



WSC WIĘCEJ NIŻ OCZEKujesz

Warsaw Study Centre

## say it with Mr Zloty

### HAVE FUN WITH MR ZLOTY

The CEO was scheduled to speak at an important convention, so he asked one of his employees to write him a punchy, 20-minute speech. When the CEO returned from the big event, he was furious.

"What's the idea of writing me an hour-long speech?" he demanded to know. "Half the audience walked out before I finished."

The employee was baffled. "I wrote you a 20-minute speech," he replied. "I also gave you the two extra copies you asked for."

### READ AND LEARN

**In this issue we'll have a closer look at the concept of intellectual property and copyright in particular.**

What is copyright? As Webster's Dictionary of English states it's *the right of an author or his assignee, under statute, to print and publish his literary or artistic work, exclusively of all other persons*. Since there's still lots of confusion about what copyright really involves below you'll find a few myths to be **refuted** about copyright laws

**If it doesn't have a copyright notice, it's not copyrighted**

This was true in the past, but today almost all major nations follow the Berne copyright convention. For example, in the USA, almost everything created privately and originally after April 1, 1989 is copyrighted and protected whether it has a notice or not. There are some old works that lost protection without notice, but still you shouldn't risk it unless you know for sure. It is true that a notice strengthens the protection, by warning people, and by allowing one to get more and different **damages**, but it is not necessary. If it looks copyrighted, you should assume it is. This applies to pictures, too. You may not scan pictures from magazines and post them to the net, and if you come upon something unknown, you shouldn't post that either.

**If I don't charge for it, it's not a violation**

False. Whether you charge can affect the damages awarded in court, but that's main difference under the law. It's still a violation if you give it away -- and there can still be serious damages if you hurt the commercial value of the property. There is a USA exception for personal copying of music, which is not a violation, though courts seem to have said that doesn't include widescale anonymous personal copying as Napster. If the work has no commercial value, the violation is mostly techni-

cal and is unlikely to result in legal action.

**If you don't defend your copyright you lose it**

False. Copyright is effectively never lost these days, unless explicitly given away. You also can't "copyright a name" or anything short like that, such as almost all titles. You may be thinking of trade marks, which apply to names, and can be weakened or lost if not defended. You can't use somebody else's trademark in a way that would steal the value of the mark, or in a way that might make people confuse you with the real owner of the mark, or which might allow you to profit from the mark's good name. For example, if you were to give advice on music videos, you should be very **wary** of trying to label your works with a name like "mtv." You can use marks to criticise or parody the holder, as long as it's clear you aren't the holder.

**If I make up my own stories, but base them on another work, my new work belongs to me**

False. Works which are based or derived from another copyrighted work -- are the exclusive province of the owner of the original work. This is true even though the making of these new works is a highly creative process. If you write a story using settings or characters from somebody else's work, you need that author's permission. There is one major exception -- criticism and parody.

**It doesn't hurt anybody -- in fact it's free advertising**

It's up to the owner to decide if they want the free ads or not. If they want them, they will be sure to contact you. Don't rationalize whether it hurts the owner or not, ask them. Usually that's not too hard to do. Even if you can't think of how the author or owner gets hurt, think about the fact that piracy on the net hurts everybody who wants a chance to use this wonderful new technology to do more than read other people's **flamewars**.

**They e-mailed me a copy, so I can post it**

To have a copy is not to have the copyright. All the e-mail you write is copyrighted. However, e-mail is not, unless previously agreed, secret. So you can certainly report on what e-mail you are sent, and reveal what it says. You can even quote parts of it to demonstrate. Frankly, somebody who **sues** over an ordinary message would almost surely get no damages, because the message has no commercial value, but if you want to stay strictly in the law, you should ask first. On the other hand, don't **go nuts** if somebody posts e-mail you sent them. If it was an ordinary non-secret personal letter of minimal commercial value with no copyright notice (like 99.9% of all e-mail), you probably won't get any damages if you sue them. Note as well that, the law aside, keeping private correspondence private is a courtesy one should usually honour.

**So I can't ever reproduce anything**

No, copyright isn't an **iron-clad** lock on what can be published. Indeed, by many arguments, by pro-

viding reward to authors, it encourages them to not just allow, but fund the publication and distribution of works so that they reach far more people than they would if they were unpromoted. However, it must be remembered that copyright has two main purposes, namely the protection of the author's right to obtain commercial benefit from valuable work, and more recently the protection of the author's general right to control how a work is used. While copyright law makes it technically illegal to reproduce almost any new creative work without permission, if the work is unregistered and has no real commercial value, it gets very little protection. The author in this case can sue for an **injunction** against the publication, actual damages from a violation, and possibly court costs. Actual damages means actual money potentially lost by the author due to publication, plus any money gained by the **defendant**.

*The conclusion: next time you use someone's work ask beforehand...*

extracts adapted from *10 Big Myths about copyright explained* by Brad Templeton

**Now match the underlined words from the text to their definitions:**

|               |   |
|---------------|---|
| 1. refute     | a. very certain and unlikely to be changed  |
| 2. damages    | b. a person in a law case who is accused of having done something illegal   |
| 3. violation  | c. behave in a foolish, stupid or strange way   |
| 4. wary       | d. to say or prove that a person, statement, opinion, etc. is wrong or false  |
| 5. sue        | e. money which is paid to someone by a person or organization who has been responsible for causing them some injury or loss                           |
| 6. go nuts    | f. not completely trusting or certain about something or someone  |
| 7. courtesy   | g. an official order given by a court of law, usually to stop someone from doing something  |
| 8. iron-clad  | h. to take legal action against a person or organization, especially by making a legal claim for money because of some harm that they have caused you |
| 9. injunction | i. polite behaviour   |
| 10. defendant | j. breaking or acting against something, especially a law, agreement, principle or something that should be treated with respect                      |

KEY: 1d, 2e, 3j, 4f, 5h, 6c, 7i, 8a, 9g, 10b

**COMMUNICATION SKILL PILL**

**There's never too much of the language of MEETINGS...**

Put the expressions into correct box in the table below.

|                             |  |
|-----------------------------|--|
| 1) Asking for opinions      |  |
| 2) Giving opinions          |  |
| 3) Agreeing                 |  |
| 4) Disagreeing              |  |
| 5) Expressing reservations  |  |
| 6) Asking for clarification |  |

- a) You could be right, but...
- b) In my opinion...
- c) What are your views?
- d) Could you explain what you mean by...?
- e) Yes, definitely.
- f) I'm afraid I can't agree with that idea.
- g) I'm sure...
- h) Maybe, but...
- i) Yes, I'd go along with that.
- j) I'm inclined to think...
- k) I don't think so.
- l) How do you feel about...?
- m) Yes, that's an important point.
- n) Sorry, I don't quite follow you.
- o) I agree completely.
- p) Personally, I think...
- q) I'm not quite sure.
- r) I couldn't agree more.

KEY: 1) c, l, 2) b, g, j, 3) e, l, m, o, r, 4) f, k, 5) a, h, q, 6) d, n

**Use the expressions from the box to complete sentences below.**

- Until recently we, I thought we should open in Stockholm, but I now feel that we should look to the east.

- 1. \_\_\_\_\_?

- Well, I mean the eastern Baltic states - Estonia, Latvia, and Lithuania. They're small, but they're dynamic and their economics are growing fast.

- 2. \_\_\_\_\_. Costs are also much lower there than in Sweden.

- That's a very good point, but which one should we choose?

- 3. \_\_\_\_\_ Estonia could be the right place. There are a lot of skilled technician people there.

- 4. \_\_\_\_\_, but I think Lithuania might be a better choice in a long term.

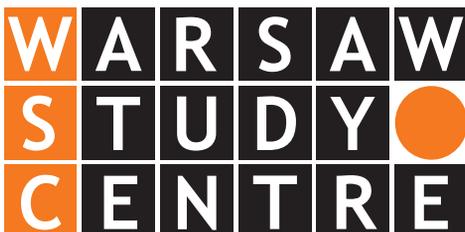
KEY: (possible answers) 1. d, 2. e, l, m, o, r, 3. b, g, j, p, 4. a, h

**COLOUR UP YOUR ENGLISH**

Now match these formal phrases for participating in meetings with their informal equivalents.

- 1) I'm inclined to think...
- 2) How do you feel about...?
- 3) I don't quite follow you.
- 4) Yes, I agree with that.
- 5) I'm afraid you're wrong.
- a) Rubbish!
- b) I don't get it.
- c) I guess...
- d) What do you reckon?
- e) You're right.

KEY: 1. c, 2. d, 3. b, 4. e, 5. a



**DZIAŁ SZKOLEŃ DLA FIRM**

ZASIĘG OGÓLNOPOLSKI  
UL. PANDY 13 LOK. 5  
02-202 WARSZAWA  
TEL/FAX 022 824 23 93

**SZKOŁY JĘZYKOWE**

Centrum  
ul. Widok 19  
00-026 Warszawa  
tel/fax 022 825 11 11

Ochota/Szcześliwice  
ul. Włodarzewska  
02-384 Warszawa  
tel/fax 022 822 61 68

[www.wsc.edu.pl](http://www.wsc.edu.pl)