

B2B: What You Should Know About Copyrights

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It is generally understood that copyright is a field that is interesting primarily for business. Nevertheless, in our daily life we deal with objects of copyright nearly every day. Practically everything that surrounds us is somebody's intellectual property, so we should have at least basic knowledge in this domain. Sergey Zuykov, Director General of "Zuykov & Partners" Limited Liability Company, answered our questions in this field.

What should people know about copyrights?

The first thing you should understand is that apart from copyrights there are allied rights, which are also important. When you create something, either music or poetry, drawing or photography, the result of this creative activity will be the object of copyright, and the creator will be the author. This is the thing everybody knows, but not many people know what allied rights are. That is, for a song that includes music and lyrics, the composer and the poet will be copyright holders, while the singer will have allied rights.

In fact, it is the author's prerogative to decide who will use their work and how. However, you cannot assign (delegate) the right to be the author of the work (personal non-property rights); you can only permit them to use your work in a certain manner, which means you can assign property copyright.

But this is all about professional authors and singers. What about ordinary people, in what situations would they encounter copyrights?

They face copyright every second, on the Internet, as long as they make efforts to create something.

Creative activities are gaining popularity today. Television channels hold lots of creative

contests, while grownups and children are dying to become part of them. When you come to a casting, you are offered to sign a contract under which you are supposed to assign the right of using the audio and video materials with you anywhere and in any manner to the organizing company. It is no use discussing provisions of such contracts in this situation: you are not a star yet, and there are hundreds or even thousands of other people queuing for the casting, and they are ready to sign anything. This is why we are only talking about understanding and knowledge of copyright, not about fighting for it.

A similar situation is in the Internet these days. Social networks are growing and people are uploading their personal photos. Very few of them read the provisions of the agreement, in accordance with which the author of the photos assigns most of their rights for the photos to the owner of the website. Again, it is very important that you understand what you sign and be aware of how your materials may be used, including the method you might not agree with.

So how do people who do not know so much about copyrights protect themselves?

First of all, they should be cautious. And every time they deal with something really important, they should read and understand what they are signing, and seek an expert's advice, if necessary. Many people consult lawyers only when their rights have already been breached and more often • when a violator is a big company, from which they may try to get some money. But preliminary advice is always cheaper.

Do people often try to get money from big businesses?

Not really often, but these are interesting processes. Not so long ago, the girl who was the model for "Alenka" chocolates and whose image was later copied, sued the confectionary plant for money. But the litigation revealed that the girl's parents had signed all the papers required and received some remuneration. Of course, that money was much less than the popularity of the chocolates, but from the legal point of view it all appeared fair.

As a journalist, do I have a copyright in relation to my texts?

By all means, you are the author, and as I have said already, nobody can deprive you of your copyright. Nevertheless, if we speak about the work or invention created by a man in his or her professional activity, then according to law the right to use the result of this work will belong to the employer, while the personal non-property copyright (the right to remain the author) will stay with you.

The issue of works made for hire is vast and it is hard to encompass all its aspects in answering a question.

Okay, suppose I am an author, and my copyright was infringed. How do I defend it and what am I supposed to do?

To begin with, you must understand what actions may be classified as a violation of your rights. When dealing with infringements of individuals' rights, we talk about making copies or piracy • deliberate conversion of somebody's authorship. A violator may be prosecuted for such actions. But the point here is to have a correct understanding of who violates your

rights, and as you file a suit in court, bring your claims against the person who gains profit from using your work. Otherwise, your claim may be rejected, and you will have to file again.

Theoretically, as a holder of rights, you may appeal not only to a court, but to police as well, and write a notice of infringement. The law enforcement officers, in their turn, will commence a criminal or administrative case. However, the police may conclude that your case is a dispute between business units and refuse to investigate it by sending the case over to court. Frankly speaking, you must bear in mind that the law enforcement agencies will investigate the issue of copyright infringement when big companies appear in the case, which means that mass media and regulatory agencies will pay attention to the case. And if it is a private case, you should go to court straight away.

Nevertheless, it is important to understand that protection of individuals' copyrights is a complicated issue. First, you should be thorough in identifying the parties to the case, and finally there are lots of nuances of which a legally untrained person can hardly make any sense. Therefore, if you decide to fight for your rights, you better seek an expert's advice.

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