
Copyright and Intellectual Property rights

The PAT-TEIN members identified some main differences between their national law and habits regarding copyright questions. The partners decided therefore to refer to the European legislation – more concretely the directive 2001/29/EC - in order to adopt common rules in terms of copyright.

I. Authors

The names of the authors should be mentioned in the Toolkits.

II. Intellectual Property and Reproduction rights

The intellectual property of the different toolkits (common parts and border specific parts) developed within PAT-TEIN remain by the authors.

The authors have to choice -in the future- to transfer the intellectual property to their institution or the TEIN Network. For the moment this solution is not taken into account

*“Member States shall provide for the exclusive right to authorise or prohibit direct or indirect, temporary or permanent reproduction by any means and in any form, in whole or in part:
(a) for authors, of their works;”*

Article 2, Directive 2001/29/EC

The PAT-TEIN Members pay attention also to Article 5.1, Directive 2001/29/EC

*“1. Temporary acts of reproduction referred to in Article 2, which are transient or incidental [and] an integral and essential part of a technological process and whose sole purpose is to enable:
(a) a transmission in a network between third parties by an intermediary, or
(b) a lawful use
of a work or other subject-matter to be made, and which have no independent economic significance, shall be exempted from the reproduction right provided for in Article 2.”*

III. Right of communication

“Member States shall provide authors with the exclusive right to authorise or prohibit any communication to the public of their works, by wire or wireless means, including the making available to the public of their works in such a way that members of the public may access them from a place and at a time individually chosen by them.”

Article 3.1, Directive 2001/29/EC

The authors authorize the PAT-TEIN Members to put online, reproduce and distribute the Toolkits.

IV. Right of distribution

“1. Member States shall provide for authors, in respect of the original of their works or of copies thereof, the exclusive right to authorise or prohibit any form of distribution to the public by sale or otherwise.

2. The distribution right shall not be exhausted within the Community in respect of the original or copies of the work, except where the first sale or other transfer of ownership in the Community of that object is made by the rightholder or with his consent.”

Article 4, Directive 2001/29/EC