

be the mode or form of its expression, **such as...**" The expression "**such as**" opens the door to creations other than the ones set out in the list. For example, court decisions, in different countries, have protected material such as:

- private letters,
- a divorce guide,
- a haircut,
- a floral decoration of a bridge,
- a son -et -lumiere show,
- examination papers.

What is meant by derivative works?

Another important feature of Article 2 of the Berne Convention is that it protects what is commonly called "derivative works". These are works that are derived from other, existing sources. Examples of derivative works include:

- translations of works into a different language;
- adaptations of works, such as making a film scenario based on a novel;
- arrangements of music, such as an orchestra version of a musical composition initially written for piano;
- other alterations of works, for example an abridgement of a novel;
- compilations of literary and artistic works, such as encyclopedias and anthologies. In such a case, the originality resides in the choice and arrangement of the materials.

You would have to bear in mind that, before embarking in a derivative work, you must respect the rights of the author of the initial work. For example, an author who wishes to translate a novel into a foreign language should seek proper authorization from the author of the novel that will be translated. Making the translation without proper authorization would expose the translator to the risk of being sued for copyright violation.

What sort of things can be protected by copyright laws?

Copyright protects literary and artistic works, as the title of the Berne Convention states. The two concepts need to be taken in a very broad sense. The term literary, for example, does not mean just novels, poems or short stories: it could cover the maintenance manual of a car, or even things that are written but not supposed to be understood by the average human being, such as computer programs. The key to this expression in fact is the word "works". What we mean by that is that expression, human expression, is the determining factor. So, if I have the idea of painting "sunset over the sea", anyone else can use the same idea, which is not protected. But when I actually produce my painting of "sunset over the sea" the painting itself is expression, and that is protected.

What are the Rights Protected by Copyright?

In the introduction to this course it was explained that the most important feature of property is that the owner may use it exclusively, i.e., as she/he wishes, and that nobody else can lawfully use it without the owner's authorization. The phrase "as she/he wishes" does not, of course, mean that they can use it regardless of the legally recognized rights and interests of other members of society. For example, the owner of a car may use it "as she wishes," but this does not mean that she may drive her car recklessly and create danger to others, nor that she may disregard traffic regulations. Copyright is a branch of intellectual property. The owner of copyright in a protected work may use the work as he wishes, and may prevent others from using it without his