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Author:	John Gould, G3WKL		

IARU Copyright

Introduction

The development of amateur radio relies upon the sharing of information and ideas within the amateur community. To this end, IARU Societies issue publications, the content of which may draw on, or reference, work published by other Societies or authors. This has been the custom and practice for many years and is to be encouraged.

However, such sharing and dissemination needs to be done in a way that recognises the existence of Intellectual Property and Copyright (Appendix 1) i.e. content should only be reproduced with the agreement of the copyright holder within the appropriate legal framework.

Background

It is claimed that there is an understanding between IARU member societies that they may have the right to use copyright material owned by another member society without reference to the copyright owner. The origins of this understanding can be traced back to the 1956 Stresa Region 1 General Conference:-

Stresa (I.A.R.U.) Conference

Part 2—Technical Committee Deliberations—Final Plenary Assembly Decisions

Exchange of Technical Information

All delegates recognized the importance of the free exchange of technical information between Member

Societies. A great number of suggestions as how best this could be done were put forward and after a lengthy discussion the Committee agreed by eleven votes to three to:—

(d) Recommend to the Plenary Assembly that in order to facilitate the exchange of technical information, both theoretical and practical, between Member Societies, each society should prepare abstracts in English of articles published in its magazine and that these abstracts, together with a copy of the appropriate issue, be sent to each Member Society.

The Finnish delegate thought that a simpler way of ceding copyright than by asking for written permission for each article should be introduced.

Recommendations of the Technical Committee

The Recommendations of the Technical Committee in respect of (a) intruders in amateur bands; (b) the use of single sideband transmission; (c) the use of transistors in connection with Amateur Radio emergency networks; (d) dissemination of technical information among Member Societies (as set out in the Report of the Committee on pages 70 and 71) were approved.

It is clear that the issue of copyright was discussed at Stresa, but the Finnish suggestion did NOT form part of the recommendation that was approved. This is confirmed by both the RSGB and QST/ARRL reports of the meeting. Within IARU Region 1 a view appears to have developed that there is an agreement for the use of copyrighted material that does not require the user to request permission of the copyright owner. This does not seem to be supported by such documentation that is accessible.

Further afield, IARU Region 2 has confirmed that its position is that there is no agreement to share. In addition, there is IARU-AC Resolution 99-3 '*concerning an intellectual property rights policy for Amateur Radio*', from the IARU Administrative Council, Lillehammer, September 1999. This explicitly stated that 'recognition of intellectual property rights of the Amateur Radio innovator and ensuring the

protection of same;'

The most effective and efficient method of inter-society sharing is for each publishing body (PB) to have clear agreements with the authors that provide material to ensure that copyright is clearly assigned to the PB when material is accepted for publication i.e. the PB becomes the copyright holder. Societies may then make agreements between themselves to share material without necessarily recourse to seeking permission on each occasion if they so wish.

Proposal

Recognising that whereas:-

1. all member Societies accept that there exists in their publications¹ Intellectual Property in the form of copyright
2. that Societies should recognise the rights of authors to hold, assign and exploit their copyright
3. that Societies should therefore properly manage the existence of Intellectual Property and copyrights

Adopts the following recommendations:-

- a) IARU Region 1 Societies should follow accepted copyright law and practice. Those desiring to quote or use copyrighted material, in either paper or digital form, should as a matter of course formally request permission of the copyright holder. Where practical, societies should obtain the copyright from authors that supply material.
- b) IARU Region 1 Societies should put in place policies to manage their own copyright and that of authors with whom they co-operate.
- c) IARU Region 1 Societies should publish their policies.

¹ By publications we imply *any information products issued free or paid for in printed or digital form (including film and video) now or in the future*

Appendix 1 - What is copyright? (From Wikipedia)

Copyright is a legal concept, enacted by most governments, giving the creator of an original work, [exclusive rights](#) to it, usually for a limited time.

Generally, it is "the right to copy", but also gives the copyright holder the right to be credited for the work, to determine who may adapt the work to other forms, who may perform the work, who may financially benefit from it, and other [related rights](#).

It is a form of [intellectual property](#) (like the [patent](#), the [trademark](#), and the [trade secret](#)) applicable to any expressible form of an idea or information that is substantive and discrete.^[1]

Most jurisdictions recognize copyright limitations, allowing "fair" exceptions to the creator's exclusivity of copyright, and giving users certain rights. The development of digital media and computer network technologies have prompted reinterpretation of these exceptions, introduced new difficulties in enforcing copyright, and inspired additional challenges to copyright law's philosophic basis.