpretation of events, the way he structures his material and marshals his facts, his choice of words and the emphasis he gives to particular developments."

**Salinger v. Random House, Inc., 811 F.
2d 90, 92 (2d Cir. 1987)**

IDEA-EXPRESSION DICHOTOMY

LITERARY WORKS – The message imparted by the author is not copyrightable, so the question is whether OFFENDING MATERIAL expresses the message of the author in a way that “copies” the original expression in the PROTECTED MATERIAL

**Palmer v. Braun, 287 F.3d 1325, 1331
(11th Cir. 2002)**

IDEA-EXPRESSION DICHOTOMY

HISTORICAL WORKS – Historical facts as well as interpretations, theories or hypothesis thereof are not protected. “The cause of knowledge is best served when history is the common property of all, and each generation remains free to draw upon the discoveries and insights of he past. Accordingly, the scope of copyright in historical accounts is narrow.”

**Hoehling v Universal City
Studios 618 F. 2d 972**

IDEA-EXPRESSION DICHOTOMY

CHARACTERS – (graphic and literary characters).
Literary characters are protected by copyright if the character is well-developed and is central to the story. In other words, the character “really constitutes the story being told” rather than serving merely as a vehicle for telling the story (stock or stereotyped characters).

**Universal City Studios v.
Kumar Industries
217 U.S.P.Q. 1162**

IDEA-EXPRESSION DICHOTOMY

Although "stock scenes and hackneyed character types" at one end of the spectrum are considered ideas, "as plots become more intricately detailed and characters become more idiosyncratic, they at some point cross the line into 'expression'". When drawing the line, however, "it is useful to note the policy purposes served by the distinction"; to "encourage the creation of original works on the one hand," and to "promote the free flow of ideas and information on the other."

IDEA-EXPRESSION DICHOTOMY

RECIPIES are "nothing more than mere recitations of facts" in the form of "mechanical listings of ingredients and cooking directions." Thus, generally they are not eligible for copyright protection but statements therein that are expressive & exceed the boundaries of mere fact such as anecdotal language and suggestions for food presentation are copyright protected.

**Barbour v. Head, 178 F. Supp. 2d
758, 764 (S.D. Tex. 2001)**

IDEA-EXPRESSION DICHOTOMY

PRICE LISTS - individual prices may be regarded as “approximative statements of opinion which are regarded as expression rather than facts/ideas. There are other effective ways of expressing the idea of what a particular item is worth. The manner the prices are compiled is also an expression.

**CCC Information Services v Maclean
Hunter Market Reports 44 F. 3d 61**

IDEA-EXPRESSION DICHOTOMY

ARCHITECTURAL WORKS – (original design elements which are not functionally required) The overall form or the arrangement, combination and composition of spaces and design elements is protected by copyright. It may come in the form of sketches, drawings and 3D models.



Shine v Childs 382 F. Supp 2d 602

IDEA-EXPRESSION DICHOTOMY

MAPS - the expression in maps comprise the author's "bringing together available information on boundaries, landmarks" and choosing of locations, including the "effective pictorial expressions of those locations"

Mason v. Montgomery Data, Inc
967 F. 2d 135

Section 171.4

COMPUTER PROGRAMS is a set of instructions expressed in words, codes, schemes or in any other form, which is capable when incorporated in a medium that the computer can read, of causing the computer to perform or achieve a particular task or result

IDEA-EXPRESSION DICHOTOMY

COMPUTER PROGRAMS (object & subject codes)– as sets of instructions for computers to function or process, the expression adopted by the programmer is the copyrighted element (& not the function, process or result). As such, if the process or function can be expressed in several ways, a plurality of copyrights may result. No infringement exists if the expressions are different.

Apple Computer v Franklyn Computer 714 F. 2d 1240

Merger of IDEA & EXPRESSION

When there is only a very limited way to express a given idea, the author's right in the work does not protect it against use by others. None of the expressions will enjoy protection.

Baker v. Selden 101 US 99

Use/Explanation Distinction

Where the useful information contained in a copyrighted work is so intertwined with the particular way in which it is expressed that the information cannot be used without employing the diagrams or illustrations, then those diagrams or illustrations are free to the public for use but not for publication in other works explanatory of the information.

Baker v. Selden 101 US 99

Copyright attaches from the time of creation...

Copyrighted works are protected by the sole fact of their creation, irrespective of their mode or form of expression, as well as of their content, quality and purpose.

(SECTION 172.1, IP CODE)

Copyright attaches from the
time of creation...

**NO REGISTRATION
REQUIRED**

**ONLY DEPOSIT WITH THE
NATIONAL LIBRARY FOR
EVIDENTIARY PURPOSE**

Copyright

ECONOMIC RIGHTS

is exclusive right to carry out, authorize or prevent a number of acts, each of which is distinct and separate from the other that the grant or transfer of one excludes the other.

Copyright means the exclusive right to carry out, authorize or prevent...

- **REPRODUCE, COPY OR REPRINT THE WORK;**
- **FIRST PUBLIC DISTRIBUTION OF ALL COPIES;**

Copyright means the exclusive right to carry out, authorize or prevent...

○ **RENTAL OF THE ORIGINAL AND COPIES**

- (1) audiovisual or
- (2) cinematographic work,
- (3) a work embodied in a sound recording,
- (4) a computer program,
- (5) a compilation of data and other materials or
- (6) a musical work in graphic form;

Copyright means the exclusive right to carry out, authorize or prevent...

- DRAMATIZATION, TRANSLATION, ADAPTATION, ABRIDGMENT, ARRANGEMENT OR OTHER **TRANSFORMATION** OF THE WORK;

Derivative Works – works based on pre-existing matter enjoy separate copyright protection

Derivative works are protected as new works but such new work shall not affect the force of any subsisting copyright upon the original works employed or any part thereof, or be construed to imply any right to such use of the original works, or to secure or extend copyright in such original works.

Section 173.2

Derivative Works

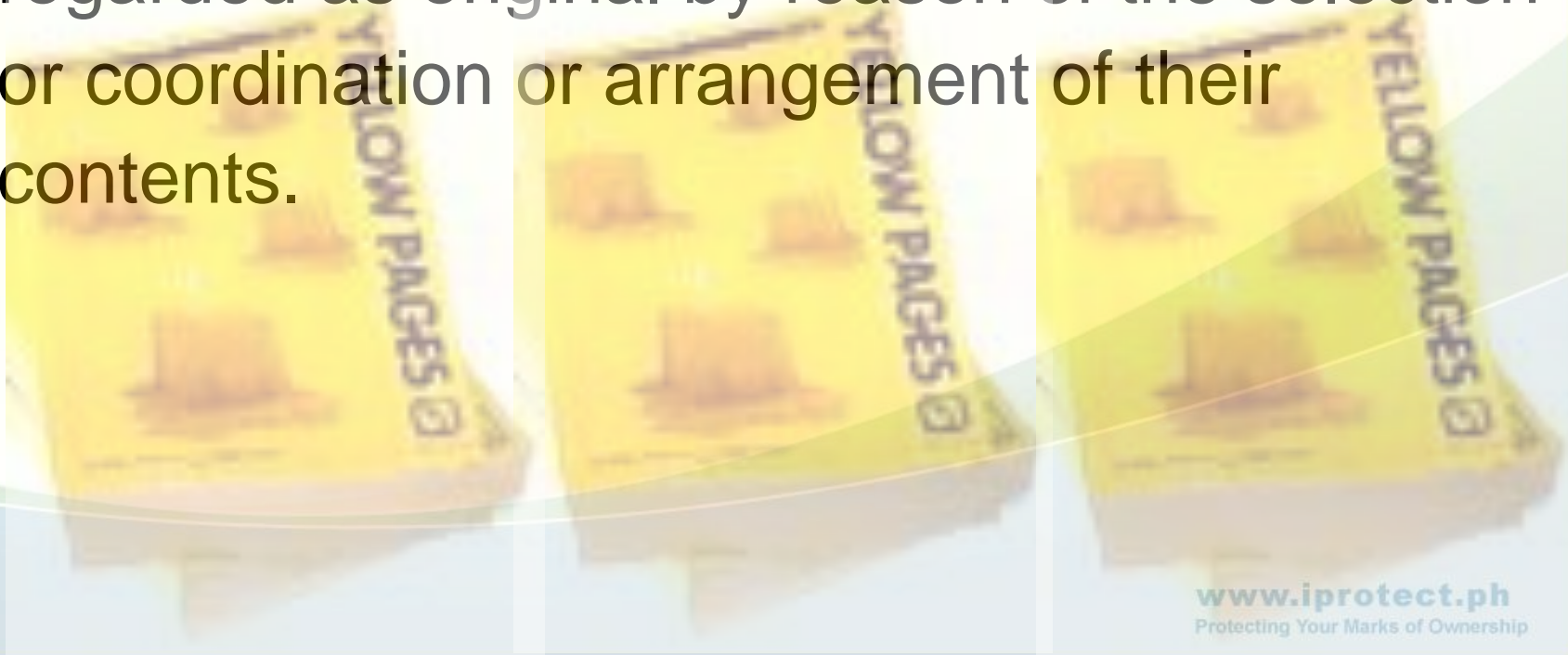
A Derivative work is considered another original work if there is enough difference between the derivative and the underlying work.

There is no originality when there is merely “slavish copying”.. merely changing the medium without “distinguishable variation” like a faithful reproduction by photo of a painting

The only aspects entitled to copyright protection are the non-trivial, original features contributed by the author of the derivative work

Durham v Tomy 630 F.2d 905

Compilation Works Collections of literary, scholarly or artistic works, and compilations of data and other materials are regarded as original by reason of the selection or coordination or arrangement of their contents.



Work of Architecture. — Copyright in a work of architecture shall include the right to control the erection of any building which reproduces the whole or a substantial part of the work either in its original form or in any form recognizably derived from the original: Provided, That the copyright in any such work shall not include the right to control the reconstruction or rehabilitation in the same style as the original of a building to which that copyright relates.

SECTION 186.

Copyright means the exclusive right to carry out, authorize or prevent...

- **PUBLIC DISPLAY, PERFORMANCE (OR OTHER COMMUNICATION TO THE PUBLIC) OF THE ORIGINAL OR COPY OF THE WORK;**

PUBLIC PERFORMANCE “xxx is the recitation, playing, dancing, acting or otherwise performing the work, either directly or by means of any device or process xxx (showing of its images in sequence and the making of the sounds accompanying it audible) xxx (making the recorded sounds audible) xxx at a place or at places where persons outside the normal circle of a family and that family's closest social acquaintances are or can be present xxx whether they are or can be present at the same place and at the same time, or at different places and/or at different times”

TERM OF Copyright

Copyright in works shall be protected during the life of the author and for fifty (50) years after his death. This rule also applies to posthumous works. In case of works of joint authorship, the economic rights shall be protected during the life of the last surviving author and for fifty (50) years after his death.

SECTION 213

TERM OF Copyright

In case of works of applied art the protection shall be for a period of twenty-five (25) years from the date of making. In case of photographic and audio-visual works, including those produced by process analogous thereto, the protection shall be for fifty (50) years from publication of the work and, if unpublished, fifty (50) years from the making.

SECTION 213

TERM OF Copyright

In case of anonymous or pseudonymous works, the copyright shall be protected for fifty (50) years from the date on which the work was first lawfully published. If not published before shall be protected for fifty (50) years counted from the making of the work.

SECTIONS 213

Copyright infringement

- IS WORK COPYRIGHTABLE?
ORIGINALITY, CREATIVITY & EXPRESSION
- IS THERE COPYING?
 - LITERAL APPROPRIATING
 - SUBSTANTIAL PARAPHRASING
- IS IT FAIR USE?
 - Character of Use
 - Nature of Work
 - Degree of Copying
 - Impact on Original Work

Copyright *FAIR USE*

- The purpose and character of the use, including whether it is **TRANSFORMATIVE** or not; is it **COMMERCIAL** or for non-profit educational purposes;
- The nature of the copyrighted work (**FACTUAL, CREATIVE; PUBLISH or UNPUBLISHED;**
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole (**AMOUNT, ESSENCE**); and
- The effect of the use upon the potential market for or value of the copyrighted work (**MARKET SUBSTITUTION of the ORIGINAL WORK**).

Copyright **FAIR USE**

- The purpose and character of the use, including whether it is **TRANSFORMATIVE** or not; is it **COMMERCIAL** or for non-profit educational purposes;

"The crux of the profit/nonprofit distinction is not whether the sole motive of the use is monetary gain but whether the user stands to profit from exploitation of the copyrighted material without paying the customary price."

A transformative work is one that "adds something new, with a further purpose or different character, altering the first [work] with new expression, meaning or message." Such works are allowed because it is less likely to "supplant" the market for the copyrighted work & it does not fulfill the demand for the original.

Copyright **FAIR USE**

- The nature of the copyrighted work (**FACTUAL, CREATIVE; PUBLISH or UNPUBLISHED;**

Hierarchy of copyright protection - Works that are "closer to the core of intended copyright protection," merit greater protection. Thus, original as opposed to derivative works, creative as opposed to factual works and unpublished as opposed to published works, are given more protection.

The law recognizes a greater need to disseminate factual works than works of fiction or fantasy, so fair use is more likely to apply in factual works.

Copyright **FAIR USE**

Unpublished Works - The law provides greater copyright protection for unpublished works in recognition of the author's property interest in the "commercially valuable right of first publication," including the "exploitation of prepublication rights, which are valuable in themselves and serve as a valuable adjunct to publicity and marketing,

Out-of-Print Works are generally accorded less copyright protection. Fair use is more likely to apply because it reflects in large part the assumption that no market harm to the owner will come of the use, as presumably it was lack of demand for the work that led to its demise.

Copyright **FAIR USE**

- The amount and substantiality of the portion used in relation to the copyrighted work as a whole (**AMOUNT, ESSENCE**); and

In analyzing the amount and substantiality of the portion used, a court considers "not only . . . the quantity of the materials used, but . . . their quality and importance, too."

The amount taken may be substantial from a qualitative perspective if the defendant has copied the "heart of the book."

**Harper & Row, 471 U.S. at 564--65,
105 S.Ct. at 2233.**

Copyright **FAIR USE**

It is the relative portion of the copyrighted work copied and not the relative portion of the infringing work that is the relevant comparison.

Taken to its extreme, to say otherwise would potentially permit the wholesale copying of a brief work merely by inserting it into a much longer work.

**Harper & Row, 471 U.S. at 564--65,
105 S.Ct. at 2233.**

Copyright **FAIR USE**

- The effect of the use upon the potential market for or value of the copyrighted work (**MARKET SUBSTITUTION of the ORIGINAL**).

The fourth factor is the degree to which the defendant's use adversely affects the potential market or value of either the original work or derivative works. We must consider two inquiries: (1) "the extent of the market harm caused by the particular actions of the alleged infringer," and (2) "whether unrestricted and widespread conduct of the sort engaged in by the defendant would result in a substantially adverse impact on the potential market."

Campbell, 510 U.S. at 590, 114 S.Ct. at 1177

Copyright **FAIR USE**

FACTS SHOULD BE FREE BECAUSE TO SAY OTHERWISE WILL REQUIRE OTHER AUTHORS TO REDISCOVER THE SAME SET OF FACTS ON THEIR OWN EVERYTIME, AND SUCH IS A WASTEFUL EFFORT THAT WILL PRODUCE NEITHER KNOWLEDGE OR ART

Copyright **FAIR USE**

THE CENTRAL PURPOSE OF (COPYRIGHT) INVESTIGATION IS TO SEE WHETHER THE NEW WORK MERELY "SUPERSEDE[S] THE OBJECTS" OF THE ORIGINAL CREATION, ("SUPPLANTING" THE ORIGINAL), OR INSTEAD ADDS SOMETHING NEW, WITH A FURTHER PURPOSE OR DIFFERENT CHARACTER, ALTERING THE FIRST WITH NEW EXPRESSION, MEANING, OR MESSAGE; IT ASKS, IN OTHER WORDS, WHETHER AND TO WHAT EXTENT THE NEW WORK IS
"TRANSFORMATIVE."

Copyright **FAIR USE**

THE GOAL OF COPYRIGHT, TO PROMOTE SCIENCE AND THE ARTS, IS GENERALLY FURTHERED BY THE CREATION OF TRANSFORMATIVE WORKS. XXX . SUCH WORKS THUS LIE AT THE HEART OF THE FAIR USE DOCTRINE'S GUARANTEE OF BREATHING SPACE WITHIN THE CONFINES OF COPYRIGHT, AND THE MORE TRANSFORMATIVE THE NEW WORK, THE LESS WILL BE THE SIGNIFICANCE OF OTHER FACTORS, LIKE COMMERCIALISM, THAT MAY WEIGH AGAINST A FINDING OF FAIR USE. XXX

Copyright **FAIR USE**

THE FAIR USE OF A COPYRIGHTED WORK FOR ① CRITICISM, COMMENT, ② NEWS REPORTING, ③ TEACHING INCLUDING MULTIPLE COPIES FOR CLASSROOM USE, ④ SCHOLARSHIP, RESEARCH, AND SIMILAR PURPOSES IS NOT AN INFRINGEMENT OF COPYRIGHT.

Copyright *FAIR USE*

PRIVATE REPRODUCTION OF PUBLISHED WORK -

THE PRIVATE REPRODUCTION OF A PUBLISHED WORK IN A SINGLE COPY, WHERE THE REPRODUCTION IS MADE BY A NATURAL PERSON EXCLUSIVELY FOR RESEARCH AND PRIVATE STUDY, SHALL BE PERMITTED, WITHOUT THE AUTHORIZATION OF THE OWNER OF COPYRIGHT IN THE WORK.

SECTION 187.1

Copyright *FAIR USE CAVEAT*

The provisions of this section shall be interpreted in such a way as to allow the work to be used in a manner which does not conflict with the **normal exploitation of the work** and does not unreasonably prejudice the right holder's legitimate interests.

SECTION 184.2

Copyright **FAIR USE CAVEAT**

The permission granted under Subsection 187.1 shall not extend to the reproduction of:

- (a) A work of architecture;
- (b) An entire book, or a substantial part thereof;
- (c) A compilation of data and other materials;
- (d) A computer program except as provided in Section 189;
- (e) Any work in cases where reproduction would unreasonably conflict with a normal exploitation of the work or would otherwise unreasonably prejudice the legitimate interests of the author. (n)

Copyright **FIRST SALE DOCTRINE?**

The copyright is distinct from the property in the material object subject to it.

Consequently, the transfer or assignment of the copyright shall not itself constitute a transfer of the material object. Nor shall a transfer or assignment of the sole copy or of one or several copies of the work imply transfer or assignment of the copyright.

SECTION 181

Copyright **FIRST SALE DOCTRINE**

The owner of a particular copy lawfully made is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy.

SECTION 109 US COPYRIGHT LAW

Copyright **FIRST SALE DOCTRINE**

The first sale doctrine prevents the copyright owner from controlling future transfers of a particular copy of a copyrighted work after he has transferred its “material ownership” to another. When a copyright owner parts with title to a particular copy of his copyrighted work, he thereby divests himself of his exclusive right to vend that particular copy.

COLUMBIA PICTURES v AVECO, 800 F. 2d 59

Copyright IN THE INTERNET

THE **ACT OF ACCESSING** INTERNET MATERIALS NECESSITATES “**COPYING**” THE MATERIALS FROM THE SOURCE

INTERNET **ALLOWS ACCESS BY MANY**. THUS, WEB ACCESS IS ALSO A FORM OF **PUBLIC DISPLAY**

ENTITIES MAINTAINING THE SERVERS MAKES ACCESS POSSIBLE (COPYING POSSIBLE)

INTERNET PROVIDERS MAY HAVE **PRIMARY** OR **VICARIOUS/CONTRIBUTORY** LIABILITIES.

Copyright IN THE INTERNET

RELIGIOUS TECH CORP vs. NETCOM

- **Primary Liability** exists when internet provider directly participates in the copying (making thumbnail pictures, etc.)
- **Contributory or Vicarious Liability** exists when there is
 - (a) KNOWLEDGE,
 - (b) DIRECT FINANCIAL GAIN and
 - (c) RIGHT & ABILITY TO CONTROL/SUPERVISE

Copyright IN THE INTERNET

1999 – A&M Records vs. Napster 239 F.3d 1004

- **Primary Liability** - search and directory functions
- **Vicarious Liability** -
 - (a) knowledge of copyright in the music files exchanged by Napster users
 - (c) Napster was able to block certain users

Copyright IN THE INTERNET

2003 – AIMSTER Case 334 F.3d 643 – Instant Messaging Services of AIMSTER works where files were exchanged through email, and the music files are attached thereto but encrypted. AIMSTER raised the defense that it has no knowledge as to what is inside the attachment. However, the Court declared that there is **“willful blindness” which will amount to “knowledge.”** Also, in the tutorial of the software, the example used where copyrighted music. Thus, it is deemed that Aimster knew.

Copyright IN THE INTERNET

2005 – GROKSTER Case – Metro-Goldwyn-Mayer Studios vs. Grokster 125 S.Ct. 2764 – This time, user download the software but there is no central server. It is the user's server which is used on a temporary basis (forming temporary clusters, like the pyramid networking clusters). Court introduced another category of indirect liability – **INTENTIONAL INDUCEMENT STANDARD** (a patent law concept).

Moral Rights in Copyright

The author of a work shall, independently of the economic rights in Section 177 or the grant of an assignment or license with respect to such right, have the right (SECTION 193):

RIGHT TO ATTRIBUTION – To require that the authorship of the works be attributed to him, in particular, the right that his name, as far as practicable, be indicated in a prominent way on the copies, and in connection with the public use of his work; Section 193.1

Moral Rights in Copyright

RIGHT TO DISCLOSURE - To make any alterations of his work prior to, or to withhold it from publication; Section 193.2

RIGHT OF INTEGRITY

To object to any distortion, mutilation or other modification of, or other derogatory action in relation to, his work which would be prejudicial to his honor or reputation; Section 193.3

To restrain the use of his name with respect to any work not of his own creation or in a distorted version of his work. Section 193.4 (Sec. 34, P.D. No. 49)

Moral Rights in Copyright

Waiver of Moral Rights. An author may waive his moral rights by a written instrument, but no such waiver shall be valid where its effects is to permit another:

To use the name of the author, or the title of his work, or otherwise to make use of his reputation with respect to any version or adaptation of his work which, because of alterations therein, would substantially tend to injure the literary or artistic reputation of another author; or

To use the name of the author with respect to a work he did not create.

SECTION 195. (Sec. 36, P.D. No. 49)

Moral Rights in Copyright

Term of Moral Rights

The rights of an author under this chapter shall last during the lifetime of the author and for fifty (50) years after his death and shall not be assignable or subject to license.

SECTION
198.1.

"Droit de suite" Copyright

RIGHTS TO PROCEEDS IN SUBSEQUENT TRANSFERS

In every sale or lease of an original work of (1) painting or (2) sculpture or of the (3) original manuscript of a writer or composer, subsequent to the first disposition thereof by the author, the author or his heirs shall have an inalienable right to participate in the gross proceeds of the sale or lease to the extent of five percent (5%).

This right shall exist during the lifetime of the author and for fifty (50) years after his death.

Copyright Ownership

IN THE CASE OF WORKS DONE
DURING AND IN THE COURSE OF THE
AUTHOR'S EMPLOYMENT,
COPYRIGHT IS OWNED BY -

EMPLOYER OF THE AUTHOR - if the work is the result of the performance of the employee's regularly-assigned duties

THE EMPLOYEE/AUTHOR - if the work is not a part of the employee's regular duties even if employee uses the time, facilities and materials of the employer.

UNLESS OTHERWISE STIPULATED IN AN AGREEMENT

Copyright Ownership

IN CASE OF COMMISSIONED WORK DONE BY AN INDEPENDENT CONTRACTOR, COPYRIGHT SHALL BELONG TO THE CREATOR (CONTRACTOR).

UNLESS OTHERWISE STIPULATED IN AN AGREEMENT

Section 178.4



Thank you