

# COPYRIGHT

## WHAT IS COPYRIGHT?

Copyright refers to a bunch of rights granted to the author or the owner of an original artistic, literary or scientific work, as for example, catalogs, illustrations, music, multimedia works, data bases or software.



These rights can be divided into two groups:

**Moral rights** refer to the author's right to be recognised as such and claim proper credit; disclose or keep his work unpublished; prevent any modification of his work for the sake of his reputation; and other ones depending on the local regulation.



On the other hand, **economic rights** refer to the exploitation of the work for economic gain by the author or others, and they comprise the exclusive right to authorise or prohibit the reproduction, transformation, distribution and public communication of the work.

### Moral Rights

### Economic Rights



## WHAT CAN BE PROTECTED BY COPYRIGHT?

Only the form in which the ideas of the author are described, explained, illustrated or incorporated in the works could be protected by Copyright.

Neither the ideas contained in literary and artistic works, or the ideological or technical content of scientific works, nor the industrial or commercial exploitation thereof are eligible for this IP Right protection.

## WHEN SHOULD I PROTECT MY WORK?

Contrary to other IPRs, such as Patents or Designs, Copyright protection arises **automatically upon the creation of the work**.

In other words, **registration is recommended**, but not required (except in case of assignment of rights; otherwise, it would not be enforceable against third parties).

You must, however, prove that it is really yours and adopt any other measure to avoid misappropriation or misuse.



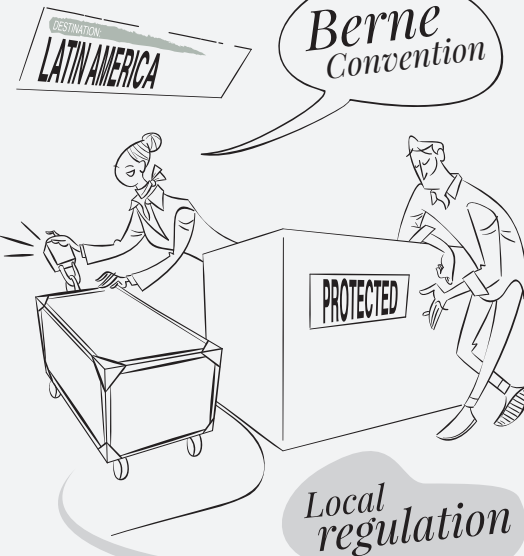
In any case, you will benefit from copyright protection during the **author's life plus 50 to 100 years** after the death of the author (or after publication in certain cases), depending on the country and type of work and right at hand.



## WHERE SHOULD I PROTECT MY WORK?

Copyright, as any other Intellectual Property Right is **territorial**.

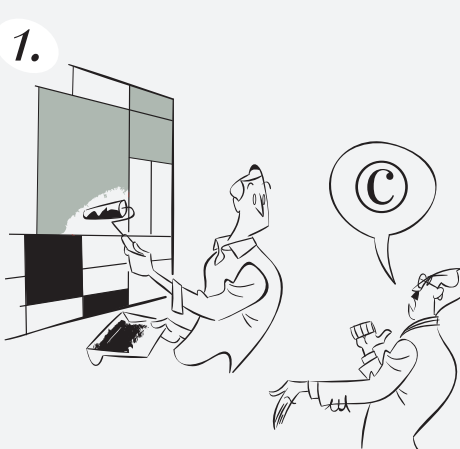
This means that protection depends on **local regulation**, which is also composed by **international treaties**.



Indeed, pursuant to the **Berne Convention**, once the work has been made accessible to the public –by being published on a website or by any other means, for instance–, it is automatically protected in any country party to the Convention.

This is why your works created or published in Europe automatically enjoy Copyright protection in all the Latin American countries and *vice versa*.

## HOW CAN I PROTECT MY WORKS?



### 1. Assess ownership, rights and obligations

Prior to any use, **verify whether you can modify the work** at hand, include it in your website or translate it, or **ask for permission** (in written, if possible).

If you are the author of the work, it is strongly advisable to duly **document the process of creation and publication** of the work by means of registers, contracts (in case of work-for hire), licenses and any other document suitable to demonstrate your rights over the work.



### 2. Register your works

Broadly speaking, the only requirement for Copyright protection in Latin America is **originality**. Thereon, the work must have its own unique features making it different from any other work. It does not have, however, to be new in the sense of novelty, but it cannot be a total or partial copy or imitation of others' work.

**Registration is relatively cheap** compared to other IPRs (for example, in Colombia it is free of charge) **fast** (in Bolivia, it takes only 10 working days) and it provides you with a **presumption of authorship**, which can be very useful in case of legal actions.



### 3. Opt for low risks models

Business models based on tangible or physical supports are more likely to be harmed by piracy. Tangible copies of works, such as software or music DVDs, are **easy to copy**; therefore, it is extremely advisable to assess if you really need to provide your clients with such copies or if you can reach similar levels of customer satisfaction through other –less risky– business models.

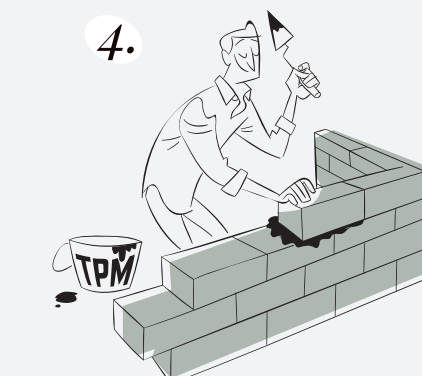


### 4. Make use of TPM and DRM Systems

If you want to have some control over your digital material, Technological Protection Measures and Digital Rights Management systems are the most effective solutions.

**DRM** is a catch-all term referring to technology limitations aimed at preventing unauthorised copies, transmission, use or access to your digital copyrighted work.

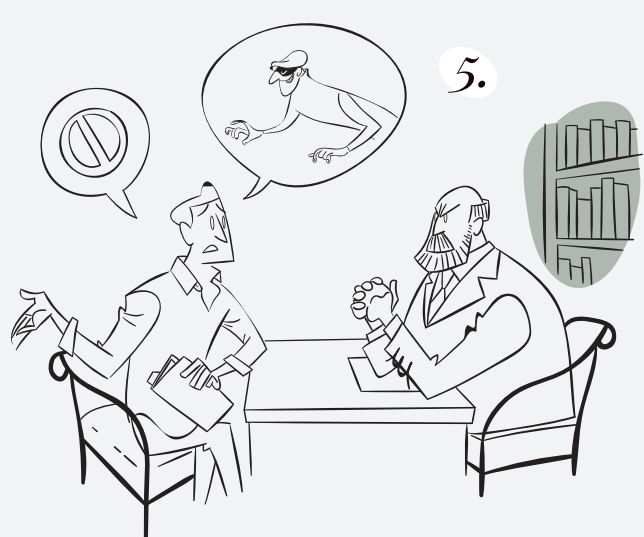
**TPM** referred to those limitations used to prevent access or use of copyrighted works embodied on electronic devices.



### 5. Contact an IP expert from the moment an infringement is detected

As said, Copyright protection is still territorial, which entails that it can vary from country to country. This is why **IP advice is essential**.

Chart your litigation strategy carefully together with an **IP expert with expertise in the country**. Otherwise, protection and enforcement of your rights would rely upon reactive decisions that are usually more expensive and rarely have a happy ending.



**HELPLINE**  
free, fast & confidential  
**3 days** working  
helpline@latinamerica-ipr-helpdesk.eu

**LATIN AMERICA  
IPR SME HELPDESK** An initiative of the   
www.latinamerica-ipr-helpdesk.eu     @latinamericaipr

© European Union, 2019  
Reuse is authorised provided the source is acknowledged.  
The reuse policy of European Commission documents is regulated by Decision 2011/833/EU (OJ L 330, 14.12.2011, p.39).

Disclaimer: The Latin America IPR SME Helpdesk –An initiative of the European Commission– is a free service for SMEs which provides practical, objective and factual information about Intellectual Property Rights in Latin America. The services are not of a legal or advisory nature and no responsibility is accepted for the results of any actions made on the basis of its services. The content and opinions expressed are those of the authors and do not necessarily represent the views of the European Commission and/or the Executive Agency for Small and Medium-sized Enterprises or any other body of the European Union. Before taking specific actions in relation to IPR protection or enforcement all customers are advised to seek independent advice. Neither the European Commission nor the Agency may be held responsible for the use which may be made of the information contained herein.  
EA0419181ENN — ISBN 978-92-9202-432-1 — doi:10.2826/730107