Copyright or Copyleft?
*Wikipedia* as a Turning Point for Authorship

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2. Copyright subsistence in Wikipedia
   A. Is there a work?
   B. Who are the authors?

3. Copyleft licences & the ambivalent role of copyright law

• 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


- *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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No requirement re-use be for non-commercial purposes
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’

Questions?