

Copyleft for the Copyright



Management

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ABSTRACT

Copyright is a kind of intellectual property right whose importance has increased tremendously in the recent years due to rapid technological developments in the field of information and communication technology, printing, publishing, music and entertainment, etc. The object of copyright is to encourage authors, composers, artists, designers to create original works by rewarding them with exclusive rights for a certain time period. However economic exploitation of copyright is done by licensing the exclusive rights to others for monetary consideration. In the rapidly changing technological environment, copyright protection has been extended to areas of creative work particularly in the information technology industry relating to computer software and databases. Copyleft is emerging as a paradigm opposed to copyright which allows authors to grant the users of their works the right to use, modify, distribute and copy their works. This paper attempts to provide a basic understanding of copyright, followed with the introduction to the concept of copyleft, its history, the various methods and types of copyleft, and the fundamental thought behind it. This paper also attempts to touch upon the criticisms of copyleft, the current state and future outlook for copyleft.

Introduction:

The word "copyright" is derived from the expression 'copier of words'. The word 'copy' is presumed to date back to 1485AD and was used to connote a manuscript prepared for printing. Copyright according to Black's Law Dictionary is the right in literary property as recognized and as sanctioned by positive law. An intangible incorporeal right granted to the author of certain literary or artistic production whereby he is invested for a specified period with the sole and exclusive privilege of multiplying copies of the same and publishing and selling them. Copyright as defined in the Oxford English dictionary is an exclusive right given by law for a certain period of years to an author, composer, etc. to print, publish and sell copies of his original work. The Copyright Act, 1957 section 14 defines copyright as the exclusive right to do or authorize others to do certain acts in relation to: literary, dramatic or musical works, artistic work, cinematography of film, and sound recordings and is denoted by the prefix © Copyright is a form of intellectual property since the product over which the right is granted, like a literary work is a result of utilization and investment of intellect. As per section 22 of the Act, the term of copyright for an original intellectual work as per definition, remains with author for the life time plus sixty years after which it becomes a public property. Copyright is a negative right meaning it is prohibitory in nature and it prevents others from copying or reproducing the work. 'Copyleft' by the word meaning itself appears to be an opposite of Copyright. Understanding Copyleft basics:

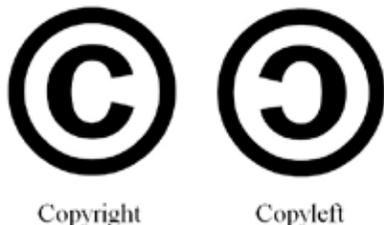
To understand the concept of Copyleft, it is first necessary to understand Computer software in the context of Copyright. According to Section 2 (ffc) of the Copyright Act, a computer program is a 'set of instructions expressed in words, codes, schemes or in any other form, including a machine readable medium, capable of causing a computer to perform a particular task or achieve a particular result'. Computer software is a 'computer program' within the meaning of Copyright Act. This computer software can be a Freeware, Shareware, Demoware or a Crippleware. Freeware is a copyrighted software available for free use for a certain time limit. Shareware is a trial software with full functionality for a trial period after which it has to be bought or uninstalled. Demoware is for demonstrations only. Crippleware is for evaluation purposes and most features remain disabled to promote the sale of full version software. The concept of software licensing started with Open Software Initiative of USA that spearhead the movement around the world. Where copyright law intends to limit the ways in which a work or idea may be expressed and distributed, a new form of license evolved, called "Copyleft," whose purpose is to clarify how a work can be used, modified, and redistributed. Though copyleft now extends to such diverse media as blogs, paintings, songs, and television broadcasts, it originated with computer software. In the 1980s, "portable software" programs that could run on different types of computers emerged, allowing users to modify

and redistribute the software. This, however, conflicted with the existing business models of software companies, which lead to an increase in copyrighted programs with explicit limits on the modification and redistribution of the software. For many programs, the source code was no longer available for viewing (or modifying) by interested users. At that time, a hacker Richard Matthew Stallman (commonly known as "RMS") was working as a programmer at the Massachusetts Institute of Technology Artificial Intelligence Laboratory (MIT AI Lab). Specifically, Stallman and his peers were working on a "Lisp interpreter" program (Lisp being a computer programming language) for creating and modifying software. When some of his peers split from the group to pursue the project on their own terms, they asked Stallman for a public domain version of the source code for the program, which they then improved upon. When Stallman requested access to this code with the improvements, he was denied by the group, called Symbolics. In 1984, Stallman decided to counter this problem, which he called "software hoarding," by working within the existing legal framework of copyright law. He left the MIT AI Lab to dedicate more of his time to what he called the GNU project (it eventually became the GNU/Linux operating system). The result was the first copyleft license, the GNU General Public License (GPL). While not recognized at that time as a "copyleft license," the GPL enabled the software designer, if they wished, to grant all subsequent users of their work the rights to modify and redistribute the software.

Understanding the Copyleft working:

Copyleft is a general method for making a program to work free and requiring all modified and extended versions of the program to be free as well. Copyleft mandates that anyone who re-distributes the software with or without changes must pass along the freedom to further copy and change it. Usually to copyleft a program, the programmer first states that the software is copyrighted, and then adds distribution terms and conditions. These terms give everyone the rights to use, modify, re-distribute the program's code or derivatives only if the distribution terms are unchanged. Several types of open source software licenses are distinguished as having copyleft elements. The difference between the open source movement and the free software movement hinges on the debate over whether derived works should be subject to the same type of licenses as the works they were derived from, a key component of the copyleft ideology. To the extent that a copyleft license achieves the goals of this ideology, a license is labeled as "strong" or "weak" copyleft. The GNU General Public License is considered an example of the former, and the Mozilla Public License an example of the latter. Copyleft licenses may also be distinguished as "full" or "partial" copyleft, depending on how much of a work is covered by the license, and to what extent. Additionally, some copyleft licenses are called "share-alike" copyleft. These licenses are sometimes defined as "some rights reserved," as opposed to the "all rights reserved" of copyright and the "all rights reversed" of copyleft. The word

copyleft, though used throughout this paper, is not a term of legal nature unlike Copyright. It is seen by its supporters as a set of legal tools formulated to counteract the forces of copyright and intellectual property laws. The purpose of copyleft is to permanently minimize the restrictions on a work that are imposed under the existing system of intellectual property rights. Several variations of the GPL have been introduced in the years since the first was created, each serving a particular purpose and containing different specifications for protections and rights regarding a work. Examples include the GNU Lesser General Public License (which succeeded the GNU Library General Public License) and the GNU Free Documentation License (which is used by Wikipedia). Beyond software, the idea of copyleft has been extended to other areas, including the arts. In diverse ways, organizations such as Creative Commons, open-source record labels, and the Libre Society are promoting the use of licenses with copyleft components and making it easier for individuals to copyleft their works. Creative Commons, a non-profit organization founded by Lawrence Lessig in 2001, has become a major source of information and assistance in copylefting creative works and making them available to people. Limitation of the Creative Commons licenses, however, is that they have been designed primarily for use within the framework of United States law, and thus cannot necessarily be relied on to function in the same way in other countries. As a result, international supporters of Creative Commons began the iCommons (International Commons) project to localize the licenses. Another emerging trend is the creation of open-source record labels that release music under copyleft licenses, allowing collaborative work and redistribution without the restrictions of copyright. For example, while the musician who writes a song may wish to retain the rights to the full song, they may also want to make it easy for other musicians to sample from or modify their work. . Copyright takes away users freedom to copy and Copyleft guarantees the freedom to copy. Copyleft is thus the opposite of Copyright and should be denoted as below:



Observations and Conclusion:

Copyleft is a novel concept and also popular one in the Information and Communication Technology field. Here one can use the software for as long as one needs without any charges. The difference between shareware and freeware copylefting is that the user is allowed to change, alter or add on to the code of software and further pass it on for free use recognizing the original authors and their contribution. This concept was started by an organization called GNU. It does not copyright its software but copyleft it. This is a conscious way to shun the Copyright laws that cover software and giving free usage of software codes to users. Users are therefore free to edit and re-create codes and pass it on further. This is also a successful experiment to take off software protection on the internet, as there would be no worry of piracy or infringements of any sort as guided in the Copyright laws. Recent advancement of Copylefting has taken it beyond software to even literary and artistic works of music and entertainment. Some see copyleft as the first step towards the overthrow and end of copyright. Debates over how copylefted creations can be commercially exploited are likely to be major forces in determining the future of copyleft, but they will not be the only determining factors. Some believe there are two worlds of intellectual property rights, the world of rights exercised by corporations and the world of individuals. The internet is a realm where individuals freely exchanged creative works without concern for revenue or licenses. However, as licensing becomes more accessible, the creative realm becomes increasingly commercial. The popularity of copyleft licenses and the increase in creative and diverse ways to apply and use these concepts are evident that copyleft is not a fad or idea that will perish. GNU is encouraging other software publishers to imitate this and follow the principle of copylefting. Licensing as strategy itself has now gone into new limits with the prevailing concept of Copyleft.

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