



# SATHYA SAI INTERNATIONAL ORGANISATION OF MALAYSIA

## IP GUIDELINES

### PURPOSE

The purpose of this document is outline steps and procedures where concerns Intellectual property matter pertaining to SSIO Malaysia.

**Please be advise this is not a legal document but serves as a guideline to members of SSIO Malaysia.**

### Roles and Responsibilities

#### IP Advisor

The person should be user centric and communicate effectively to other to ensure they understand what is required. The person should also have research skills to understand the technicality of intellectual property. Other skills that would be knowledge on areas of video and photography and tools related to it

#### Terms in IP

There are few terms that is used in IP that we need to be aware of, before using them for our own usage. Please get familiar with the terms which can beneficial to you.

- **Copyright:** A photo/video is copyrighted as soon as the photographer takes it. Look for a watermark on the photo / video , although one is not required. You must seek permission to use the photo.
- **Fair Use:** Fair Use refers to the legal right to use a copyrighted photo only for educational, personal, or research purposes, or to benefit the public — not for commercial gain.
- **Creative Commons:** A Creative Commons license refers to a copyrighted photo that the owner has made available for use under certain specific requirements.
- **Public Domain:** No copyright exists either because the person who owned it has died or because the owner relinquished the copyright. No photo credit line is required. (Lifewire, n.d.)

**It is important and always remember that, if you want to use someone else work, please seek permission or at least read the terms and condition to avoid any issue.**



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### What is "Fair Use"

In many countries, certain uses of copyright-protected works do not infringe the copyright owner's rights. For example, in the United States, copyright rights are limited by the doctrine of "[fair use](#)," under which certain uses of copyrighted material for, but not limited to, criticism, commentary, news reporting, teaching, scholarship, or research may be considered fair. U.S. judges determine whether a fair use defense is valid according to four factors, which we've listed below for educational purposes. In some other countries, there is a similar concept called "fair dealing" that may be applied differently.

Remember, it is your responsibility to understand the relevant law and whether it protects the use you have in mind. If you plan to use copyrighted material you didn't create, we'd strongly advise you to take legal advice first. Google cannot provide legal advice or make legal determinations.

### The four factors of fair use:

1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes

Courts typically focus on whether the use is "transformative." That is, whether it adds new expression or meaning to the original, or whether it merely copies from the original.

2. The nature of the copyrighted work

Using material from primarily factual works is more likely to be fair than using purely fictional works.

3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole

Borrowing small bits of material from an original work is more likely to be considered fair use than borrowing large portions. However, even a small taking may weigh against fair use in some situations if it constitutes the "heart" of the work.

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

Uses that harm the copyright owner's ability to profit from his or her original work by serving as a replacement for demand for that work are less likely to be fair uses.

(Google, 2019)



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### **What are Creative Commons**

A **Creative Commons (CC) license** is one of several [public copyright licenses](#) that enable the free distribution of an otherwise [copyrighted](#) "work".<sup>[note 1]</sup> A CC license is used when an author wants to give other people the right to share, use, and build upon a work that they (the author) have created. CC provides an author flexibility (for example, they might choose to allow only non-commercial uses of a given work) and protects the people who use or redistribute an author's work from concerns of copyright infringement as long as they abide by the conditions that are specified in the license by which the author distributes the work

(Wikipedia, n.d.)

### **What is Public domain**

The term “public domain” refers to creative materials, such as books, songs, movies, artwork or other works that could be copyrighted, but that are not currently protected by copyright (or trademark, patent, or other intellectual property law). The public owns these works, not an individual author or artist. No one can ever claim ownership of a work in the public domain or prevent others from using it. Anyone can use a public domain work without obtaining permission. Works in the public domain are free to use (Counsel, n.d.)

### **Common misunderstandings about fair use**

There is often confusion over whether a use is “fair” or not. Judges use the guidelines provided in the copyright law, but have considerable discretion in determining if an accused copyright infringer will be liable to the copyright owner. There is no bright-line rule that definitively classifies a use as “fair use.” But there are a number of common misunderstandings and rumors about fair use that can be traps for the unwary. In general, remember that there is no hard and fast rule to the “fair use” defense. The best course of action is to consider the factors that judges will look at in relation to your proposed use of the work

- Any use that seems “fair” is fair use. **WRONG.** Not every use that is commonly considered “fair” in the plain sense of the word is considered “fair use” under the law.
- It’s copyrighted, so it can’t be fair use. **WRONG.** Fair use applies only to copyrighted works, describing conditions under which copyrighted material may be used without permission. Fair use is a defense to allegations of copyright infringement. If a work is not copyrighted, it is in the public domain and can be used for any purpose, so the fair use defense is irrelevant.



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- Using a copyrighted work for non-commercial use is always fair. **WRONG**. This is an important – but not determinative – factor in the fair use analysis. A judge may take into account whether the alleged infringer made money from the use or if there is a commercial motive. However, a judge must look at all of the other factors, and these may sufficiently weigh against a noncommercial, nonprofit, or educational use.
- If you're selling for profit or deriving income from your use, it's not a fair use. **NOT NECESSARILY**. While a commercial use of a copyrighted work for profit makes it harder to qualify as fair use, this is not determinative. Again, a judge may take into account a profit motive and actual financial benefit derived from the use but must also weigh all of the other factors before determining if the use is a fair one.
- If you quote under 300 words of a copyrighted work, that is a fair use. **WRONG**. There is no set minimum or maximum amount of a work that can be copied or used to be considered a fair use or an infringement.
- If you're copying an entire work, it's not fair use. **NOT NECESSARILY**. Copying an entire work goes against the third factor, the amount of the work used in relation to the whole, since the whole of the work has been taken and used. But this is not determinative of the fair use analysis. Making copies of an entire work have been found to be fair use, such as making photocopies for classroom use.
- Strict adherence to the fair use principles and factors protects you from being sued. **WRONG**. Remember that fair use is a defense against copyright infringement. It does not restrain anyone from suing you, even if you believe your use was fair. The copyright holder may legitimately disagree with your determination that the use was fair, and may file an infringement suit to have the matter decided by a court. However, the fact that you honestly believed your use to be fair may lead the court to limit the amount of damages, if any, you owe to the copyright holder.

(Counsel, n.d.)

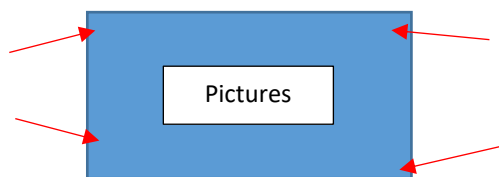


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### Usage – Twitter, Instagram, Whatsapp, FB, Youtube

- The guide that we are using would cover on the media above, banner printing, E-fliers
- It would be good if you are taking pictures from internet, always please take note of the url, the owner and seek permission
- If you are unable to seek permission, under the fair use act, we can always still use the pictures, music, videos but the risk is there for infringement but its low
- For best practices always try to give credit
  - For pictures you can always put watermark of the owners or it comes with the logo you can leave it on the pictures
  - You can always makes you use editing tools for media to add the water mark or owner details
  - Owners details normally include, logo, owners initial or short url
  - For Static pictures you can always leave it at the corners, small one



- For videos, if you are using music or the video itself, it is important that you seek the permission from the owners
- You can always add the credits at the end of the video or for presentation on the last slides
- [https://www.youtube.com/watch?v=kqq\\_oq6QWZI&t=232s](https://www.youtube.com/watch?v=kqq_oq6QWZI&t=232s) – good video on explaining on using copyright music, video
- If you want to avoid any issue with copyright, you can always look for resource from public domain
- In public domain, the pictures, music, video are not bound by copyrights act
- So when you search, just specify in search window i.e music; public domain

If all of the above is still confusing and you are not unsure, please free to contact the IP/Data Protection officer or the Media Team.