

MODULE 2.2 VALUE OF COPYRIGHT



UNIVERSITY OF
TORONTO

This presentation is adapted from the IP foundation series on the Canadian Intellectual Property Office (CIPO) website.



What are the benefits of copyright ownership?

I am the creator of an original work, does that mean I own the copyright?

In this section, we will explore the value of copyright and how to use it can be used strategically to protect your work and generate income.

LEARNING OBJECTIVES FOR VALUE OF COPYRIGHT

By the end of this section, you will be able to:

- Describe how copyright can be a valuable business asset
- Explain how to use copyright strategically
- Explain how copyright can be used for unexpected works



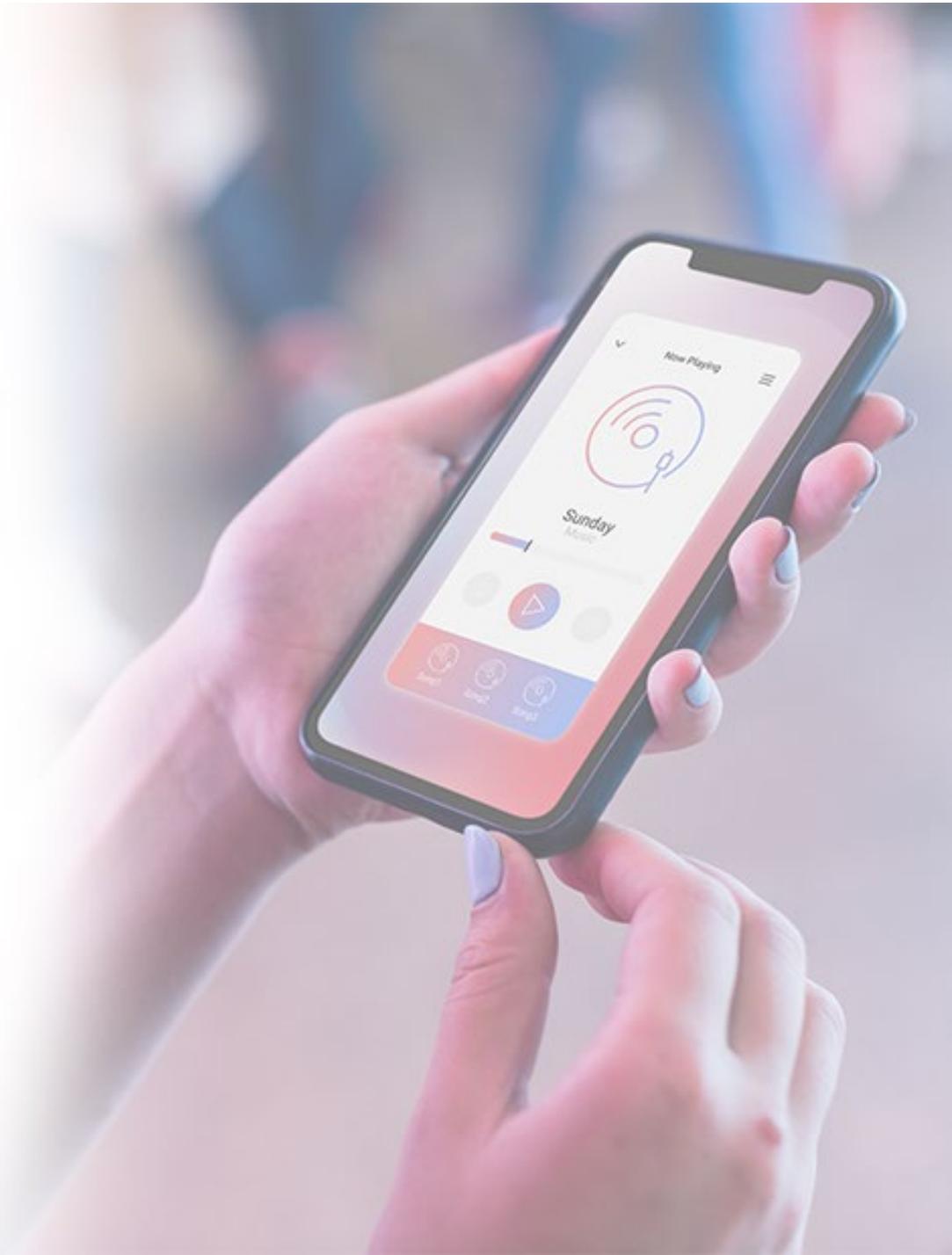
VALUE OF COPYRIGHT

VALUE ADDED BY COPYRIGHT

Do you use images, audio works or written materials owned by someone else, or does your business do so?

Do you share photos on social media, stream music online or upload videos on popular video platforms?

Copyright is becoming an increasingly important issue in the digital world. It is important to consider how you may benefit from copyright ownership and how to legally use copyrighted works from others.



VALUE OF COPYRIGHT

VALUE ADDED BY COPYRIGHT



Copyright protection may reward authors for their creative efforts because of the **economic incentive** it offers, to either license or sell the rights in their original works.



Brand images, jingles and promotional materials protected by copyright may help create a strong **brand identity**, distinguishing your goods and services from those of others in the marketplace and providing your business with a **competitive edge**.



Copyright could also help support your claim of ownership when you **enforce your rights** against counterfeit products or copycat brands.



USING COPYRIGHT STRATEGICALLY

TAKE CONTROL

Copyright can assist you in commercially benefiting from your works by:

forbidding copies

prohibiting the preparation of derivative works (e.g. translations, cinematic adaptations)

preventing unauthorized distribution

preventing public performances

protecting your reputation

USING COPYRIGHT STRATEGICALLY

MAKE SURE YOU OWN THE WORK

The creator of an original work is normally the **owner of the copyright**. However, if the work is created in the course of employment through a contract, it is possible that the employer, rather than the employee, legally owns the copyright in the work.

Also, if you commission someone to create content for you, on a for-hire basis, that person may legally own the copyright in the work.

USING COPYRIGHT STRATEGICALLY

MAKE SURE YOU OWN THE WORK

For this reason, it is good practice to have a written agreement that addresses issues of **copyright ownership**, if ownership of the copyright is important to you.

You should also consider **moral rights** when establishing agreements with creators. Even if you own the copyright, the moral rights remain with the creator unless they are waived.

CHECK FOR UNDERSTANDING

A MONKEY'S SELFIE

In a recent case, a monkey took a photographer's camera and snapped self portraits, as shown on the left. A copyright dispute over the image ensued concerning ownership of the image. Who do you think owns the copyright?

- a) The photographer
- b) The monkey
- c) No owner



CHECK FOR UNDERSTANDING

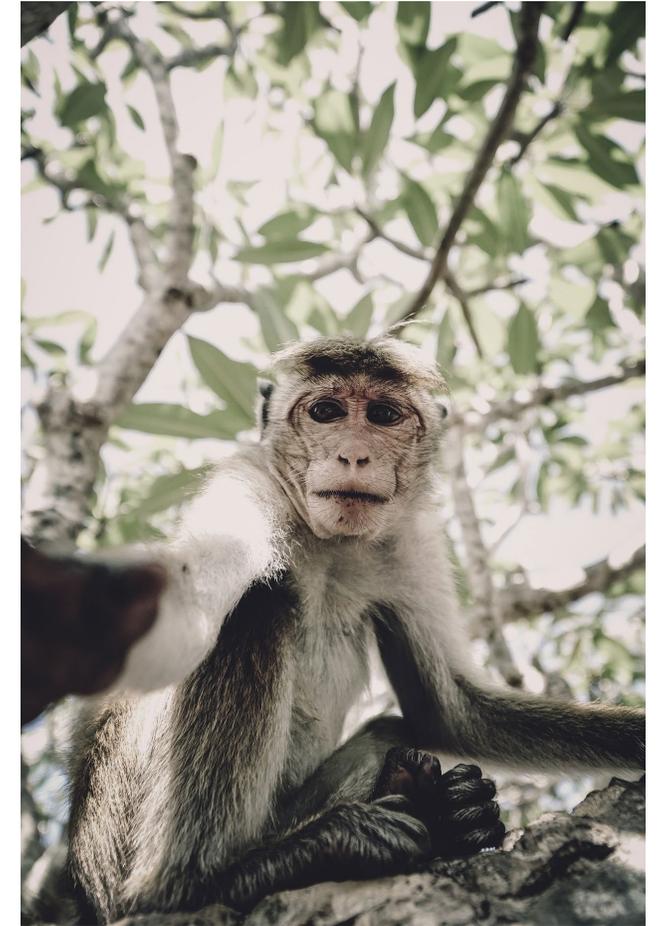
A MONKEY'S SELFIE

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- a) The photographer
- b) The monkey
- c) No owner

ANSWER: C – No owner

The courts argued that photographer was not the creator of the image. There were arguments that the monkey should be assigned the copyright as the creator but court decisions ruled that non-human works could not be copyrighted. Based on recent US court decisions, these pictures belong in the public domain, although still controversial)



USING COPYRIGHT STRATEGICALLY

ASSIGN YOUR COPYRIGHT

Generally, copyright assignment occurs when a copyright holder **transfers ownership** of all or part of their right to another person or organization.

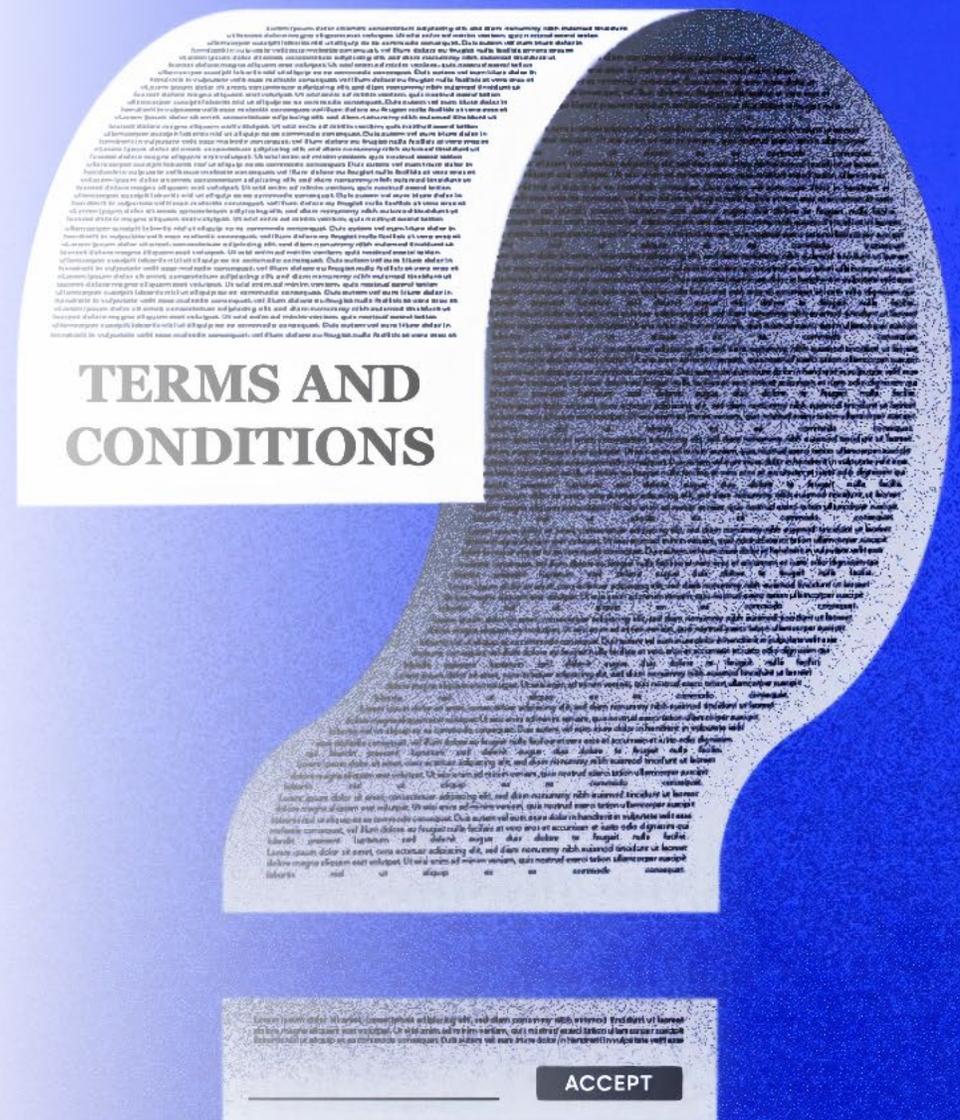
You may decide to assign your work to benefit from the other person or party's reputation, resources and network, or to use the money to focus on other aspects of your innovation or business.



USING COPYRIGHT STRATEGICALLY

LICENSE YOUR COPYRIGHT

An alternative to assigning the entire copyright is to license your work in a limited capacity. This allows another person or party to **use your work under certain conditions**, while you retain the ownership.



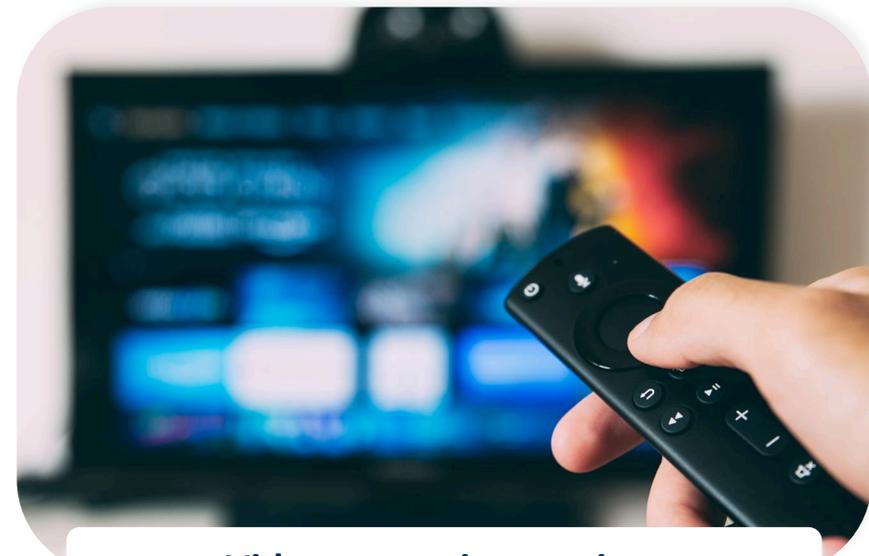
USING COPYRIGHT STRATEGICALLY

LICENSE YOUR COPYRIGHT

Licensing your copyright allows you to generate income from your works. Many industries rely on this business model for services such as:



Software development*



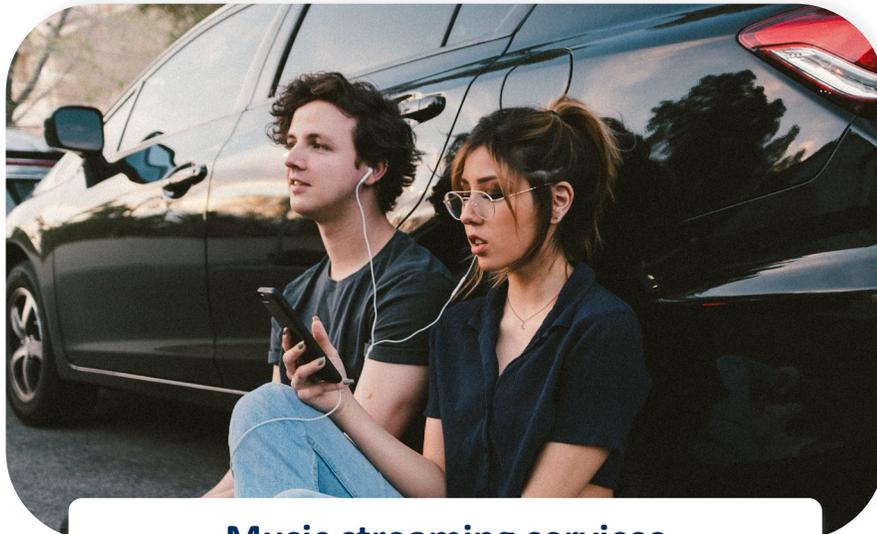
Video streaming services

* Does not protect algorithms and architecture

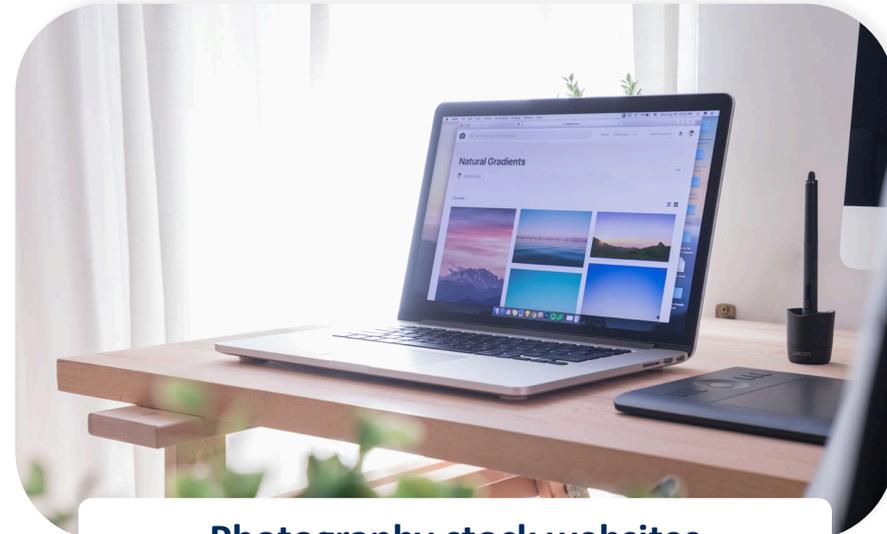
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Music streaming services



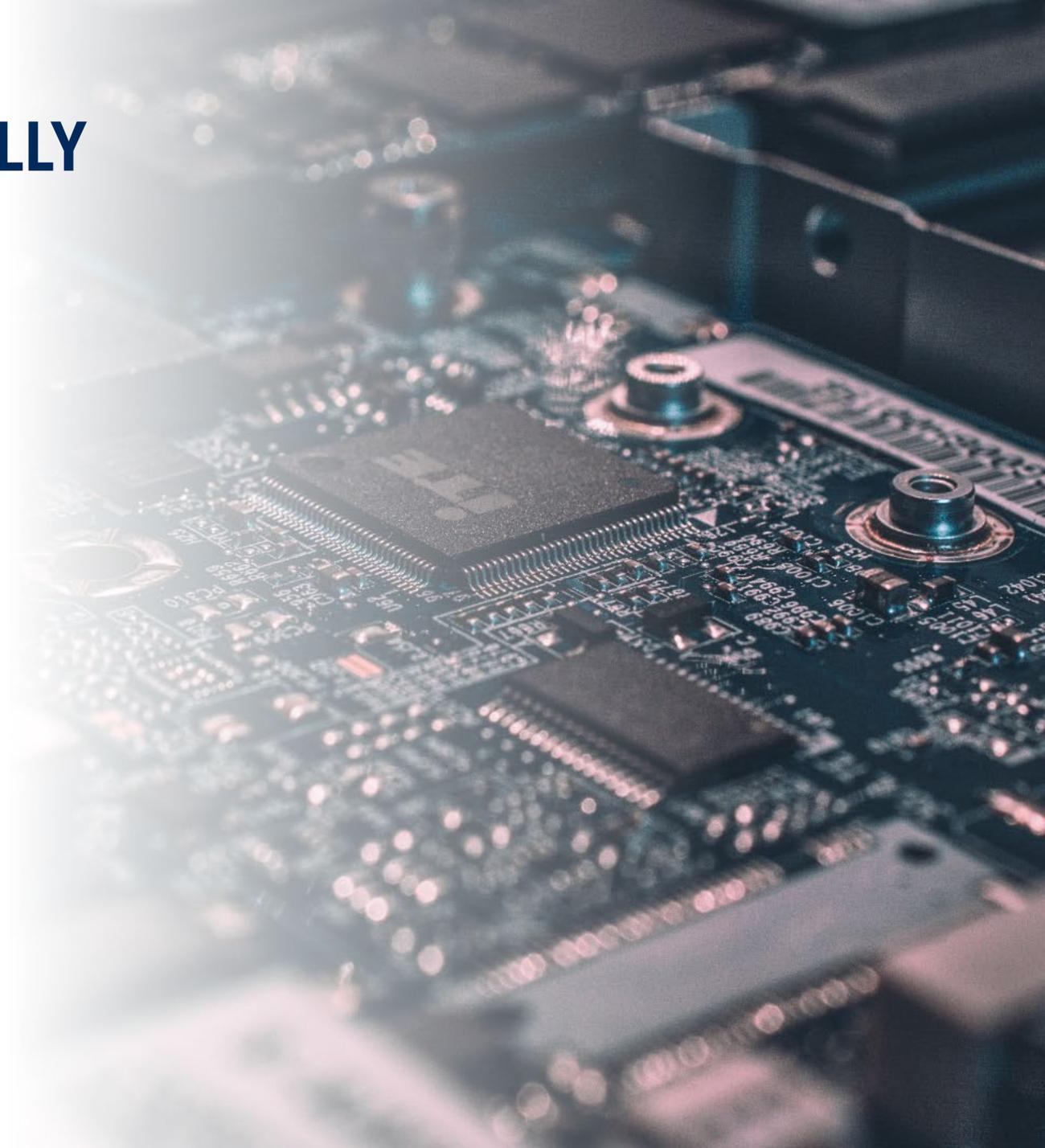
Photography stock websites

USING COPYRIGHT STRATEGICALLY

COPYRIGHT AND OTHER IP RIGHTS

In addition to copyright, certain aspects of your work may also be **eligible for other types of IP protection**.

For example, computer software is considered a literary work, and the copyright protection prevents unauthorized copy of your source code. However, to protect the concepts, functionalities or system architecture of your software, you should consider obtaining a **patent**.



USING COPYRIGHT STRATEGICALLY

COPYRIGHT AND OTHER IP RIGHTS

Another example is drawings, which are considered artistic works but could also be used as logos for a brand's products or services.

Businesses use logos to create brand identity and to set themselves apart from competitors with similar products and services. A logo may be registered as a **trademark**, even if the original pen and paper drawing is already benefiting from copyright.

A drawing depicting a novel design for a finished article may also be registered as an **industrial design**.

CIRQUE DU SOLEIL



CASE STUDY

Video Description: Joella Almeida, Co-founder and COO at MedEssist, presents a case study about how copyright protection can apply to unexpected things.

MedEssist is one of many startups at University of Toronto.

CASE STUDY: LAINCO INC vs COMMISSION SCOLAIRE

CASE STUDY: COPYRIGHT PROTECTION OF A BUILDING PLAN

COPYRIGHT IN DIFFERENT WORKS

Copyright is not just in works of art, literature, etc.

Copyright exists in software code, in liner notes, and in any fixed expression that is a “product of the author’s skill and judgement”

Copyright can even be found in buildings!

CASE STUDY: COPYRIGHT PROTECTION OF A BUILDING PLAN

LAINCO INC. V COMMISSION SCOLAIRE

Lainco Inc. (an architectural engineering firm) designed an indoor soccer complex in Granby, in southwest Quebec.

The firm became aware of an extremely similar complex in nearby Victoriaville.

The red beams in each complex are steel supports.



Above:
The complex in Granby



Below:
The complex in Victoriaville

CASE STUDY: COPYRIGHT PROTECTION OF A BUILDING PLAN

LAINCO INC. V COMMISSION SCOLAIRE: SETTLEMENT

Lainco sued the developers, engineers, and architect behind that second complex in Canadian Federal Court.

Even though what was copied was primarily structural, the court ruled that the plans were original works for copyright purposes and had been infringed. Lainco was awarded **more than \$700,000** in damages based on the copyright infringement

Even if something doesn't seem "artistic", copyright can still apply!

Make sure your agreements clearly address all forms of IP ownership.



SUMMARY OF LEARNING OBJECTIVES FOR VALUE OF COPYRIGHT

You should now be able to:

- Describe how copyright can be a valuable business asset
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