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Copyright Presentation

By: The Copyright Officer: Zama Khanyile



Take outs from the presentation

- Intellectual Property Rights;
- Who exactly an author is;
- Works that can be protected;
- Copyright infringement and its consequences vs Plagiarism;
- Who DALRO is;
- Usage of Material in Lecturer slides;
- How much one can copy and distribute;
- Difference between subscription articles and open access articles;
- License Agreements;
- Exceptions for libraries
- Open access;
- Creative commons;
- Fair dealing section;
- Copyright workflow at the University;
- Research Ethics – Core Principles;
- Ethical Considerations.





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Intellectual Property Rights

Intellectual Property Rights (IPR) refer to the legal rights granted to individuals or organizations over the creations of their minds.

- Give creators exclusive rights to use, produce, and benefit from their inventions or works for a certain period of time.

Types of Intellectual Property Rights:

1. Patent

- Protects: New inventions and processes.
- Duration: Usually 20 years from the filing date.
- Example: New machinery, pharmaceutical drugs, tech devices.

2. Trademark

- Protects: Brand names, logos, slogans, and other identifiers of commercial origin.
- Duration: Can last indefinitely with proper use and renewal.
- Example: Nike & Coca-Cola logo.

3. Trade Secret

- Protects: Confidential business information that gives a competitive edge.
- Duration: As long as the secret is kept confidential.
- Example: Coca-Cola recipe, Google search algorithm.



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Intellectual Property Rights

4. Industrial Design Rights

- Protects: Aesthetic aspects or design of a product.
- Duration: Usually 10–25 years, depending on the jurisdiction.
- Example: Design of a smartphone or a piece of furniture.

5. Geographical Indications (GIs)

- Protects: Products that come from a specific location and possess qualities due to that origin.
- Duration: Varies, but often continuous if actively enforced.
- Example: Champagne (France)

6. Copyright (Main focus of today)

- Protects: Literary, artistic, musical, and dramatic works, as well as software.
- Duration: Typically the life of the author + 50 to 70 years (varies by country).
- Example: Books, articles, movies, songs, software code.

What is copyright?



Copyright is an intellectual property license that protects **original works of authorship**. It protects the expression of the work against infringement by other writers or entities.

Copyright is governed by the Copyright Act No. 98 of 1978 (under amended). **Waiting for the president to sign it**

In South Africa, copyright lasts a lifetime of the owner plus 50 after death.

Who exactly is an author & who controls a copyright



- An author is '**a person** who originated or gave existence to anything' and whose authorship determines responsibility for what was created.
- A writer of a book, article, play, or other written work, a painter, photographer and sculptor.

Works that can be protected include:



- Literary works – books & journal articles
- Artistic works - Paintings, sculptures, art works
- Published editions
- Musical works
- Films and Movies
- Broadcasts – Radio & television
- Computer programmes - Microsoft programs

Copyright infringement and its consequences vs Plagiarism



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- Copyright infringement is the use of copyrighted material without the owner's permission.
- “Plagiarism is the presentation of someone else’s work as your own without properly acknowledging the source”.
- The South African Copyright Act 98 of 1978 stipulates monetary penalties for infringement; **a fine at a minimum of R5 000 per infringement,**
- It also makes provision for **criminal penalties** - imprisonment of up to **3 years for a first conviction.**



DALRO is the **South African** copyright licensing organization representing authors and publishers of literary, artistic and dramatic works.

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- This license type is generally less administrative intense for bulk copyright users and is usually only available for published editions.
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		420	38	15,960		R21,546.00	R3,231.90	R24,777.90

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This Quotation is valid for 90 days.

Usage of Material in Lecturer slides



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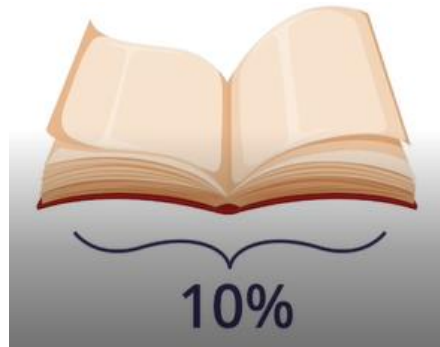
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- Use only the portion necessary to summarize the main points, theories, or arguments presented in the prescribed readings.
- Use visuals like graphs, charts, or diagrams to illustrate concepts from the readings, making them easier to understand and remember.
- Avoid using entire works
- **Always cite the source of the information, ensuring ethical and legal compliance.**

Prohibited Practices:

- Avoid repeated use of the same work across years or modules without proper licensing.

Distribution of Prescribed Material

- Coordinate with the library to secure approved materials and obtain copyright clearance **prior** to the start of the course.
- Use CC licensed or openly available materials.
- Link to library databases where possible.
- Use short excerpts with permission from DALRO or copyright holder (e.g., 1 chapter or 10% of the work).

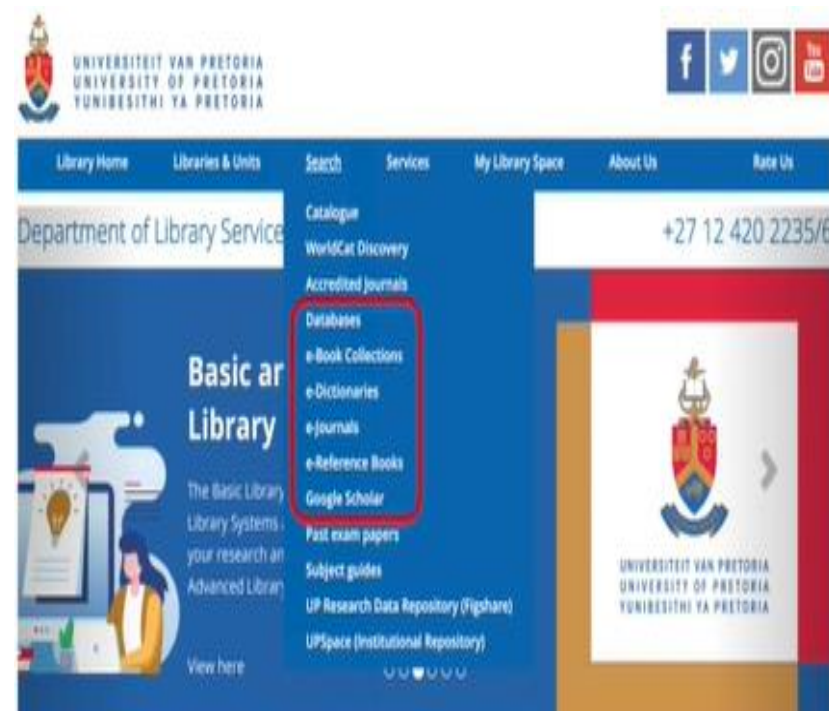


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& ADAPT



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Public Domain



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Public domain refers to creative materials that are not protected by intellectual property laws such as copyright, trademark, or patent laws. These are work that are out of copyright.

Public domain content can be used freely, without paying any money or entering into any license agreement.

There are four common ways that works reach the public domain:

- When the copyright has expired;
- When the copyright owner failed to follow copyright renewal rules;
- When the copyright owner deliberately places it in the public domain, known as “dedication,”
- When the copyright law does not protect this type of work.



Fair Dealing

The fair dealing copyright section allows a user to copy, for their own study, research or private use, as much of the work as they need to meet their reasonable needs, without seeking permission from the copyright owner or paying compensation.

Researchers must give credit to the copyright holder

The use of the materials should be fair. There is no legal definition of what is fair or unfair; it is at the court's discretion based on the individual facts of the case and the purpose for which the material is being used

However, the amount used must be reasonable and properly attributed. Extensive use of third-party material (e.g., long excerpts, entire chapters, images) usually requires **explicit permission**.

Multiple copies are outside of fair dealing

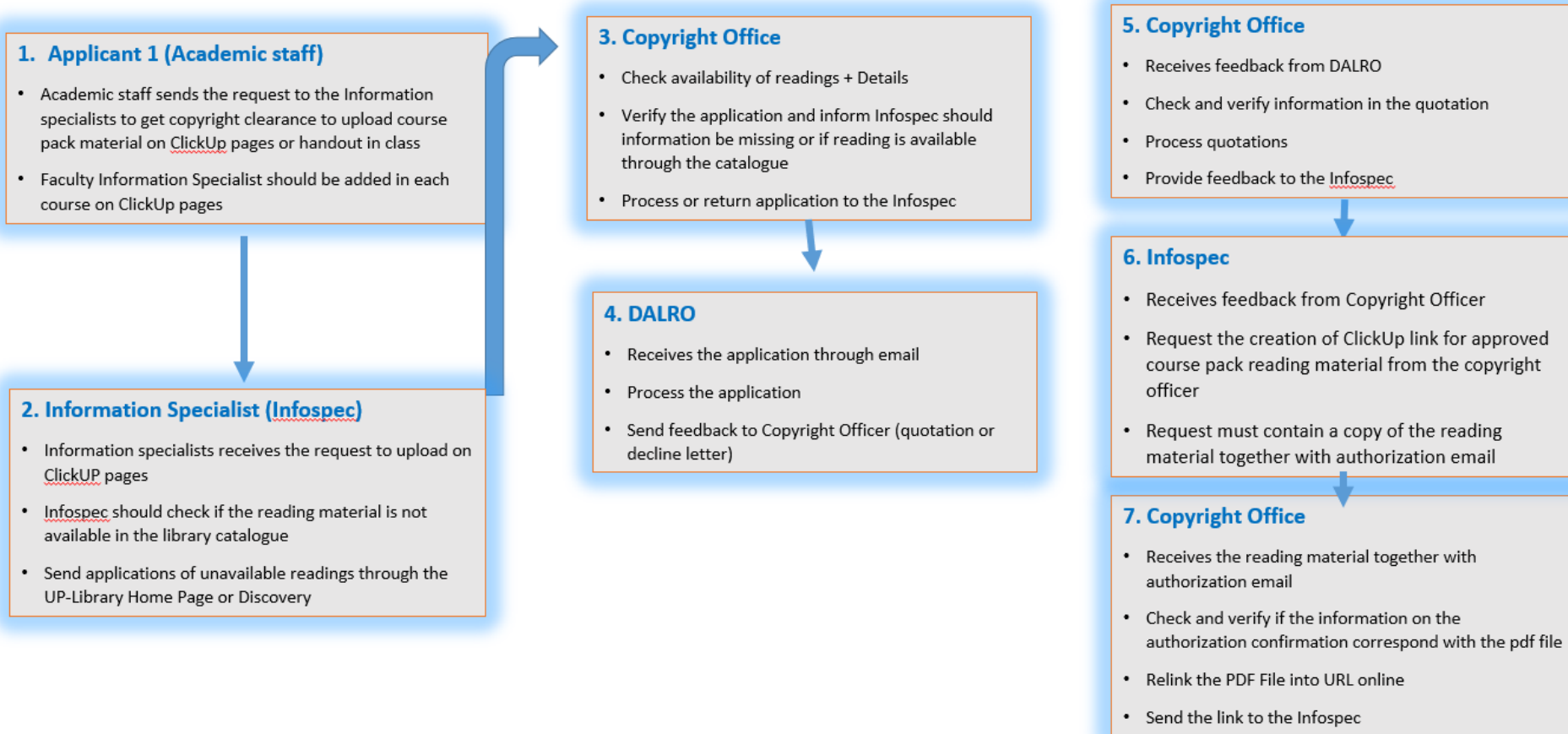
Exceptions for libraries

- Libraries may allow a single copy for a student or lecturer
- A library or archive may preserve or replace lost or damaged printed works, and share via inter-lending loans, unpublished and published printed works

What libraries may **not** do without permission

- Scan or digitize material to place on open access repository
- Format shift - Convert from old to new technologies
- **Send pdf's copyright works to users via email or usb stick**
- No digital document delivery service except for scanning to another library

Copyright Workflow



Research Ethics – Core Principles

Academic Integrity

- Practice proper attribution to maintain academic honesty.
- Plagiarism (using others' work without credit) is a serious ethical and academic offense.

Informed Consent (for research involving people)

- If third-party works include interviews, surveys, or private data, **informed consent must be obtained.**
- Participants must be made aware of how their contributions will be used, **especially if published.**

Transparency

- If using third-party data or materials (e.g., case studies, artwork, charts), clearly disclose your sources and how they are used.

Ethical Considerations

- Avoid self-plagiarism;
- Use figures, data, and excerpts only with permission unless the work is under Open Access;
- Ensure proper citation of all sources;
- Keep records of permissions;
- Remember, online works and images may be protected,

Importance of IPR:

- Encourages innovation and creativity.
- Promotes economic growth by protecting investments in research and development.
- Helps build brand identity and consumer trust.
- Provides legal protection against misuse or theft of ideas.

