

## FREQUENTLY ASKED QUESTIONS (FAQs) FOR COPYRIGHT & ADMU IP POLICY

### Basics of Copyright

1. What is copyright?  
Copyright is the collection of rights of creators of literary or artistic work that basically gives them the power to decide what to do with their work and how their work may be used by others. An important fundamental principle to remember is that facts and ideas cannot have copyright; only the specific way that these are expressed may be protected by copyright.
  2. What rights does copyright give to the author/owner of a work?  
The copyright owner/s shall have the exclusive right to carry out, authorize, or prevent the reproduction, distribution, sales, renting out, public display, public performance, public communication, and even the transformation of the work (Sec. 177, RA 8293).
  3. When are literary or artistic works protected by copyright?  
Literary or artistic works are protected by copyright from the moment of their creation (Sec. 172, RA 8293). Registration is not required.
  4. Are there works that are not protected by copyright?  
Works that belong to the public domain are not protected by copyright. *Public Domain* is the legal term that refers to the collection of creative works not subject to copyright. Anyone may use a work without any requirement of obtaining permission or attribution of its author if the work is in the public domain.
  5. When is a work considered to be in the public domain?  
A work is considered to be in the public domain if any of the following is true:
    - The protection period for copyright has expired;
    - Copyright protection cannot be applied (such as the title of a book); or
    - The copyright owner has clearly disclaimed or waived his/her copyrights (for example, marking the work with a public domain notice).
- Note:* The non-appearance of a copyright notice on a copy of the work *does not* suggest that the work belongs to the public domain even if it is accessible on the Web or elsewhere.
6. How do I find out if a work is in the public domain?  
To find out if a work is in the public domain, it may be crucial to know the exact year, if not the actual date, when the author died. This information as well as other relevant details may be available in the following materials and institutions:
    - Bibliographic works
    - Public registers
    - National Library

- Collective Management Organization (CMO)
- Publisher

*Note:* A single product or work may consist of numerous copyrights and these rights may have different owners, as well as different protection periods. For example, in a brochure comprising text and images, the text may belong to the public domain but the images may be under copyright protection. Hence, permission from the owner would still be required for the use of such images.

7. How long does copyright protection last?

Generally, under the IP Code of the Philippines, copyright and related rights protection last during the lifetime of the author and for fifty (50) years after his/her death or fifty (50) years after the death of the last surviving author, in cases of works of joint authorship.

8. Are there any limitations to copyright?

Yes, there are limitations to copyright. While the general rule is that a creator's work may not be used by others without the creator's consent or permission, this rule does not apply if the work is used under circumstances that are considered *fair use*.

9. What is "fair use"?

The fair use doctrine provides that the use of a copyrighted work for the purposes such as criticism, comment, news reporting, teaching including multiple copies for classroom use, scholarship, research, and similar purposes is not an infringement of copyright." (Sec. 185, RA 8293).

The factors considered for fair use include the following (Sec. 185, RA 8293):

- The purpose and character of the use, including whether such use is of commercial or for non-profit educational purposes;
- The nature of the copyrighted work;
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

The effect of the use upon the potential market for or value of the copyrighted work.

10. Is using copyrighted work for educational purposes automatically considered fair use and thus legally allowed?

No, not automatically. While using copyrighted work for educational purposes is consistent with fair use under the first factor on "purpose and character of use," the other three factors for assessing fair use listed in Table 1 (<https://www.aipo.ateneo.edu/copyright-guidelines>) must also be considered.

11. What are Creative Commons Licenses?

Creative Commons Licenses are public licenses created by Creative Commons that allow anyone to use copyrighted works without obtaining express permission to do so, provided the user abides by the license conditions specified by the copyright owner.

12. Can I quote from a published work such as a textbook or an academic journal?  
Yes, but subject to fair use. “The making of quotations from a published work [does not constitute an infringement of copyright] if they are compatible with fair use and only to the extent justified for the purpose, including quotations from newspaper articles and periodicals in the form of press summaries: Provided, That the source and the name of the author, if appearing on the work, are mentioned;” (Sec. 184.b, RA 8293).
13. Do I need to include the © symbol in my work?  
Copyright symbol © is not necessary but can help remind users to respect copyright

### **Ownership Issues**

14. Who owns the copyright to my thesis/dissertation/capstone project?  
As the creator of original work, you own the copyright. If you co-wrote it with others, then you co-own the same with your co-creators.
15. Who owns other IP generated by students?  
Students who are not employed by the University shall own all Intellectual Property and associated IP rights they create in the normal course of studies, subject to applicable University Use rights, EXCEPT when ownership belongs to the University in pursuant to Section 7, Section 8, and Section 9 of ADMU IP Policy (<https://www.aipo.ateneo.edu/ip-policy>).
16. Who typically owns the IP generated by University/employees?  
All rights in Intellectual Property devised, made, or created by an employee of the University in the course of his or her regularly assigned duties and activities of employment shall generally belong automatically to the University. This also applies to student employees
17. Who owns IP generated by visiting researchers?  
The AIPO shall ensure that researchers not employed by or enrolled in the University, including visiting researchers, shall sign an agreement to be bound by ADMU IP Policy, including an agreement assigning to the University ownership of intellectual property created by them in the course of activities in connection with their association with the University, prior to any engagement of any research activity at the University.
18. Who owns IP in collaborative/funded work?  
Works developed or created in the course of, or pursuant to, a scholarship sponsored by a third party under a separate agreement, a sponsored research or other third party agreement, the copyright of which shall belong to the University.

Philippine government-funded research and development, wherein the copyright belongs to the University pursuant to the Technology Transfer Act of 2009