



Moral Rights in the Digital Era

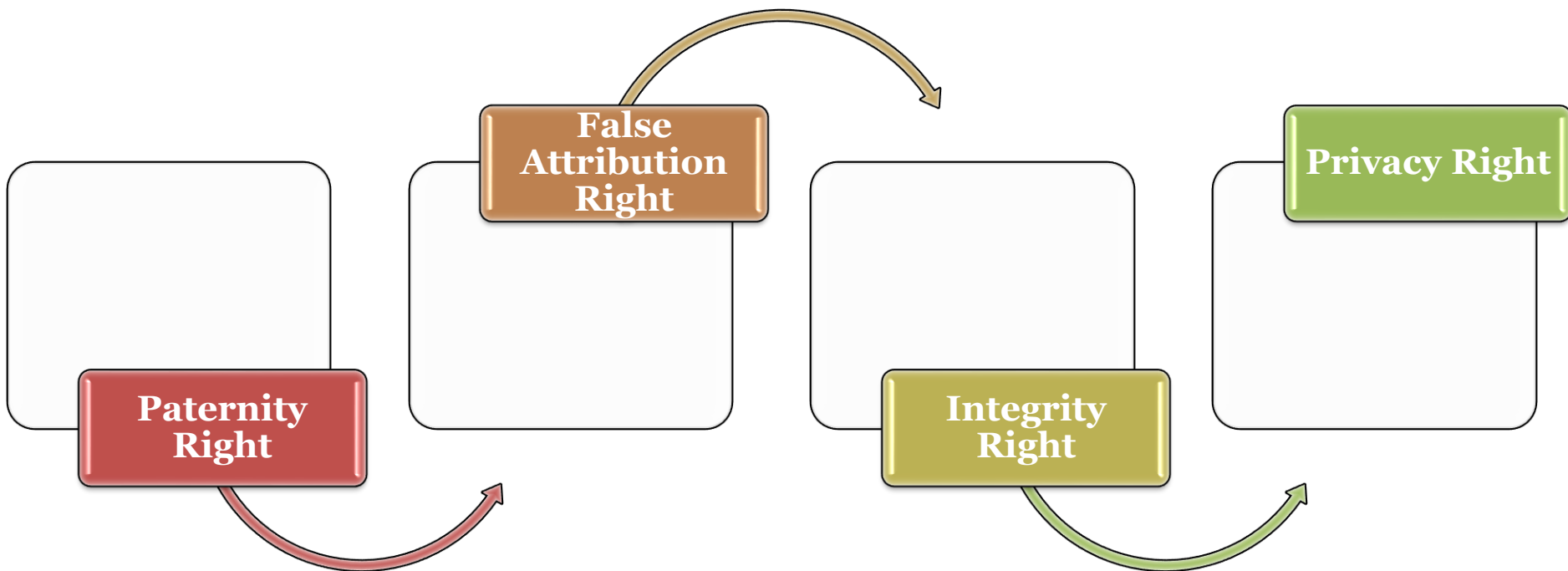
12th May 2018
Dewan Jubli Emas

Moral Rights

- No legal definition but it is a right to ***protect the reputation*** of the creator of a copyright protected work.
- Art 6*bis* Berne Convention requires members to confer on authors the right to claim authorship.



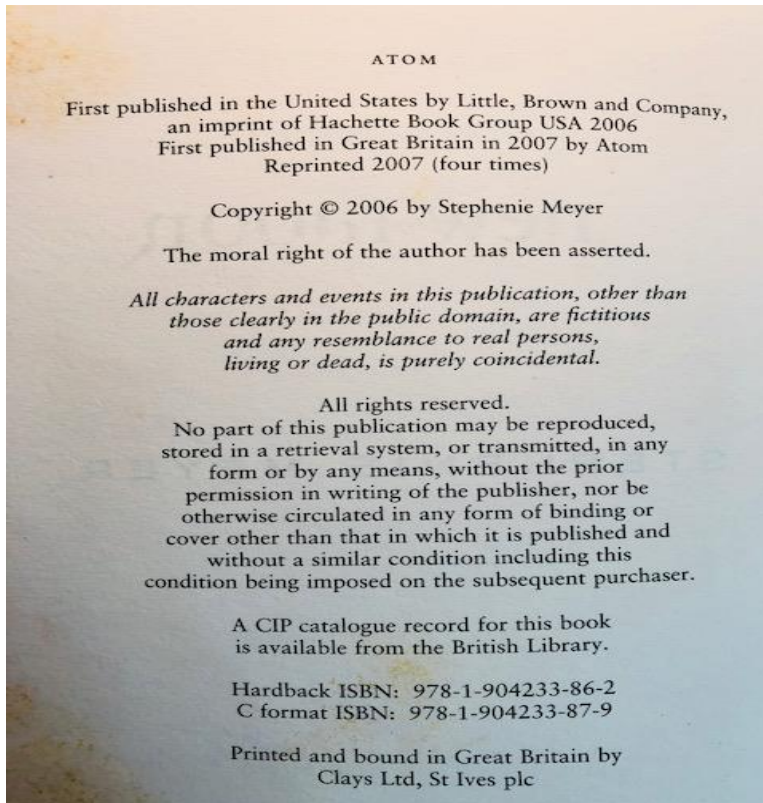
Types of Moral Rights





Paternity Right

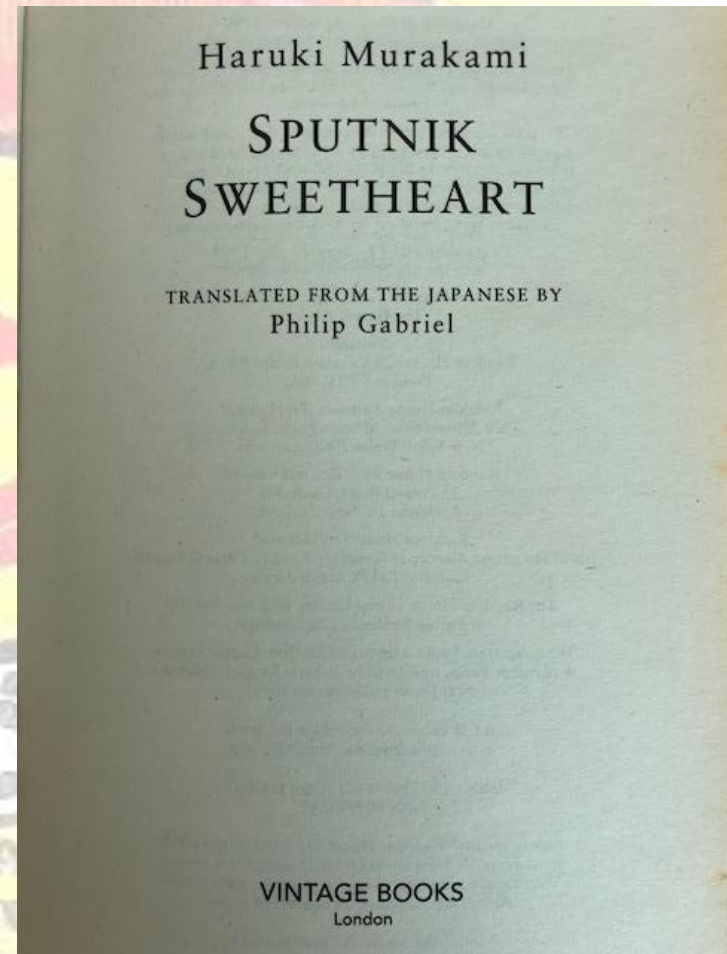
Source: Stephenie Meyer *New Moon* (2006) Atom



- The right to be identified as author or director: **section 80**
- Only granted to limited number of works.

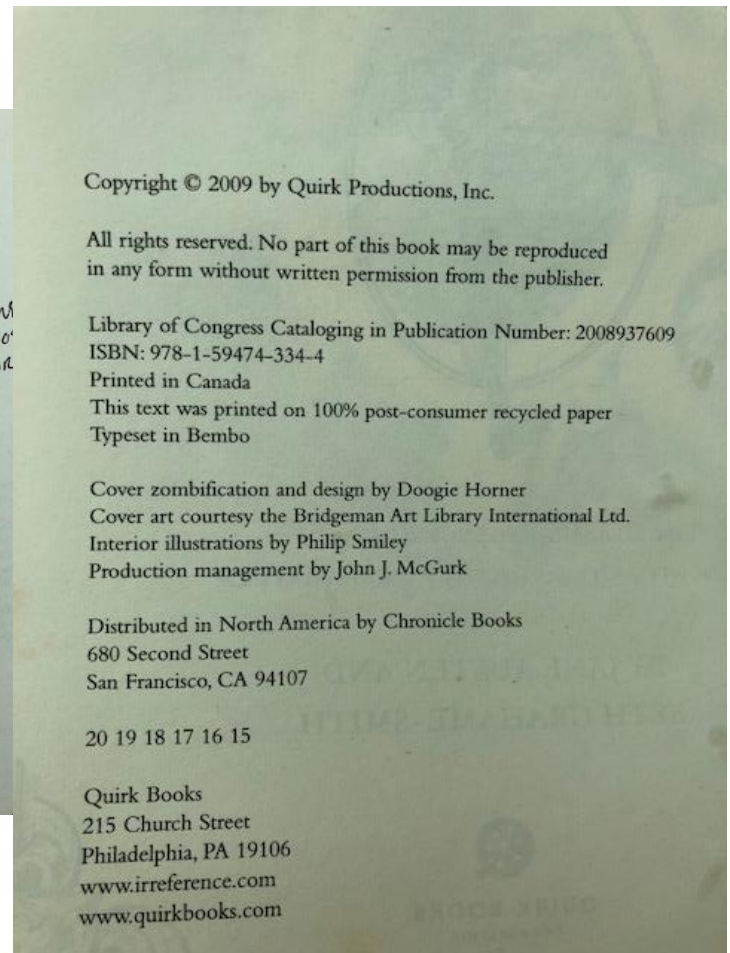
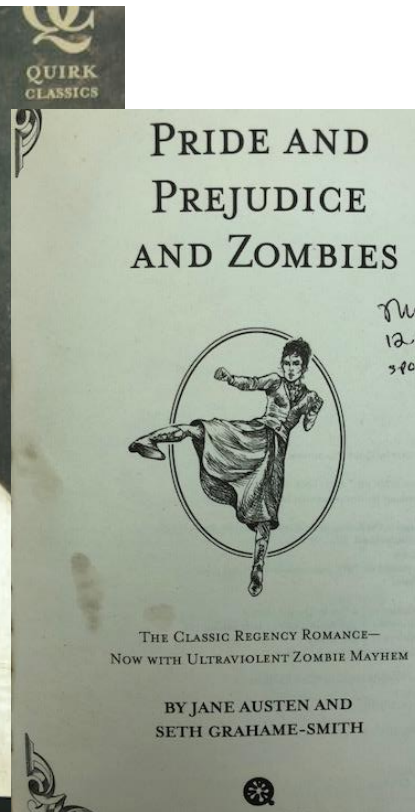
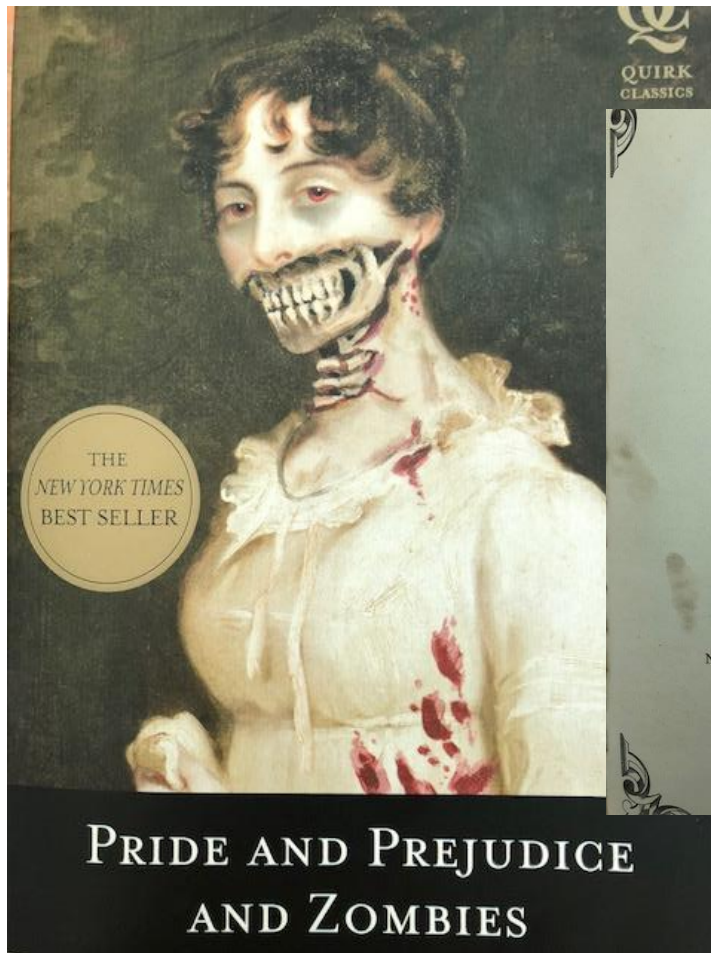
Paternity Right

- Infringement:
 1. Nature of identification
 2. Circumstances where attribution is required
 3. Exceptions



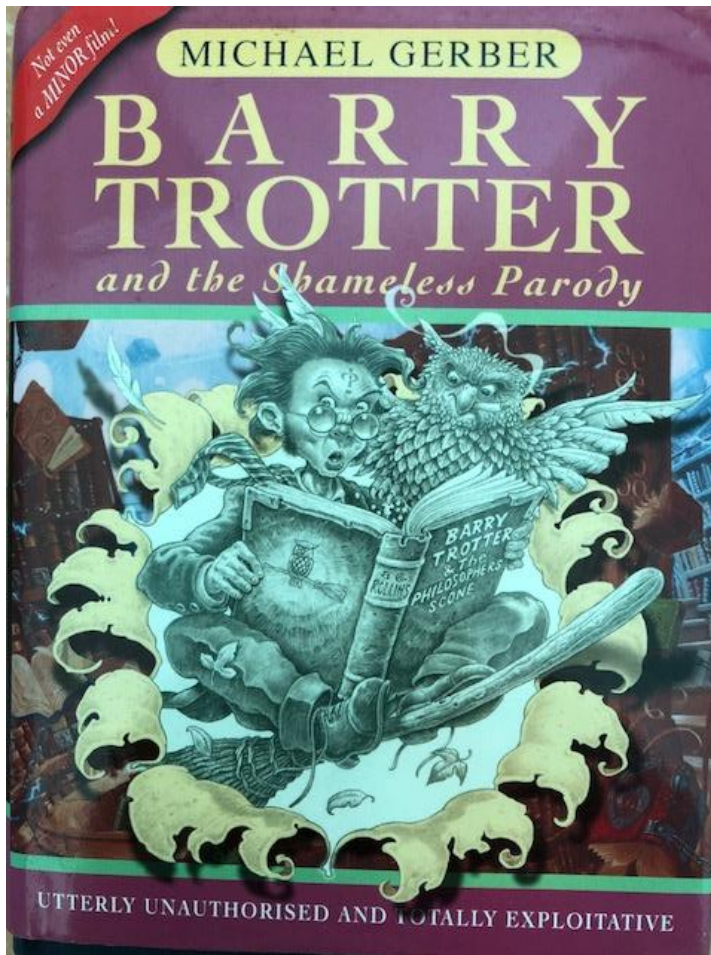


Paternity Right





Paternity Right



A MESSAGE FROM THE PUBLISHER OF THIS BOOK:
While the authentic series may or may not be Satanic, this book definitely is. It is poorly written, incredibly crass, and contains jokes about bodily functions that would embarrass a five-year-old. It has been produced as cheaply as possible, using highly toxic ink and substandard paper. Every corner has been cut, from eliminating every 500th word, to employing copy-editors fluent only in Spanish. This book exists solely to make a quick buck.

A MESSAGE FROM SATAN:
Oh, no, you're not pinning this one on me! This book totally *sucks*.

A MESSAGE FROM THE UNIVERSAL COUNCIL OF CHURCHES:
Any book so clearly loathed by Satan, the embodiment of all evil, logically must be the purest good. Otherwise, why would Satan hate it so? Therefore, I urge all right-thinking Christians, as well as people of goodwill from every other faith to read this parody.

A MESSAGE FROM YOUR LITTLE BROTHER:
This book is weird. I don't like it. Harry doesn't smoke. Smoking is for losers.

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This is a work of parody. Any similarities, without satirical intent, to copyrighted characters/material, or individuals living or dead, are purely coincidental. This book has not been endorsed by J.K. Rowling, Bloomsbury Books, Warner Brothers, or any of the other entities holding copyright or license to the Harry Potter books or film. No connection is implied or should be inferred.

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Thirteenth impression 2004

Barry Trotter and the Shameless Parody
Summary: Fans of the world's most popular children's book are unfairly cheated after mistakenly purchasing a poorly-written, obnoxious spoof. They form a vigilante group and track down the author, executing him in a particularly unpleasant way.

A CIP catalogue record for this book is available from the British Library
ISBN 0 675 07454 X

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www.orionbooks.co.uk

False Attribution Right

- The right not to have work falsely attributed: **section 87**
- It is where the work is falsely represented as being a copy made by the author of the artistic work: **section 87(2)**



False Attribution Right



Source: www.abcgallery.com



Source: www.brandler-galleries.com

Integrity Right

- The right to object to a derogatory treatment of work – **section 83**
- Treatment amounts to distortion, mutilation or any other modification of the work or is otherwise prejudicial to the honour or reputation of the author/director (**section 83(2)(b)**).



Integrity Right



Headline: *Wall Street's "Bull" sculptor threatens to sue over 'Girl' statue: Artist Arturo di Modica dismisses 'Fearless Girl' as an 'advertising trick'*

Source: <https://www.fnlondon.com/articles/wall-streets-bull-sculptor-threatens-to-sue-over-girl-statue-20170413>



Integrity Right

Headline: Anish Kapoor criticizes 'intolerant, divisive' NRA after video used sculpture: British artist objects to unauthorized imagery of Cloud Gate in provocative video, but says he will not pursue legal action



Source:

http://www.herearchitecture.com/architettura/site_specific/2004_A_Kapoor_The_cloud_Chicago/2004_A_Kapoor_The_cloud_Chicago.php

Source: <https://www.theguardian.com/artanddesign/2018/mar/13/anish-kapoor-criticizes-intolerant-divisive-nra-after-video-used-sculpture>

Privacy Right

- The right of privacy to certain photographs and films – **section 88**
- The © owner in the photograph is the photographer.
- The right only applies to persons who have commissioned the taking of a photograph or the making of a film for private & domestic purposes – **section 88 (1)**



Street Photography



Source:

<https://lightwater.wordpress.com/2017/02/21/photo-of-the-week-no-24-the-kiss-by-the-hotel-de-ville-by-robert-doisneau/>



Source:

<https://krystiandata.wordpress.com/2010/05/24/philip-lorca-dicorcia/>



Duration of Moral Rights

- Same as copyright: **50 years** except for false attribution which is for **20 years** after a person's death.



Source: www.disney.com



Moral Rights: The Digital Era



Source: <https://www.pixsy.com/10-cases-that-show-how-complicated-copyright-law-really-is/>



- Lara Jade Coton was awarded \$130,000 in damages after a self-portrait of her was used as the cover art and the disc art for a pornographic DVD.

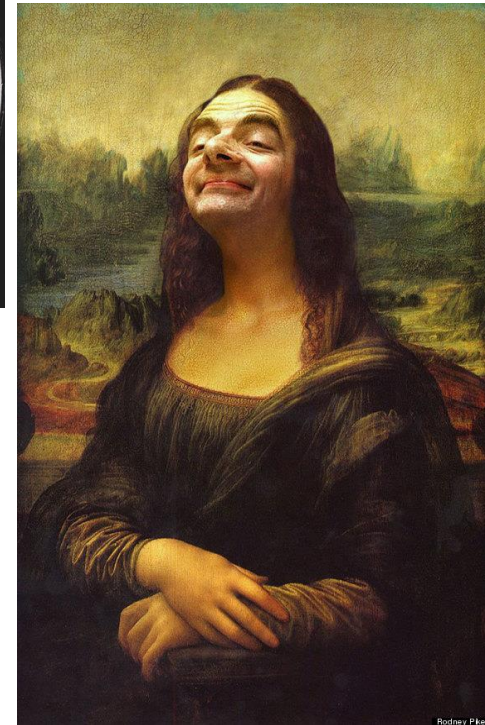


Moral Rights: The Digital Era

- Sampling will infringe the moral rights of the composer of both the original work and any pre-existing work in which the sample appears.
- Manipulating images with the view for entertainment may not amount to infringement.



Source:
<https://www.discogs.com/Anthill-Mob-Burnin/release/149302>

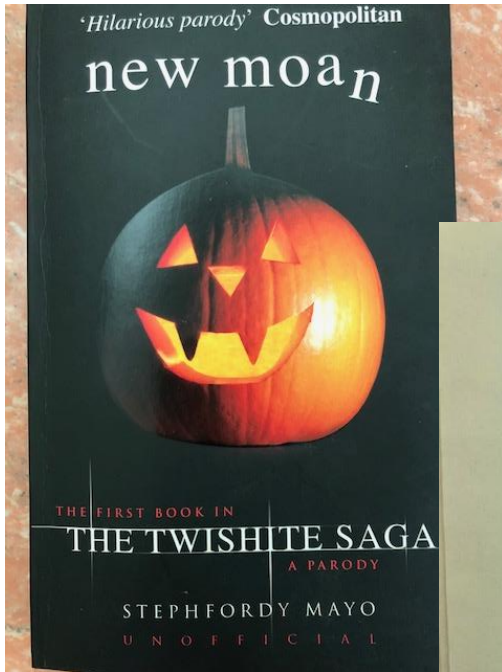


By Rodney Pike

Source:
https://www.huffingtonpost.com/2014/09/29/mr-bean-historic-photos-rodney-pike_n_5902456.html



Parody: Moral Rights Infringement?



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Source:
<http://tvtropes.org/pmwiki/pmwiki.php/Film/ScaryMovie4>



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www.agc.gov.bn