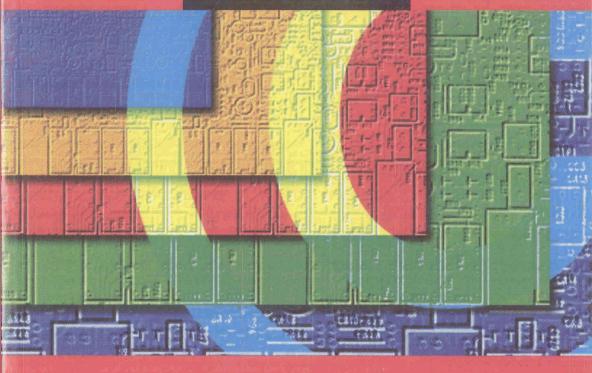
second edition



DIGITAL COPYRIGHT

Paul Pedley

Contents

Biographical note ix Disclaimer ix Copyright notice ix Abbreviations xi Legal cases xv Glossary xvii Introduction xxi 1 Issues specific to digital information 1 1.1 Is digital different? 1 1.1.1 Rightsholder concerns over digital content 3 1.1.2 Rental and lending 4 1.1.3 How rightsholders protect their interests 5 1.2 Digital signatures 7 1.3 Temporary copies 10 2 Categories of digital information 15 2.1 Websites 16 Copying website designs 19 2.1.1 2.1.2 Deep linking 19 2.1.3 Podcasts 29

E-mail correspondence 29

2.1.4

Acknowledgements and information ix

2.2	E-books 30
2.2.1	Finding digital books 30
2.2.2	Illegal sale of e-books 31
2.2.3	E-books and publishers 31
2.3	Databases and database right 33
2.3.1	How a database qualifies for copyright or database right 34
2.3.2	Exceptions to database right 34
2.4	Screenshots 37
2.4.1	Screenshots of web pages 37
2.4.2	Screenshots of software 38
2.4.3	Screenshots and moral rights 38
2.5	Images 39
2.5.1	Sources of royalty-free pictures 43
2.6	Music downloads 44
3	Digital rights management systems 49
3.1	Introduction 49
3.2	Rights management information 50
3.3	Technical protection measures 53
3.3.1	Technology to control access to digital works 53
3.4	Problems 54
3.4.1	Restrictions on users' rights 54
3.4.2	Privacy issues 56
3.5	Trusted intermediaries 57
3.6	Labelling 57
3.7	Complaints procedure 57
3.8	Interoperability 59
3.9	APIG Inquiry and Gowers Review 61
3.10	Legislation 63
4	Orphan works 67
4.1	The problem of orphan works 67
4.2	The international perspective 71
4.2.1	Canada 71

4.2.2 Denmark 724.2.3 France 72

4.2.4	USA 73
4.2.5	UK 73
4.3	Proposals to solve the problem 74
5	Permitted acts 77
5.1	Digital copyright and the copyright exceptions 77
5.2	Scanning 79
5.3	Digital information and visually impaired persons 80
5.3.1	Concerns over technical protection measures 81
6	Licences, contracts or sets of terms and conditions 83
6.1	Introduction 83
6.1.1	Shift from 'ownership' to 'leasing' 84
6.2	The relationship between copyright and contract law 85
6.3	Model licence agreements 87
6.4	Licences from the CLA and NLA 89
6.4.1	Copyright Licensing Agency 90
6.4.2	Newspaper Licensing Agency 94
6.5	Creative Commons 95
6.6	Open access 97
7	Educational establishments 101
7.1	Introduction 101
7.1.1	Definition of educational establishments 103
7.2	Educational Recording Agency 103
7.2.1	Rights bestowed by the ERA Licence 104
7.3	Open University 105
7.4	Electronic reserves 105
7.5	Electronic theses 106
8	Authors' rights 109
8.1	Introduction 109
8.2	Economic rights 110
8.2.1	Right of communication to the public 110
8.3	Moral rights 111
8.3.1	The right of paternity 112

8.3.2	The right of integrity 113
8.3.3	The right to object to false attribution 114
8.3.4	The right of disclosure 114
8.3.5	Duration and ownership of moral rights 115
9	Other issues 117
9.1	The international dimension 117
9.2	Copyright compliance 121
9.2.1	Copyright audit 124
9.2.2	Ethics 125
9.3	Copyright clearance 126
9.3.1	Steps in the copyright clearance process 127
9.4	Penalties for infringement 130
9.5	Copyright ownership 132
9.5.1	Work made during course of employment 132
9.5.2	Commissioned photographs 132
9.5.3	Transfer of ownership 133
9.6	Crown copyright and re-use of public sector information 134
10	Useful resources 139
10.1	List of useful addresses 139
10.2	Keeping up to date 142
10.3	Legislation 144
10.3.1	International 144
10.3.2	European 144
10.3.3	UK 145
10.4	Further information and additional resources 147