

# Licensing and Intellectual Property

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T. Metz, IRRI

# Purpose of this Presentation

- To discuss reasons and options for releasing copyrighted intellectual property (e.g. software, text documents, multimedia) under licenses that protect some rights for the owner, and explicitly give away other rights to users.
- Giving away rights requires special efforts!

# What is Copyright?

- Copyright is a legislative monopoly that aims to provide an incentive for the creation and distribution of creative works.
- Copyright grants monopoly rights for certain acts (e.g. making copies).
- Copyright applies automatically. No © symbol, or copyright statement needed.
- Free access (e.g. web, library) does not mean that there is no copyright.

# What are the “copy rights”?

## **Exclusive rights of the holder:**

- to produce copies or reproductions of the work and to sell those copies (including, typically, electronic copies)
- to import or export the work
- to create derivative works (works that adapt or improve the original work)
- to perform or display the work publicly
- to sell or assign these rights to others

# Exploitation of Copyright

## **Transfer or sale** (contract / agreement):

- Selling the rights of a novel to a film producer.
- Transferring copyright of a scientific article to a journal publisher.

## **Licensing** (permission to do something):

- Software End User License Agreement
- Driving license, gun license

# Software Licensing (commercial)

## **Permissions:**

- Use the software

## **Conditions:**

- Pay the price
- No copying or multiple installation
- No reverse-engineering, disassembling
- No (or restricted) transfer / sale
- No guaranty, warranty, liability

# Open Source Licensing

## Example: General Public License

### **Permissions:**

- Use, modify, copy, release modified versions of the software

### **Conditions:**

- Apply to copying, distribution, modification
  - Copying and distribution may not remove rights
  - When releasing modified versions, make the source code available and release under the same license
  - Tell the user about his/her rights (e.g. copy of the license text, header in source code files)
  - No guaranty, warranty, liability

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#### **1. Definitions**

- a. **"Collective Work"** means a work, such as a periodical issue, anthology or encyclopedia, in which the Work in its entirety in unmodified form, along with a number of other contributions, constituting separate and independent works in themselves, are assembled into a collective whole. A work that constitutes a Collective Work will not be considered a Derivative Work (as defined below) for the purposes of this License.

# Why Open Content / Open Source?

- Adoption and use
- Impact
- Participation & collaboration
- Reduce re-inventing the wheel
- Transaction cost for third-party use
- Mandate – Global Public Goods

# Summary

- Permitting use of copyrighted material requires special efforts
- Default reserves all rights and applies automatically
- Licensing vs transfer/sale of copyright
- Open content / open source licensing can use available licenses
- Open content / open source licensing can have benefits