WHEN the COPYRIGHT FUN STOPS, STOP!

Prof Ronan Deazley
Queen’s University Belfast
Grey can be intriguing, exciting and alluring. It can be beautiful, brilliant and provocative. It can be enigmatic, thrilling and driven. Grey can be fun.
INTERNATIONAL COPYRIGHT-LITERACY EVENT with PLAYFUL OPPORTUNITIES for PRACTITIONERS and SCHOLARS (ICEPOPS)

Copyright education, games and play, creativity and the relationship of copyright literacy to information literacy and scholarly communication
WHY am I HERE?

Concerned copyright law in 18th century Britain

Questioned existing orthodoxies about the development of the law and its underpinning rationales

Argued that copyright was entirely statute-based, having no prior basis in English common law
THE STORY BEHIND the COVER

Emile Zola, by Manet

An engraving by Goya ...

... of The Triumph of Bacchus, by Velazquez

The Jester Don Diego de Acedo, by Velazquez
THE OTHER STORY
BEHIND the COVER

The work is in the public domain; the Musée d’Orsay claims copyright in its photograph of the painting.
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**Intellectual property**

The Musée d'Orsay website has been entirely designed by the Musée d'Orsay public establishment, which holds the exclusive rights relating to elements within the website: texts, commentaries, photographs, music and in general all those contributions protected by provisions in the law on intellectual property.

All rights are reserved for authors of original work on the website, of artistic works and their reproductions, and contributions. Any reproduction of material presented on this website is **forbidden** except for private and individual consultation. The reproduction and/or representation of all or part of the website for any use other than private use, is forbidden.
HOW do YOU MAKE COPYRIGHT FUN?
PHOTOGRAPHS of UNKNOWN AUTHORSHIP (1957–1989)

Was the photograph published before 1 August 1989?

If NO:
Was the photograph made available to the public?

If NO:

If NO:
Was it made available to the public before 1 January 1969?

If NO:

If YES:
Copyright expires 70 years from the end of the year of first publication

Copyright expires on 31 December 2039

If YES:
Copyright expires 70 years from the end of the year in which the work was first made available to the public
AND I, THE PHANTOM, RENEW MY PLEDGE TO FIGHT AGAINST PIRACY, GREED AND INJUSTICE IN ALL OF THEIR MANY SHAPES.
THE YETI in the ARCHIVE
Eric Shipton (1907–77)
Munlung Basin, 1951
Tintin in Tibet
Hergé, 1960
EMBED COPYRIGHT USE in YOUR PRACTICE
THE COMICS GRID

AS A LONGBEING COMICIAN, I AM SOMETIMES
ABSTRACTIVE OF THE STUDY OF COMICS."

ONE IT IS

ULTIMATELY, IT IS SIMPLY NOT
POSSIBLE TO GIVE PRECISE
GUIDELINES AS TO WHAT WILL
OR WILL NOT BE CONSIDERED
FAIR IN ANY GIVEN CASE, AS

LORD DENNING ONCE
FAMOUSLY OBSERVED:

"AFTER
ALL IS SAID
AND DONE
IT MUST BE
A MATTER OF
IMPRESSION!"

THANKS
LORD DENNING.

YOU'RE
WELCOME,
RONAN.
THOSE WHO OBEY AND TEACH THE LAW WILL BE EXALTED IN THE KINGDOM—BUT UNLESS YOU'RE BETTER THAN THE SCRIBES AND THE PHARISEES YOU WILL NOT GET IN!

MARBLES
MANIA, DEPRESSION, MICHELANGELO & ME
A GRAPHIC MEMOIR BY ALLEN FORNEY

EASY? OF COURSE IT WON'T BE EASY! YOU THINK IT'S EASY BEING POPE?!

HEY, SON, ARE YOU CONSTIPATED IN THERE?
YOU'VE BEEN IN FOR AGES!

BESIDES, MY REAL LEG IS BURIED IN A DECOMPOSING BIOHAZARD BAG SOMEWHERE, OR INCINERATED, OR WHATEVER IT IS THEY DO WITH STUFF LIKE THAT... "PART OF THE EARTH," "FEEDING THE FLOWERS," "MAYBE SHE'S EVEN BREATHE IN SOME OF "ME" AT SOME POINT... HA HA..."

BANG!
Display At Your Own Risk

8 June 2016
6:00 – 8:30 pm
The Lighthouse
Glasgow

DAVOR is a research-led exhibition experiment concerned with the use and reuse of digital surrogates of public domain works of art produced by cultural heritage institutions of international repute.

Please join us at The Lighthouse in Glasgow for the Display At Your Own Risk exhibition opening. The exhibition opens on 8 June 2016 for one night only.

A number of exhibition prints will be given away by raffle at the close of the evening.

Refreshments will be provided.
An exhibition-based project about digital surrogates of public domain works of art
Exhibitions in Glasgow, London, New Orleans, Leicester, Hamburg, Milan and Birmingham
NO COPYRIGHT INFRINGEMENT INTENDED

A group exhibition exploring the relationship between copyright and culture in the digital age

Curated by Antonio Roberts

7 April - 21 May
Phoenix
Leicester

Nick Britz
Emilie Gervais
Nicolas Maigret
Christopher Meerdor
Jan Nikolaev Nelles & Nora Al-Badri
Duncan Poulton
Fernando Sosa
Andrea Wallace & Ronan D'azley

www.phoenix.org.uk
www.heylo zfoid.com
THE COPYRIGHT CORTEX:

A CATALOGUE. It collates material relating to copyright and digital cultural heritage – scholarly publications, practical guidance, policy documents, and real world case studies – organised under three broadly defined headings: (i) Research; (ii) Tools & Resources; and (iii) Policy & Evidence

A BOOK. A comprehensive introduction to copyright law for memory institutions, focussing specifically on how copyright impacts access to and use of digital cultural heritage materials within and across national borders
Copyright and Digital Cultural Heritage: Introduction

Ronan Deazley

June 2017

We did not seek permission to make use of any of the surrogates included in the exhibition, or in the accompanying materials. Instead, we relied on the copyright regime, specifically the exception permitting use for non-commercial research purposes. Not everyone will agree with our approach. For example, one could argue that our use does not fall within the scope of the exception at all, perhaps, it is not the right kind of research, or the exception was never intended to enable our type of use. Alternatively, even if it is the right kind of research or the right kind of use, one might argue that our use is not fair; and, if our use is not fair, the exception will not apply. We have considered those (and other) arguments but on balance we believe we can avail of the exception. However, we do not know that we can. In this respect, the best we can say is that we have a high level of confidence that the project is probably lawful. We cannot make any stronger claim than that. Nor should we need to. But, inevitably, this means we must assume a certain amount of risk in making our project available online. We have considered the risk, and we are comfortable with it.

We encourage others to take a similar approach to copyright management. Don’t ask who do I need to ask for permission? Ask: do I need to ask anyone for permission? Don’t ask can I be sure that this activity is lawful? Ask: how confident am I that this activity is probably lawful? Ask: what is the nature of the risk involved in this activity, and am I comfortable with it? Ask: is this an appropriate risk to take so that I can deliver on my institution’s public mission? Ask: how are my colleagues in other similar institutions managing these issues?

Incidentally, since launching Display At Your Own Risk, we have received no complaints from any institutions that feature in the exhibition, only compliments, thanks and encouragement. Some institutions have even been prompted to revisit and revise their policies and practices in response to the exhibition. You can view Display At Your Own Risk here.
EDUCATE by DOING

ENJOY YOURSELF
(IT’S NOT SO SCARY as YOU THINK)
Digitising the Edwin Morgan Scrapbooks

View the Scrapbooks

You can browse a sample of pages from Edwin Morgan’s Scrapbook 12 in the Annotator:
http://copyrightcentral.arts.gla.ac.uk/ema/ (opens in new tab)
Regarding copyright material for which we could not secure express permission – either because we could not identify the owner concerned or because permission was contingent upon payment of a fee – we reproduce it here in accordance with sections 29 and 30 of the Copyright Designs and Patents Act 1988 (the CDPA) permitting use for non-commercial research and for the purposes of criticism, review and quotation …

If you are the owner of any material that remains in copyright, and you consider that our use of the material does not fall within the scope of the copyright exceptions referenced above, or is not otherwise lawful, then please contact us so that we can discuss this issue and hopefully address any concerns you may have.
EDUCATE by DOING and DOCUMENTING

BE HONEST, FORTHRIGHT & TRANSPARENT
Since the launch of CU in March 2014:

- Over 325,000 unique visitors
- 54% visitors are male
- 46% visitors are female
- 60% of visitors are aged 34 or under
- UK (40%), US (29%), Canada and Australia (3%)
- India, Russia, Germany, the Netherlands, Philippines and Malaysia
- Most visited CU page: ‘Public Domain’
The Adventure of the Girl with the Light Blue Hair

AHRC Research in Film Award Winner 2015
TGIO! The ADVENTURE of ...

- the GIRL with the LIGHT BLUE HAIR (2015)
- the SIX DETECTIVES (2016)
- the FORGER’S APPRENTICE (2017)
- the MISSING NOTE (Apr 2018)
- the UNRELIABLE NARRATOR (Aug 2018)
- the PHOTOGRAPHER’S STRATEGEM (Aug 2018)
In the process of filmmaking, most elements you see on screen have been placed there strategically. In fiction feature filmmaking, for instance, it is the property master’s job to provide the director with the required props on set; a particular chair or car, for instance, which might help explain some part of a character’s story or motivation.

Case File #12: The Pateful Eight Seconds

An Watson enters the room as Sherlock reads a newspaper. On one page, the headline reads “Eight Seconds of Sporting Genius”. The choice of headline was intentional. It refers to a copyright case involving the use of eight-second clips of a sports broadcast.

Case File #13: The Pulished Letters

Before they were murdered, Mary Westacott had become increasingly concerned for her safety and state of mind. In her letter to Holmes she describes how, one night, she was woken by the sound of someone working at her typewriter but when she got downstairs there was nothing to be found except three words on the page: WHERE'S MY STORY? The precise meaning of these words is ambiguous, but they seem to hint at an accusation of plagiarism: in producing her script for the film about the missing boy, has Mary stolen someone else’s ideas or story? An investigation begins.

Case File #20: The Recorded Performance

Sherlock and John’s investigation takes them to the studio where the film The Forger’s Apprentice is being made. In Case File #11 we considered how the law defines the concept of the author in relation to film and how a film might be based on different types of protected works belonging to different copyright owners. In this Case File #20, we look at the protection conferred to actors and other performers by performers’ rights.
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<th>Page</th>
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| 1.11 | ![Console Interior](image1.png) | **Interior: Console**

From: The design of the bridge for Star Trek, Intrepid class, USS Voyager NCC-74656 |

| 1.12 | ![Wallpaper Interior](image2.png) | **Interior: Wallpaper**

From: *Designer Guild Limited v. Russell Williams* [2000] UKHL 58

This famous case involved two wallpapers designs, one of which was alleged to infringe. The judge identified seven points of similarity between the claimant’s wallpaper and the defendant’s infringing copy. We gave our illustrator Davide Bonazzi the same seven points as a guide to creating the wallpaper in our video. 

For further discussion see *Case File #7: The Matching Wallpaper.* |

| 1.13 | ![Toy Interior](image3.png) | *Jo: Some time ago, I created a beautiful, wonderful toy. It can dance and turn somersaults. Kids love it.*

From: *The Adventures of Pinocchio*, by Carlo Collodi

Chapter 2, Geppetto: ‘I thought of making myself a beautiful wooden Marionetta. It must be wonderful, one that will be able to dance, fence, and turn somersaults.’ |

| 1.14 | ![Text Corner](image4.png) | The text in the right-hand corner of the illustration

From: Wikipedia entry for ‘Pinocchio’ (as it was in 2014)

In the top right-hand corner of the design drawings for Joseph’s toy are four lines of barely legible text. This text was cut and paste from the wikipedia entry for Pinocchio as it was at the time. The text of the entry has been updated since that time.
| 2.44 | Exterior: Samuel Marlowe sitting on the wall | From: *Cape Fear* (1991, dir. Martin Scorsese)

In *Cape Fear*, Max Cady, seeking revenge on his former lawyer Sam Bowden, begins harassing Sam and his family, without technically breaking the law. In this scene, he is sitting ‘on a wall that bounds our property,’ an activity that falls short of trespass. Later, Sam explains to a private investigator, ‘He’s been harassing my family. He’s clever. I mean, cleverly so that the law can’t touch him’. And Max, in various encounters with Sam, Sam’s wife Leigh, and with the private investigator, consistently stresses the lawfulness of his actions: ‘I’m well within my rights to be here, and you know it’; ‘I’m not doing nothing, just giving you back your dog collar’; ‘I’m not on your property’.

We were attracted to this scene, and to the notion of occupying part of someone’s property while not engaging in trespass. In many respects, exceptions to copyright present a boundary issue, one in which one must determine what is lawful, and what constitutes infringing activity.

| 2.45 | M: ... but **palpable, breathing human beings.** | From: *Six Characters in Search of an Author*, by Luigi Pirandello

Introduction: ‘I found myself confronted by six living, **palpable, audibly breathing human beings.**’

| 2.46 | M: It’s as if they simply willed themselves into existence. | From: *Six Characters in Search of an Author*, by Luigi Pirandello

Introduction: ‘Born alive, they wanted to live.’

Here, we do not quote Pirandello directly, but instead take inspiration from his notion that his characters ‘wanted’ to live, that they might will themselves into being.
| 3.13 | Sherlock (S): Clearly, he had nothing to do with it. **As ever, people see but do not observe.** | From: *Sherlock: A Scandal in Belgravia* (series 2, episode 1) (2012, dir. Paul McGuigan)

Holmes: 'The evidence was right under your nose John. **As ever, you see but you do not observe ...**'

| 3.14 | Background Music | From: Love theme from *The Godfather*, by Nino Rota

Our version of Nino Rota’s classic melody has been adapted by Pietro Bartolotti, Adriano Cirillo (a pupil of Nino Rota himself) and Filippo Terni, primarily for episode 4: *The Game is On! The Adventure of the Missing Note.*

| 3.15 | **S**: He drove a 1912 Harley ... | Exterior: Film Studio

From: *Hail, Caesar!* (2016, dir. Ethan and Joel Coen)

The Coens are master storytellers, and wonderfully creative appropriators. In *Hail, Caesar!* the star of the film – George Clooney, playing Baird Whitlock – is kidnapped by a group of American communists called ‘The Future’.

| 3.16 | The 1912 Harley (design) | This is based on 1912 Harley-Davidson X8E BIG TWIN once owned by Steve McQueen. McQueen was famously fond of – and associated with – motorbikes. |
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COPYRIGHT EDUCATION CAN and SHOULD be FUN.
Thank you for listening

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And now:
THE PUBLISHING TRAP
(with Jane & Chris)
(or, questions)
(or, both)