

## What are authors' rights?

Authors' rights cover all the property and moral rights of an author for intellectual work that are foreseen and recognised by the law in force. Articles 1 -5 of Act 633/1941 and amendments set out what works are covered by authors' rights. Under the current legislation, there are two components to authors' rights:

1) The right of economic exploitation, which lasts throughout the author's life and for 70 years after his/her death. These property rights may be acquired, sold or transferred in any manner or form allowed by law.

The key rights of economic exploitation are:

- a) right of reproduction;
- b) right to perform, read or recite the work in public;
- c) right to public dissemination;
- d) right of distribution;
- e) right of transformation.

2) Moral rights do not expire, are personal and inalienable. The key moral rights are:

- a) right to claim ownership, that is, to be recognised as the author of the work;
- b) right to object to any modification to the work, with all changes having to be authorised by the author;
- c) right to publish, that is, the right to decide whether or not to publish a work;
- d) for unpublished works, it is necessary to have written authorisation simply to consult the work (e.g. degree theses);

Authors' rights are protected by Act 633 of 1941 and amendments.

\*\* cover  
a detail from the Codice Atlantico by Leonardo da Vinci (1452 - 1519)  
graphic design, D. Ferretti

# The Politecnico's Library System

## Guide to authors' rights

POLITECNICO DI MILANO



SISTEMA BIBLIOTECARIO  
DI ATENEIO



## Are authors' rights and copyright the same?

Authors' rights and copyright are not the same since copyright is linked to a different cultural and geographical context. Copyright can be seen as the totality of the applicable authors' rights in Anglo-Saxon countries and the United States.

## What can one photocopy in the library?

Up to 15% of a published work (books or magazines) can be photocopied, excluding advertisements, provided it is for personal use.

## What cannot be photocopied?

- Unpublished material cannot be reproduced in any form whatsoever, (e.g. degree and doctorate theses) without written permission from the author;
- ancient or especially valuable material, so as to physically protect the works.

## Can I take photos in the library?

Photographs can be taken of material in the library (within the 15% limit) provided it is for personal use and the means used are not suited to public dissemination (e.g. analogue cameras are acceptable, but digital ones are not).

## Can I use a scanner or a digital camera?

Scanning/digitization is different to photocopying. Printed works can only be digitized 70 years after the author's death or with written authorization from the author, publisher or heirs (or the owner of the economic exploitation rights).

For journals and magazines, the relevant rights expire 70 years from the end of the year in which that specific issue of the journal or magazine was published.

## Are electronic resources (databases, electronic journals, e-books...) subject to authors' rights?

Every electronic document has certain rights, linked to various factors:

- origin (country of production);
- place (country of use);
- agreed conditions/means (agreements and licences).

These factors can mean other laws also apply: authors' rights, 'sui generis' protection laws, authors' rights to individual pieces of information in a database, copyright for Anglo-Saxon countries or conditions set out in agreements governing licencing for access to local or remote information.

## Do authors' rights cover maps?

All cartographical material, whether current or historical, in digital format or hard copy, is subject to various rights linked to:

- origin of the material (place of production: public entity, private body or other);
- conditions/means agreed between the Politecnico and the owner of the maps (agreements and licences).

These conditions mean that other laws need to be taken into account: authors' rights, 'sui generis' protection laws or conditions set out in agreements governing the licences about access to information, independently of the format and date.

As such, there is no single rule that can be applied to all maps. For example, one can reproduce the Lombardy Regional Administration's Regional Technical Map (scale 1:10,000) from 1994, citing the source, since it can be consulted freely, while the maps (scale 1:25,000) from the Istituto Geografico Militare (Military Geography Institute) cannot be reproduced in any format (both the 1889 and 1970 versions) because all rights are reserved (as is stated in the respective agreements with the Lombardy Regional Administration and IGM).

## What is plagiarism?

Plagiarism is copying someone else's work, a part of a work or an elaboration of the work, and pretending it is your own, thus denying the author the rights recognised by law.

## What is counterfeiting?

Counterfeiting is the economic exploitation of a work without the consent of the author (e.g. pirated CDs and films, reproducing a work or part of a work for economic gain).

## Can I use part of a work without citing the source?

Article 70, paragraphs 1 and 3 of the Act in question states: "The abridgment, quotation or reproduction of fragments or parts of a work for the purpose of criticism or discussion, or for instructional purposes, shall be permitted within the limits justified for such purposes, provided such acts do not conflict with the commercial exploitation of the work."

"The abridgment, quotation or reproduction must always be accompanied by a mention of the title of the work and of the names of the author, the publisher and, in the case of a translation, the translator, whenever such mentions appear on the work that has been reproduced."

(WIPO translation)

This act also covers material available on the web.

## What are the punishments for violating author's rights?

There are a series of civil, criminal and administrative instruments in place to deal with any behaviour that damages authors' rights.

\*\* For further information, it is recommended that one consults the Act in question.