

# COPYRIGHT MANAGEMENT



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## ■ PREAMBLE

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In the Information and Knowledge Society it is very easy to access a huge amount of content. This can lead us believe that the content available in internet belongs to us. This could be true to a certain extent, because the information we have access to through the internet becomes collective knowledge. But laws -national and international- recognise a set of rights for those who create. We must all defend and respect these rights.

Ignorance of this reality can lead us to misuse such content, infringing the rights of a work's creator -literary, scientific, musical creators, cartoonists, bloggers, performers, etc.-sometimes without being aware of it.

In academia, honesty is the foundation of integrity and a prerequisite for trust, fairness, respect and responsibility. Any academic or scientific work must be developed in accordance with basic ethical principles. One of the guidelines of these principles is respect for intellectual property.

The **aim** of this topic is to introduce you to the **basic principles governing intellectual property** (IP) and how they are applied.

## ■ INTELLECTUAL PROPERTY

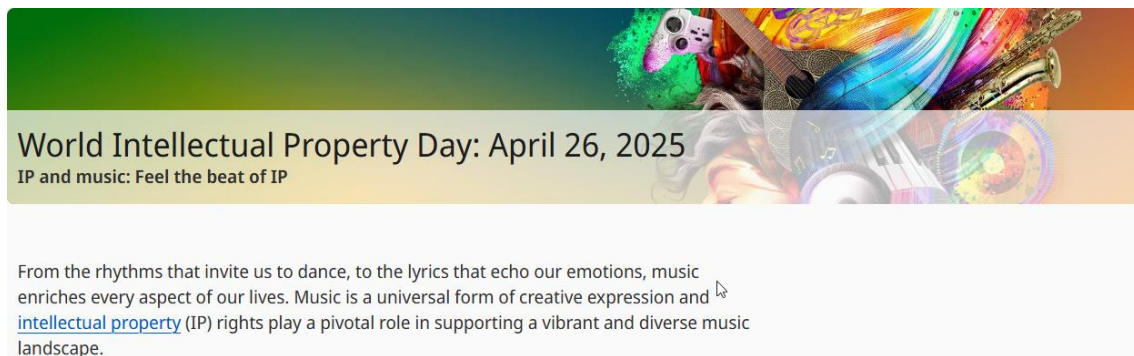
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*<< Intellectual property is the set of rights that belong to authors, artists, producers, etc. referring to the works they have created or collaborated on.*

According to [World Intellectual Property Organisation](#) (WIPO), Intellectual Property comprises two branches:

- **Industrial Property** (patents, trademarks, industrial designs, etc.).
- **Copyright** (books, music, painting, sculpture, films, computer programs, databases, technical drawings, etc.).

Illustration 1. World Intellectual Property Day



## ■ INDUSTRIAL PROPERTY

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Industrial property protects the inventor against unauthorised use of an invention. Industrial property rights allow those who hold them to decide who can use them and how.

In Spain, industrial property protects:

- Industrial designs.
- Trademarks and trade names.
- Patents and utility models.
- The schematics, layouts, arrangements and interconnections of the layers and elements of integrated circuits (known as semiconductor topography)

La [OEPM](#) (Spanish Patent and Trademark Office) is the Public Institution responsible for the registration and granting of the different types of Industrial Property.

At the University of Alicante, industrial property rights (patent applications, etc.) are managed through the [OTRI](#) (Technology Transfer Office).

## ■ LPI- COPYRIGHT

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In Spain, the law that regulates copyright is known as the [Intellectual Property Law](#) (LPI), according to which copyright is the set of rights of a personal and patrimonial nature, which attribute to the author the full disposal and exclusive right to exploit the work, with no other limitations than those established in the Law ([LPI, art. 2](#)).

Copyright protects copyrights holders against unauthorised copying or use of the original work.

The [Intellectual Property Law](#) distinguishes between:

- **Moral** rights.
- **Economic** rights.

In addition, the [Intellectual Property Law](#) recognises other rights:

- **Related** or **close** rights.

In the following sections we will see in detail what types of rights are recognised by the [Intellectual Property Law](#) and how these rights are regulated.

## ▪ MORAL RIGHTS

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*<< Moral rights are unwaivable and inalienable and allow the creator of the work to adopt certain measures to preserve the authorship of his or her work. They correspond to the author of the work by the mere fact of having created it (LPI, arts. 1 and 14)*

The [Intellectual Property Law](#) lists the following moral rights:

- The right to decide on the **disclosure** of the work.
- The right to demand **recognition** as an author.
- The right to demand **respect for the integrity** of the work and to prevent any deformation, modification, alteration or attack against it.
- The right to **modify** the work while respecting the rights acquired by third parties and the requirements for the protection of goods of cultural interest.
- The right to **withdraw the work from commerce**, due to a change in its intellectual or moral convictions, subject to compensation for damages to the holders of exploitation rights.
- The right of **access to the single** or rare **copy** of the work, when it is in the possession of another person, in order to exercise the right of disclosure or any other right to which he is entitled.

## ■ ECONOMIC RIGHTS

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They allow the owner of the work to obtain economic compensation for the use of his work by other people ([LPI, arts. 17 to 23](#))

The [Intellectual Property Law](#) includes several economic rights:

- **Exploitation** rights (reproduction, distribution, public communication, transformation).
- **Simple remuneration** and **compensation** rights (participation, fair compensation for private copying, remuneration for educational and research use, remuneration for lending and rental, remuneration for acts of partial reproduction).

## EXPLOITATION RIGHTS

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### Characteristics:

- They are **exclusive** rights of the author from the moment of the creation of the work.
- They confer on their owner the power to **authorise** or **prohibit** the use of the work or other subject-matter.
- They may be **transferred** by the holder to third parties (people or entities).
- They are **independent** of each other.

## Reproduction right

*<< Reproduction is understood as the direct or indirect, temporary or permanent fixation, by any means and in any form, of the whole or part of the work, allowing it to be communicated or copies to be made ([LPI, art. 18](#)).*

### EXAMPLE

These are acts of reproduction: downloading, photocopying, DVD copying, scanning, etc.

## Distribution right

*<< Distribution means making the original or copies of the work available to the public, on a tangible medium, by means of sale, rental, lending or in any other way. It always refers to physical copies of the work ([LPI, art. 19.1](#)).*

### EXAMPLE

These are acts of distribution: distribution of photocopies, USB sticks, etc.

## Public communication right

*<< Public communication is understood as the act by which a plurality of people can have access to the work without prior distribution of copies to each of them, in public acts or by means of information technologies ([LPI, art. 20.1](#)).*

### EXAMPLE

These are acts of public communication: screening of a film, play, concert, publication on the internet, etc.

## Transformation right

*<< Transformation means translation, adaptation and any other modification resulting in a different work ([LPI, art. 21.1](#)).*

### EXAMPLE

Examples of transformative acts are: translations, revisions, compendiums, musical arrangements, writing a film script based on a novel, setting a poem to music, modifying an image, etc.

The [Intellectual Property Law](#) also includes the author's right to publish the works in the form of a collection, either in the form of a complete or selected work, even if he/she has transferred the exploitation rights ([LPI, art. 22](#))

### EXAMPLE

Examples of collection actions are: a compilation album of a musician, the complete works of a writer, etc.

Only the person/entity owning these rights may authorise the reproduction, distribution, public communication and transformation, except in those cases provided by law in which no authorisation is required.

## SIMPLE REMUNERATION RIGHTS

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### Characteristics:

- They are **recognised** rights in the [Intellectual Property Law](#) in various articles.
- They correspond to the **people/entities holding the exploitation rights**.
- They are derived from the deprivation of the people/entities holding the exploitation rights of the possibility to authorise certain acts of exploitation.
- An **economic interest derived from acts of exploitation** is recognised:
  - Determined by law (private copying, resale right)
  - Fixed by the people/entities holding these rights
- They are **compulsory managed collectively**.

The [Intellectual Property Law](#) enumerates them as:

- The **resale right** remunerates the author with a percentage of the price of the resale of his works in the cases provided by law. It benefits visual artists, photographers and video creators ([LPI, art. 24](#)).
- **Remuneration for private copying** (reprographic or audiovisual): compensates visual creators for the free use by citizens and for private use of copies of visual creations when these are incorporated in books, cultural or scientific magazines or audiovisual media ([LPI, art. 25](#)).



- **Remuneration for illustration for educational and scientific research purposes** in universities or public research centres in order to researchers and students could access a variety of works along their scientific and academic careers ([LPI, art. 32](#)).
- **Remuneration for reproduction, lending and consultation** entitles authors to receive remuneration when the use is made on a **non-profit basis** by certain **museums, archives or libraries in public ownership or belonging to entities of general cultural interest** ([LPI, art. 37](#)).
- **Remuneration for the acts of partial reproduction, distribution and communication to the public** of works or publications in printed form or capable of being printed.
- **Remuneration for the rental of recordings and public communication of audiovisual works** ([LPI, art. 90](#)).

#### ■ FIXED DURATION OF RIGHTS

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#### DURATION OF MORAL RIGHTS

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The rights of **acknowledgement of authorship** and **integrity of the work do not lapse** after the death of the author.

The right to **decide whether and in what form the work may be disclosed** may be exercised by the **author's heirs or designees**, after the author's death, for a period of 70 years -if the work was not disclosed during the author's lifetime-.

**When the author is dead, all other moral rights expire.**


#### DURATION OF EXPLOITATION RIGHTS

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They shall last for the life of the author and, as a general rule, 70 years after the author's death ([LPI, art. 26](#)).

In the case of collaborative works, the 70 years will begin to run after the death of the last author ([LPI, art. 28.1](#)).

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 80-year-rule

For works by authors who died before december, the 7th 1988 -the date of entry into force of the current [Intellectual Property Law](#)- the period of 80 years after their death applies, as provided for in article 6 of the revoked 1879 Intellectual Property Law.

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## DURATION OF SIMPLE REMUNERATION RIGHTS

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As a general rule, these rights will last for **50 years**.

## DURATION OF PROTECTION OF MERE PHOTOGRAPHS

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The distinction between “photographic work” and “mere photography” lies in the originality of the work.

The protection of mere photographs will have a duration of 25 years, calculated from 1st January of the year following the year in which the photograph was taken ([LPI, art. 128](#)).

## PUBLIC DOMAIN

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Once the terms of the corresponding exploitation rights have expired, the works and performances enter the **Public domain** ([LPI, art. 41](#)).

Works in Public domain may be **used by anyone**, provided that the **authorship and integrity of the work is respected**.

### ▪ LIMITS TO COPYRIGHT

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The [Intellectual Property Law](#) establishes some limits or exceptions to copyright. Among these, two of them particularly affect the education and teaching environment:

- The exception of **citation for educational or scientific research purposes** ([LPI, art. 32.1](#))
- Exceptions to the **rights of reproduction, distribution and public communication for the purposes of teaching illustration** ([LPI, art. 32.3-4](#)).

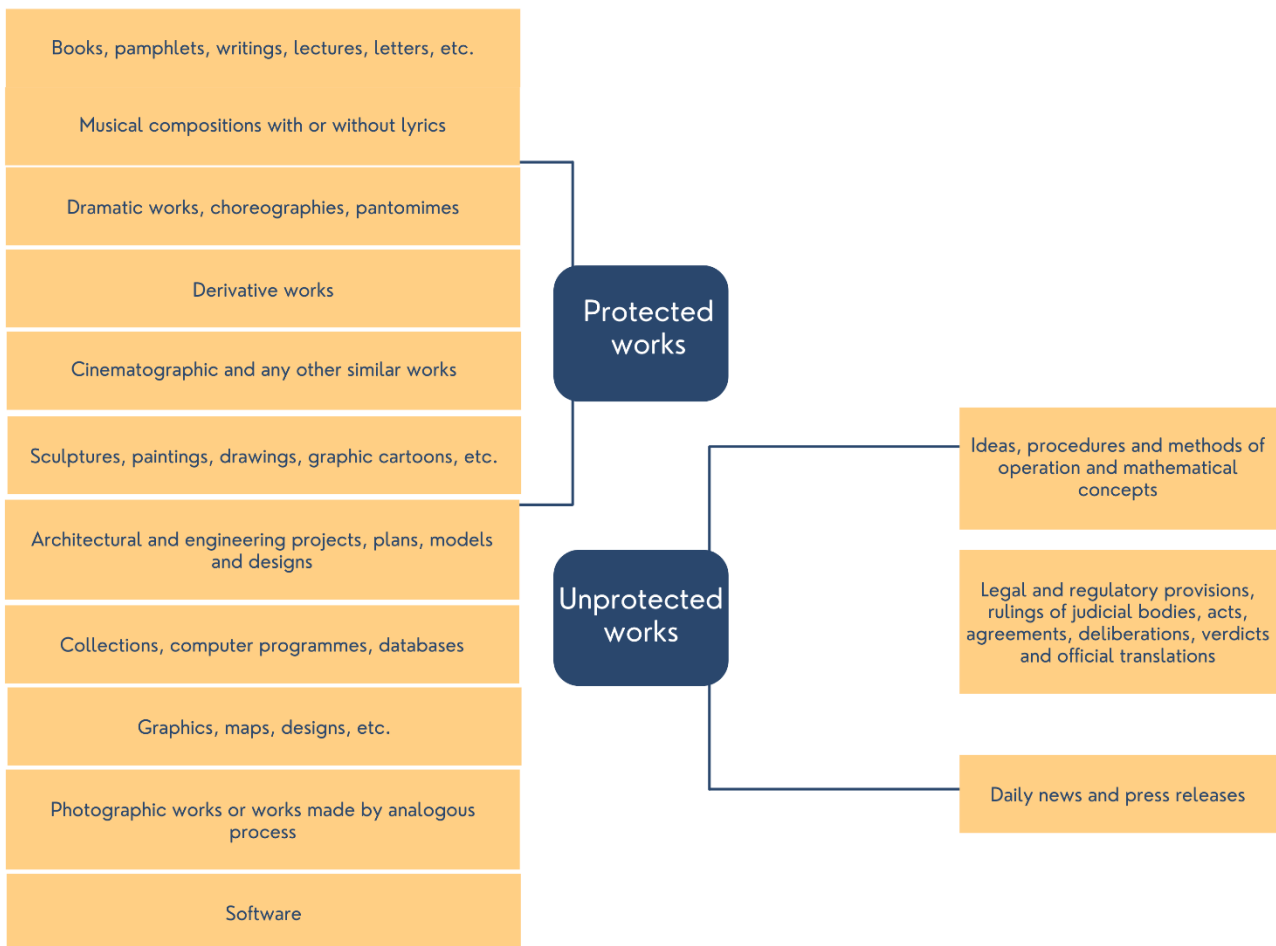
■ RELATED RIGHTS

Related rights recognised by the [Intellectual Property Law](#) are those that protect the creative activities corresponding, fundamentally, to **artists, performers, photographers, producers of phonograms and audiovisual recordings and broadcasting entities** ([LPI, arts. 105 to 137](#)).

These rights are **different from copyright**. The [Intellectual Property Law](#) regulates each of them specifically and the **duration of protection** are **shorter** than those of copyright (**50 years**).

■ INTELLECTUAL PROPERTY LAW – PROTECTED AND NON-PROTECTED WORKS

In the following diagram you can see which works are protected and which other are not protected by the [Intellectual Property Law](#).



Source: Spain. Real Decreto Legislativo 1/1996, de 12 de abril, por el que se aprueba el texto refundido de la Ley de Propiedad Intelectual, regularizando, aclarando y armonizando las disposiciones legales vigentes sobre la materia. BOE [online], núm. 97, 22/4/1996 [accessed: January the 27th, 2025]. Available at: <https://www.boe.es/eli/es/rdlg/1996/04/12/1/con>

## ■ AVOIDING PLAGIARISM

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*<< According to the DRAE, plagiarism is “the substantial copying of the works of others, giving them as one’s own”. In other hand, the doctrine of the Supreme Court defines plagiarism as “everything that involves copying the works of others in substance”. Likewise, it broadens the definition of the concept by presenting plagiarism “as a mechanised material activity, not very creative and lacking in originality, even if it provides a certain manifestation of inventiveness” (STS n. 12/1995, January the 28th, 1995).*

There is a special interest on the part of academic and research institutions, research staff, creators and other stakeholders involved in research and artistic and intellectual creation to raise awareness among the academic community and society at large of the importance of avoiding plagiarism.

The most flagrant case of plagiarism would be to present someone else’s work as one’s own, but it is also plagiarism to copy or paraphrase ideas or text from other sources and include them in one’s own work without indicating the source of these ideas or texts.

Plagiarism violates the moral and economic rights of an work’s author.



## ■ HOW TO AVOID PLAGIARISM?

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In order to avoid plagiarism you should keep in mind:

- If you include in your work a sentence or word-for-word paragraph, you must put the text in quotation marks, in italics or in another font that distinguishes it, and cite the source with the full bibliographic reference.
- If you use in your work someone else’s ideas using your own words, i.e. you paraphrase, you must include the full bibliographic reference of the original source.
- You must cite both the bibliography consulted and the external works (or fragments of them) incorporated in your work, whether they are of a written, audio or audiovisual nature, or images, photographs, etc.

Depending on the bibliographic style used in each discipline, references should be placed in the text or in footnotes, and should be written in accordance with the bibliographic style.

## ■ THE UNIVERSITY OF ALICANTE FIGHTS AGAINST PLAGIARISM

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There are several programmes that help to detect plagiarism in academic papers, scientific publications, the Internet, etc. Some of them are free, others are commercial.

The University of Alicante has subscribed the [Turnitin](#) tool, a software to help teachers to detect, correct and prevent plagiarism.

### LEARN MORE

You can find more information on the [Intellectual Property Library's site](#), at the section dedicate to [Plagiarism](#), where you will also find some free anti-plagiarism tools.


## ■ PUBLIC GENERAL LICENSES

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Copyright still exists in the web environment, despite the ease with which information can be accessed, copied or disseminated. The [Intellectual Property Law](#) allows only certain specific uses, such as, for example, the right to quote. For any other use not authorised by the Law, express authorisation must be obtained from the author or person or entity holding the rights.

But in this digital environment, some people want to facilitate the access to and use of their works, and Copyleft licenses have emerged to facilitate this, clearly indicating which uses are allowed and under what conditions.

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 In order to use any content found on the Internet, you must abide by the conditions indicated by the author or person or entity holding the rights.

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■ **COPYLEFT**

«« *The term Copyleft refers to the set of licenses that guarantee the right of any person to use, modify and redistribute a work and its derivative versions, as long as the same conditions of use and dissemination are maintained.*

*Depending on the rights granted by the author, these licenses may or may not allow commercial use of the works*

**Copyleft** of a work or content means that anyone who copies, distributes, communicates or modifies this work or content must also pass on to the rest of society the freedom to make further copies and changes.

The legal basis of Copyleft is the Copyright, so the work with a Copyleft clause must contain the Copyright symbol or the word “Copyright” itself. The Copyleft clause obliges the owner to allow the transformation or modification of the work and the consequent **obligation of the author of the derivative work to make it available to the public under the same conditions**, i.e. allowing free access and modification of the work.

PEOPLE ACQUIRING COPYLEFTED WORKS FOR FREE OR FOR A FEE, UNDER COPYLEFT LICENCES WILL BE FREE TO: AS LONG AS THEY...

COPY THE WORK AND DISTRIBUTE IT



CHANGE OR MODIFY THE WORK



DISTRIBUTE AN IMPROVED VERSION



AUTHORSHIP  
ACKNOWLEDGEMENT



THEIR ACTIVITIES ARE  
RECOGNIZED BY THE SAME  
STANDARDS

## ■ DIFFERENT PUBLIC GENERAL LICENSES

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The first license to emerge in this digital environment was the [GNU General Public License](#) (GPL), a general public license created by the [Free Software Foundation](#), mainly aimed at protecting the free distribution, modification and use of the software covered by this license, avoiding appropriation attempts that restrict these freedoms.

Inspired by this free software initiative, this concept was gradually extended to other fields and other types of licenses emerged, applicable to artistic, scientific creations, etc. These include the [Creative Commos](#), [Coloriuris](#), [Art Libre](#), etc. licenses. The most widespread have been the [Creative Commons](#) licenses.

[Creative Commons](#) is a non-profit organisation that offers a more flexible licensing system for the protection of creative works, although not all of its licenses can be included in the “Copyleft philosophy”.

## ■ CREATIVE COMMONS

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*<< Creative Commons is an international non-profit organisation that encourages the sharing of knowledge, culture and science available on the internet by providing people who create a work with a set of usage licenses that they can use voluntarily to share their work.*

[Creative Commons](#) licenses complement the current copyright regime by granting those who use a work or content permission to use it, although the work remains protected.



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Some rights reserved

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**No Derivative Works (No Derivative Works-ND):** The authorisation to exploit the work does not include the transformation to create a derivative work.



**Share alike (Share alike-SA):** authorised exploitation includes the creation of derivative works as long as they maintain the same license when disclosed.

From the basic and mandatory condition of **Attribution**, the author may reduce the scope of his/her authorisation by excluding commercial uses, modification of the work, etc.



## TYPES OF CC LICENSES

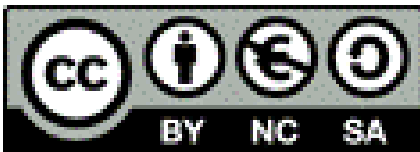
Combining the above conditions results in six different types of licenses:



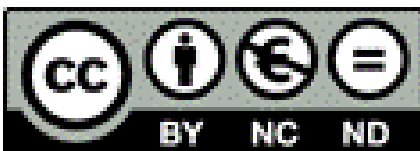
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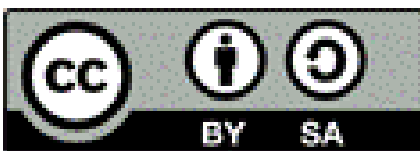
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Rich Text
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```
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operty="dct:title">License example</span> by <span property="cc:attributionName">BUA</spa
n> is licensed under <a href="http://creativecommons.org/licenses/by-nc/4.0/?ref=chooser-v1" t
arget="_blank" rel="license noopener noreferrer" style="display:inline-block;">CC BY-NC 4.0<im
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## CC PUBLIC DOMAIN



In addition to the above licenses, [Creative Commons](#) also offers the public domain mark, whereby the author relinquishes his/her rights to the work itself.

At present, this declaration of public domain is valid in the USA, but in the Spanish legal context it can be understood in contradiction with the unwaivable character of moral rights and with the validity of exploitation rights (LPI, arts. [14.1](#) and [41](#)). However, some intellectual property specialists, starting from the basic principle that all economic rights can be waived, interpret that the declarations of public domain would only affect the economic faculties of copyright, and that the public can make use, freely and without any remuneration, of the works declared to be in the public domain, always acknowledging the author of the work and respecting the integrity of the same ([LPI, art. 41](#)).

## ■ INTELLECTUAL PROPERTY AND USE OF AI

The massive use of AI has had a major impact on the creation, production and distribution of economic and cultural goods and services in different areas of society's activities, which has led institutions and countries to debate for some years now the implications of this technology's irruption in relation to intellectual property and copyright.



Large linguistic models and generative AI are revolutionising many areas of our lives and proving to be a powerful tool for innovation and creation.

In all areas of activity in our society where AI is implemented, the interest of those who must regulate its use focuses on the responsible and ethical use of

IA by citizens, as it is from this approach that the use of AI will truly represent progress for society.

Some experts are trying to provide guidelines for the ethical use of AI. In the academic context, where Generative AI has also burst into teaching, learning and research processes, some institutions and organisations have already set up discussion forums and developed guidelines for the ethical use of AI.

At the University of Alicante, the [Generative IA Learning Community](#) has produced a basic guide that includes some guidelines for ethical use of AI tools.

In your case, as a PhD Student, it is important that, regarding the use of generative AI in your learning and research activities, you keep these guidelines in mind:

- **Reflect** on the competences, skills and knowledge you want to acquire in your university education.
- As a general rule, teachers will define rules regarding the use of AI. Follow these **rules and set limits**. If you have any doubts, **ask** your professors and thesis supervisors.
- If you use AI tools in your works and research, you should make **reference** to this and cite all sources from which you have taken information.
- Use **tools that provide you with information about the sources consulted** to ensure the veracity and appropriateness of the answers.
- Generative AI can return seemingly correct and coherent answers, but you should always **check** their **veracity** and **watch** out for **biases** in the information provided, e.g., on gender.
- **Analyse** the information that the generative AI shows you after your query. **Reflect** on this information and **elaborate your own answer** in which you include aspects that the AI has missed or correct inaccuracies. This, in addition to being ethical and honest behaviour, will turn the generative AI into a tool for improving your learning.



Fraudulent and improper use of this technology can be a burden on your education, as well as having negative academic and disciplinary consequences.

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## ■ CONCLUSION

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With this topic we have tried to introduce you to:

- What copyright is and how it is defined and protected by Copyright Law.
- Which types of works are protected by law and which are not.
- What Copyleft is and how does it relate to the technological environment.
- What are Creative Commons Licenses and what types of licenses can you find and use as an author
- How can you publish your work under a Creative Commons License.
- What are the implications of the use of AI in relation to copyright in the academic context.

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Ética en el uso de la información [Blog]. 13 de diciembre de 2019. La honestidad académica: Un baluarte a defender. [online] [accessed: February, the 17<sup>th</sup>, 2025]. Available at: <https://eticaenelusodelainformacionnapa.blogspot.com/2019/12/etica-en-el-uso-de-la-informacion.html>