

# Copyright or Copyleft?

## *Wikipedia* as a Turning Point for Authorship

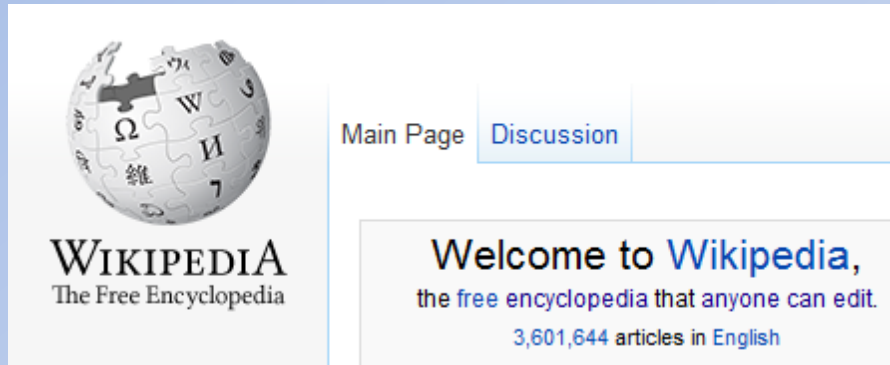
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1. Collective authorship on *Wikipedia*
2. Copyright subsistence in *Wikipedia*
  - A. Is there a work?
  - B. Who are the authors?
3. Copyleft licences & the ambivalent role of copyright law

# 1. Collective Authorship on *Wikipedia*

- What is *Wikipedia* and how does it work?



A creative process,  
rather than a creative  
product

- Why does *Wikipedia* work?
  - Copyleft licenses
  - A particular culture of sharing

## 2. Copyright subsistence in *Wikipedia*

A. Could individual pages or *Wikipedia* as a whole be original literary works?

- Difficulty defining contours of the ‘work’  
*Wikipedia* is a constant work in progress

*Interlego v Tyco* [1989] AC 217, *Brighton v Jones* [2004] EWHC 1157, *LA Gear Inc v Hi-Tec Sports* [1992] FSR 121, *Taylor v Rive Droite Music* [2004] EWHC 1605, *Robin Ray v Classic FM* [1998] FSR 622

- *Wikipedia* as a whole lacks ‘originality’

## 2. Copyright subsistence in *Wikipedia*

B. Are *Wikipedia* contributors copyright owners ('authors')?

Joint authorship test:

- i. contributed significant part of protected labour, skill or judgment;
- ii. in pursuance of some common design or collaboration; and
- iii. contribution not separate or distinct.

s10(1) CDPA; *Godfrey v Lees* [1995] EMLR 307; *Hadley v Kemp* [1999] EMLR 589

# 3. Copyleft licences & the ambivalent role of copyright law

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### 3. Copyleft licences & the ambivalent role of copyright law

- Are copyleft licences contracts?
- How do they relate to *Wikipedia's* 'culture'?
- An uneasy relationship with copyright law?
  - Playing the game of copyright law
  - Dusollier – critical of social forces at play with copyleft licencing

‘in the absence of the old  
containers, almost everything  
we think we know about  
intellectual property is wrong’

JP Barlow, ‘The Economy of Ideas: Selling Win Without Bottles on the  
Global Net’ <<http://homesefforg/~barlow/EconomyOfIdeas.html>>

Questions?