

June 30, 2005

Dr. Christopher C. Ibeh  
PSU/ONR – REU/RET Director  
Department of Engineering Technology  
Pittsburg State University  
Pittsburg, Kansas 66762

RE: “Copyright Issues: A Global Perspective”

Dear Dr. Ibeh:

This letter is to inform you that the Summer 2005 PSU-NSF – REU/RET ethics project has been completed. This project involved doing research on Copyright Issues from a global perspective.

This will allow you to see what my report consists of from obtaining a copyright to protecting the copyright. This report will also provide different types of treaties and ideas that are being used to improve the situation of infringement all over the world.

Sincerely,

Jarvis Wintjen

**“Copyright Issues: A Global Perspective”**

**Prepared By:**

**Jarvis Wintjen  
Department of Plastics Engineering Technology  
Pittsburg State University  
Pittsburg, KS 66762**

**Submitted To:**

**Dr. Christopher C. Ibeh  
PSU/ONR – REU/RET Director  
Department of Plastics Engineering Technology  
Pittsburg State University  
Pittsburg, KS 66762**

**Date: June 30, 2005**

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## Summary

The following report was completed to inform people of how immense an issue copyright violation has become globally. Over the years, several steps have been taken to improve the issue, but it is yet to be completely fixed. Copyright infringement on the global level is the prevalent issue. Anyone can get on the internet and illegally download digital media with no consequence. This is becoming more and more of a problem for the industry causing billions of dollars in financial losses yearly. The question now becomes, how to control it and not how to stop it. Global copyright infringement has reached the point where it cannot be stopped. This is the downside of technology, it makes it easier to copy and distribute these files. It has become almost impossible for groups such as the MPAA (Motion Picture Association of America.) and the RIAA (Recording Industry Association of America), to keep up with these growing these growing technologies.

## Introduction

**Scope:** This research is being done to inform people how big of an issue Copyright infringement is on a global level. It will also provide important information regarding copyright.

While the need for a solution to several copyright issues arise globally everyday, the ultimate solution is yet to be determined. Several strides have been taken over the years to improve the issues. Countries throughout the world have formed different organizations that have created treaties or directives that have improved the situation on a small scale. **Copyright** is a form of protection provided by the laws of the United States to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. A **patent**, which is similar to a copyright, is a grant made by a government that confers upon the creator of an invention the sole right to use, make, and sell that invention for a set period of time. **Copyright infringement** is the unauthorized use of copyrighted material in a manner that violated the copyright owner’s exclusive rights, such as the right to reproduce or perform the copyrighted work.

## Literature Review

<http://www.copyright.gov/>

### *Meaning of Copyright*

The meaning of copyright often confuses people. Copyright protection is available for all unpublished works, regardless of the nationality of the author. So in other words there are thousands of pieces of work that are unpublished and have not been registered for copyright protection. As far as copyrighting goes, anyone can do it as long as the material is created in fixed form. Copyrightable work include the following categories:

1. literary works,

2. musical works,
3. dramatic works,
4. pantomimes and choreographic works,
5. pictorial, graphic, and sculptural works,
6. motion pictures and other audiovisual works,
7. sound recordings,
8. architectural works

In the United States, copyright has become almost automatic. In order for one to get a copyright, the work doesn't actually have to be registered. The work is automatically registered when it is created. However, while a copyright doesn't have to be officially registered for the author to begin exercising his/her exclusive rights, registration of works has its benefits. For example, if a piece of work were infringed after the work has been registered, the copyright holder would be able to seek statutory fees along with attorney fees. If the infringement occurs before the work is registered, the copyright holder can only collect actual damages and profits.

[http://en.wikipedia.org/wiki/Copyright\\_infringement](http://en.wikipedia.org/wiki/Copyright_infringement)

### ***History of Copyright***

Before the modern concept of copyright originated in 1710, with the British Statute of Anne, publishers were granted monopoly rights by governments, to sell printed works. This was the first time that authors were granted exclusive rights instead of the publisher. At this time the duration of the copyright was limited to only 28 years, in which all works would then pass into the public domain.

With technology growing each and everyday, copyright protection is becoming harder. For instance, someone can get on the Internet and easily find different software that one can pirate and there is a good chance that they will get away with it. As for penalties, copyright infringement is still mainly prosecuted by private lawsuits by the copyright holder or their exclusive licensees. If convicted, the infringer will most likely have to pay for monetary damages that have been caused from the infringement.

[http://en.wikipedia.org/wiki/Agreement\\_on\\_Trade-Related\\_Aspects\\_of\\_Intellectual\\_Property\\_Rights](http://en.wikipedia.org/wiki/Agreement_on_Trade-Related_Aspects_of_Intellectual_Property_Rights)

### ***Trade-Related Aspects of Intellectual Property Rights (TRIPs)***

Trade-Related Aspects of Intellectual Property Rights is an international treaty, which sets down the minimum standards for most forms of intellectual property regulation within all member countries of the World Trade Organization (WTO). The WTO is made up of 148 member nations. Under TRIPs, member countries are required to follow certain requirements.

## **What is Copyright?**

Copyright is a form of protection provided by the laws of the United States, to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. An example of intellectual work would be “in the case of the Mickey Mouse cartoon, the image and name of Mickey Mouse would be the subject of trademark protection, while the cartoon itself would be subject to copyright. Titles and character names from books or movies may also be protectable as trademarks while the works from which they are drawn may qualify for copyright protection.”

The meaning of copyright often confuses people. Copyright protection is available for all unpublished works, regardless of the nationality of the author. So in other words there are thousands of pieces of work that are unpublished and have not been registered for copyright protection. As far as copyrighting goes, anyone can do it as long as the material is created in fixed form.

In the United States, copyright has become almost automatic. In order for one to get a copyright, the work doesn't actually have to be registered. The work is automatically registered when it is created. However, while a copyright doesn't have to be officially registered for the author to begin exercising his/her exclusive rights, registration of works has its benefits. For example, if a piece of work were infringed after the work has been registered, the copyright holder would be able to seek statutory fees along with attorney fees. If the infringement occurs before the work is registered, the copyright holder can only collect actual damages and profits.

## **Historical Background**

Before the modern concept of copyright originated in 1710, with the British Statute of Anne, publishers were granted monopoly rights by governments, to sell printed works. This was the first time that authors were granted exclusive rights instead of the publisher. At this time the duration of the copyright was limited to only 28 years, in which all works would then pass into the public domain.

With technology growing each and everyday, copyright protection is becoming harder. For instance, someone can get on the internet and easily find different software that one can pirate and there is a good chance that they will get away with it. As for penalties, copyright infringement is still mainly prosecuted by private lawsuits by the copyright holder or their exclusive licensees. If convicted, the infringer will most likely have to pay for monetary damages that have been caused from the infringement.

## **Overcoming Copyright Infringement**

Trade-Related Aspects of Intellectual Property Rights is an international treaty, which sets down the minimum standards for most forms of intellectual property regulation within all member countries of the World Trade Organization (WTO). The

WTO is made up of 148 member nations. Under TRIPs, member countries are required to follow certain requirements. These requirements are:

- Copyright terms must extend to 50 years after the death of the author.
- Copyright must be granted automatically, and not based upon any "formality", such as registrations or systems of renewal.
- Computer programs must be regarded as "literary works" under copyright law and receive the same terms of protection.
- National exceptions to copyright must be tightly constrained.
- Patents must be granted in all "fields of technology" (regardless of whether it is in the public interest to do so).
- Exceptions to patent law must be limited almost as strictly as those to copyright law.

Another step that has been taken in recent years to help overcome copyright infringement is the Directive on harmonizing the term of copyright protection. This directive was issued in 1993 by the European Union (EU). It was created to develop a single duration period in which copyright material is protected. The duration period that was adopted was 70 years after the death of the author.

## **Conclusion**

Although there will probably never be a perfect solution, the only thing that can be done is to keep moving in the right direction by making agreements with different countries. With technology getting better and better everyday, copyright infringement will only worsen. Until a good set of standards are laid down, the problem will continue to grow. As more developing nations grow technologically, the problem can only increase. There is little or no enforcement in these countries and this creates a cess-pool of piracy. The availability of file sharing software is so rampant that it cannot be tracked. Federal and global regulations are unable to keep up with these pirates.

## **Recommendations**

The only recommendation is that if one is going to get a copyright on a paper, the copyright should be registered. This way if anyone tries to commit infringement, the copyrighter will have protection. If the copyrighter does not register his/her work, they won't have as much protection.

## References

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