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# Wiki Loves Africa webinar

— Intellectual property, copyright, licenses —  
and other legal issues

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By Florence Devouard  
User:Anthere

## Florence Devouard

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Former Chair Wikimedia Foundation  
Co-Founder Wikimedia France  
Wikipedian in Residence at WIPO

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## Wiki Loves Africa

Meta: [https://meta.wikimedia.org/wiki/Wiki\\_Loves\\_Africa\\_2024](https://meta.wikimedia.org/wiki/Wiki_Loves_Africa_2024)

Concours : [https://commons.wikimedia.org/wiki/Commons:Wiki\\_Loves\\_Africa\\_2024](https://commons.wikimedia.org/wiki/Commons:Wiki_Loves_Africa_2024)

Site : <http://www.wikilovesafrica.net>

twitter: @wikilovesafrica

facebook: wikilovesafrica

instagram:wikilovesafrica

youtube: [channel](#)



WIKI  
LOVES  
AFRICA



The annual  
visual celebration  
of Africa

Call for entries:

- Photography
- Video
- Audio



All photographs, videos, and audio taken in or associated with "Africa" and relating to the theme are welcome.

Entry deadline: 30 April 2024

ENTER: [bit.ly/WLA24\\_Enter](https://bit.ly/WLA24_Enter)

**AFRICA  
CREATES 2024**





# Wikimedia Commons

A collection of **104 574 115** freely usable media files to which anyone can contribute

Everyone can add content (audio, video, photo, graphics etc.)

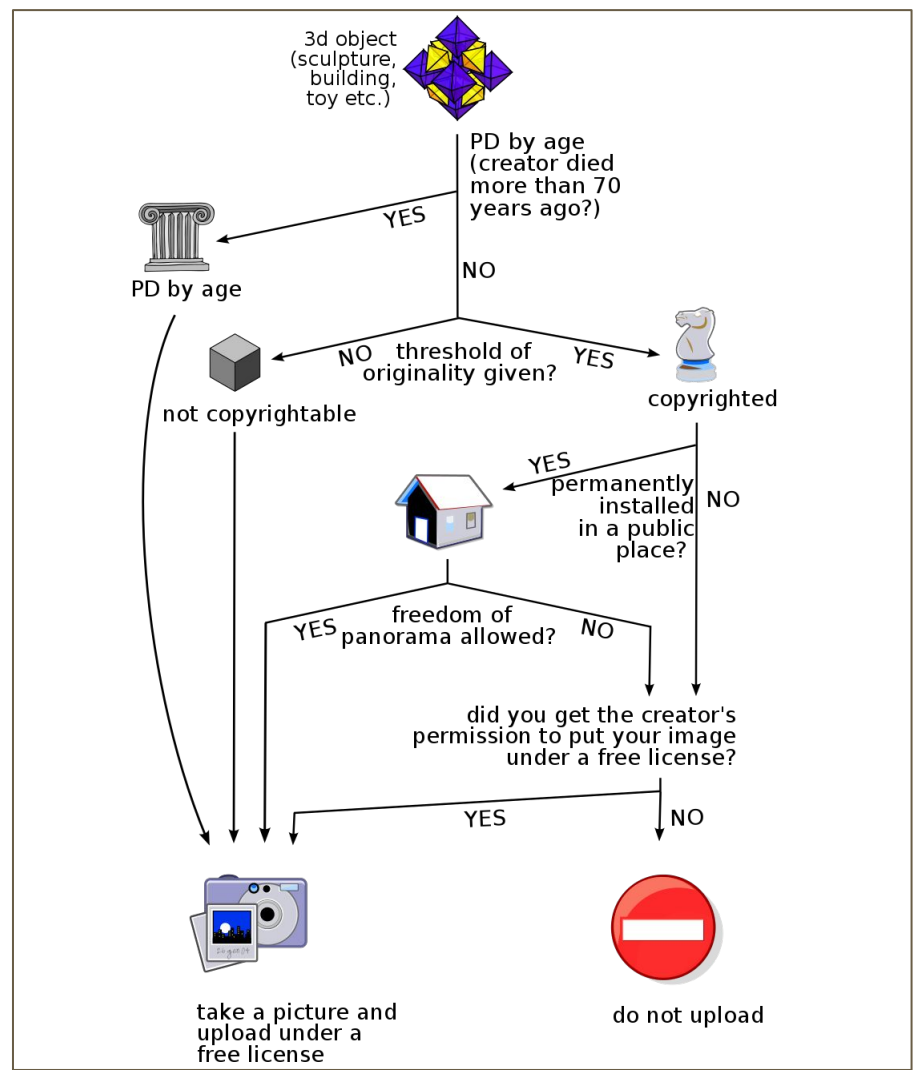
Anyone can reuse media published on Commons, as long as it respects the licence chosen by the author

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# IP on Wikimedia Commons

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## It's complicated



# Topics addressed

- What is copyright ?
- Duration of copyright
- The threshold of originality
- Creative Commons licences
- Licences accepted on Commons
- Freedom of Panorama
- *De minimis*
- Photo of people
- Watermarks
- Reviews by the community
- The Volunteer Response Team

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**1. Every creative works produced is covered by copyright**



**Every** works, including buildings, sculpture, artworks and photographs are **automatically** protected by copyright and only a minimal degree of **creativity** is required.





# Which “rights” are covered ?

## Economic rights

- reproduction of the work in various forms, such as sound recordings;
- distribution of copies of the work;
- public performance of the work;
- broadcasting or other communication of the work to the public;
- translation of the work into other languages;
- adaptation of the work, such as turning a novel into a screenplay.

## Moral rights

1. the right to claim authorship of a work (sometimes called the right of paternity or the right of attribution); and
2. the right to object to any distortion or modification of a work, or other derogatory action in relation to a work, which would be prejudicial to the author's honour or reputation (sometimes called the right of integrity)
3. sometimes more...



source : [https://commons.wikimedia.org/wiki/File:Des\\_Mains\\_qui\\_Parlent\\_08.jpg](https://commons.wikimedia.org/wiki/File:Des_Mains_qui_Parlent_08.jpg)



## Summary [\[ edit | edit source \]](#)

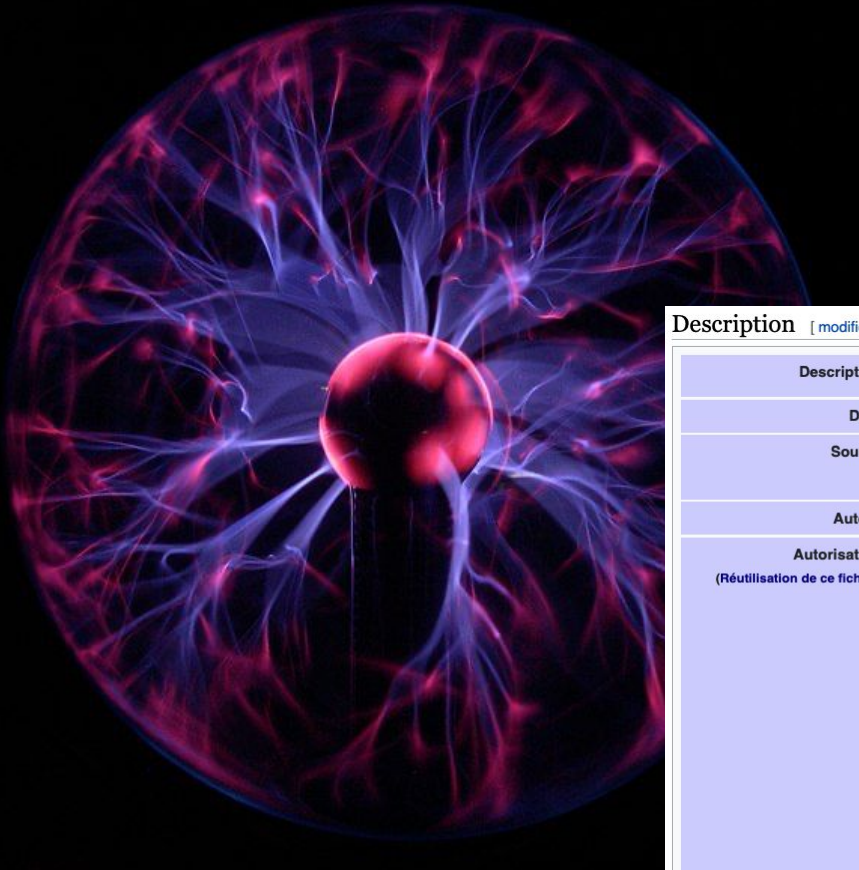
**Description** **Français** : Ousmane TRAORÉ, maître brodeur traditionnelle de Djenné, est un trésor vivant dont les mains racontent l'histoire d'un peuple. À travers les photographies capturées par Hamdia Traoré, on plonge dans l'univers créatif d'Ousmane, contemplant les détails et ressentant l'essence de son artisanat. La broderie traditionnelle à la main de Djenné incarne la culture et les valeurs d'un peuple, transmettant des messages sans mots. Ousmane, proclamé Trésor Humain Vivant, joue un rôle essentiel dans la préservation et la transmission de cet art millénaire. Ses mains sont bien plus que des instruments de création, elles sont les gardiennes d'une identité séculaire. Par ces images, la parole muette de la broderie s'élève en symbole de résistance à l'oubli, rappelant l'importance de préserver cet héritage culturel.

This is an image with the theme "*Africa Creates*" from: [Mali](#)

**Date** 19 March 2019, 17:27:30

**Source** Own work

**Author** [Hamdia Traoré](#)



## Description [\[ modifier \]](#) [\[ modifier le wikicode \]](#)

<b>Description</b>	<b>Français</b> : Lampe plasma.
<b>Date</b>	2004
<b>Source</b>	<ul style="list-style-type: none"><li>• own work <a href="https://www.lucnix.be">www.lucnix.be</a></li><li>• nikon case Coolpix 4300</li></ul>
<b>Auteur</b>	Luc Viatour
<b>Autorisation</b> (Réutilisation de ce fichier)	

*This image is the work of **Luc Viatour***

Please credit it with: **Luc Viatour** / <https://Lucnix.be> in the immediate vicinity of the image. A link to my website <https://lucnix.be> is much appreciated but not mandatory.



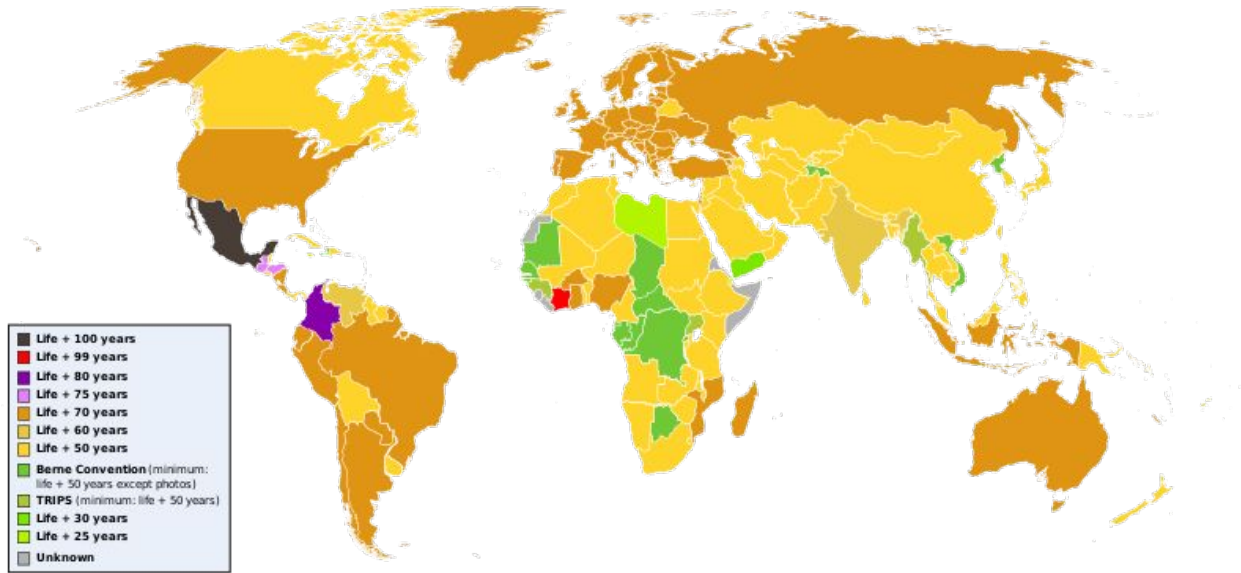
An email to [Viatour Luc](mailto:Viatour Luc) would be appreciated too.

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More free pictures in my [personal gallery](#)

> the author added more info about himself

## 2. Duration of copyright is variable depending on the country



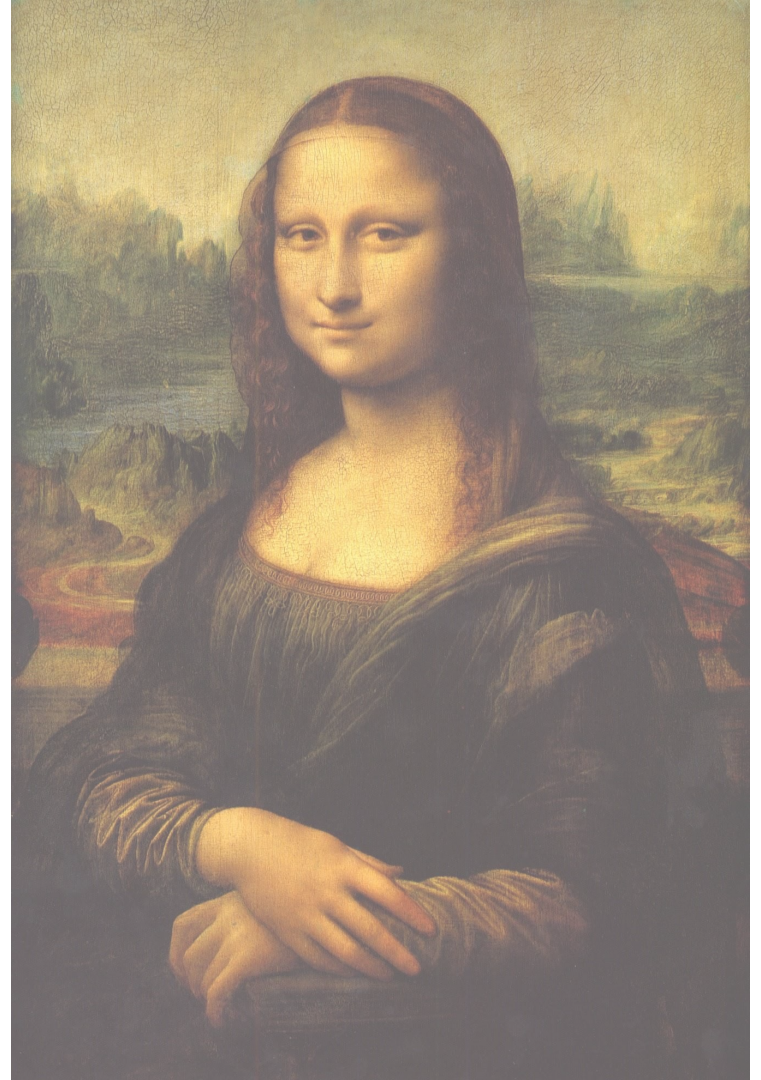
Copyright expires! Works whose copyright expired become public domain (in most countries)

The duration of copyright varies from country-to-country but broadly speaking and for recent decades, it's **rarely less than 70 years** after the death of the author or creator. [Access copyrights rules by territory.](#)

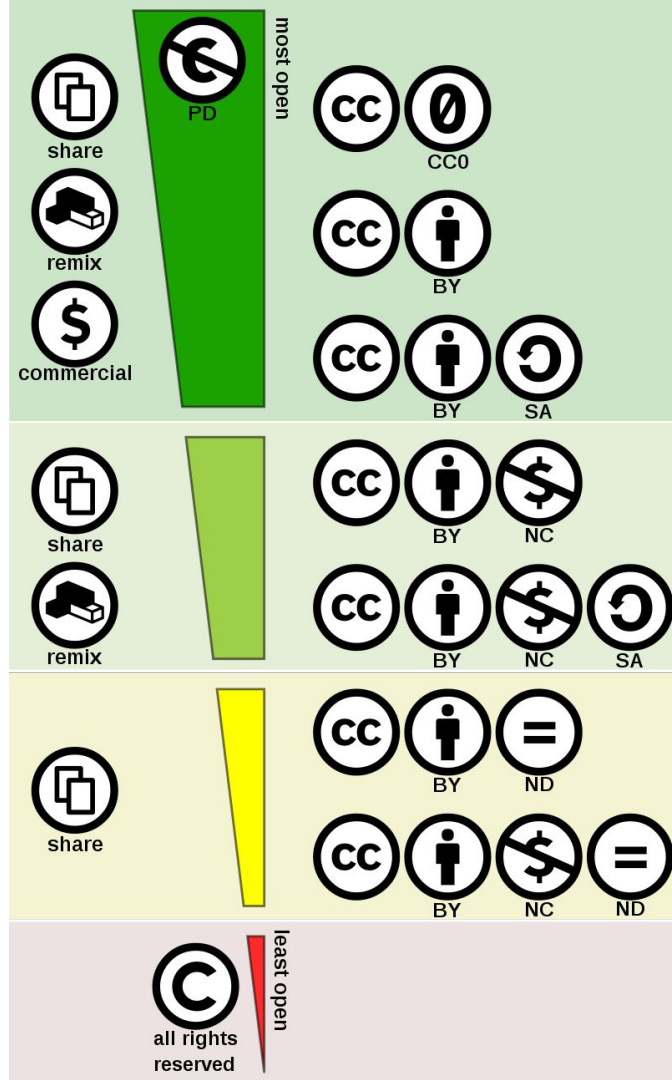
### ***3. Creative Commons licences facilitate use, redistribution, remixing of content protected by copyright***

If you are creating materials, and you want to share with others, you have options!

By selecting an explicit license in advance, you inform the public what use of your works are acceptable.



	Attribution (BY)
	Share-alike (SA)
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***4. Only specific licences (and file formats) are accepted on Wikimedia Commons***



Creative Commons operates several licenses but only three (3) of these licenses are accepted on Commons.

They are  
CC-BY,  
CC-BY-SA, and  
CC0

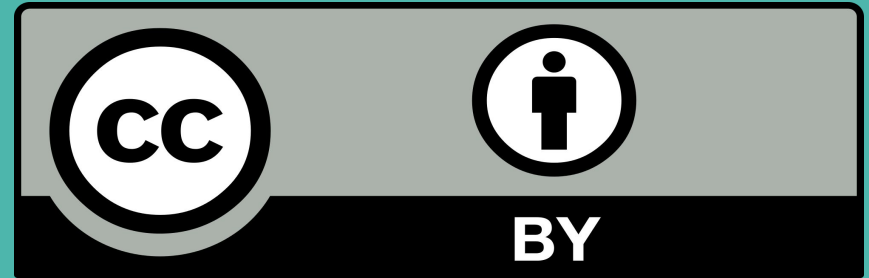
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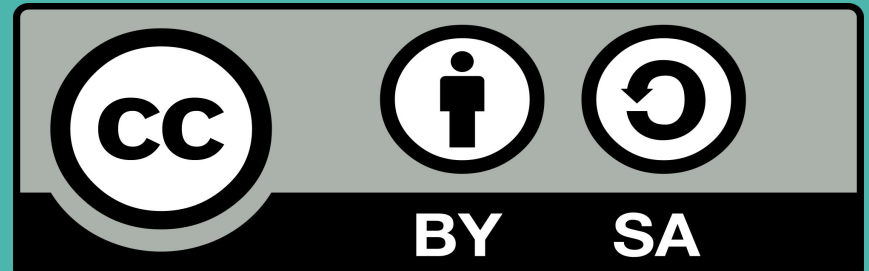
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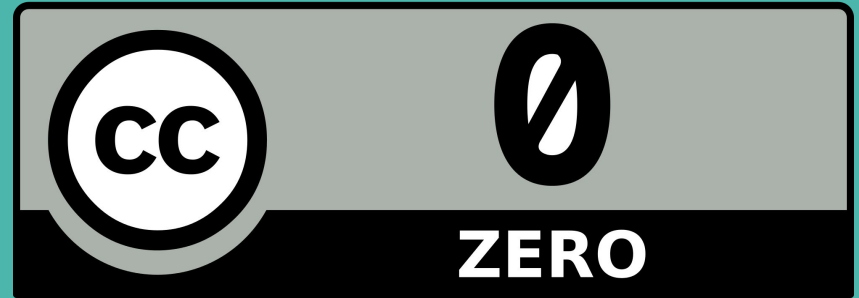
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want, just like the  
public domain



**Description**

**Français** : Ousmane TRAORÉ, maître brodeur traditionnelle de Djenné, est un trésor vivant dont les mains racontent l'histoire d'un peuple. À travers les photographies capturées par Hamdia Traoré, on plonge dans l'univers créatif d'Ousmane, contemplant les détails et ressentant l'essence de son artisanat. La broderie traditionnelle à la main de Djenné incarne la culture et les valeurs d'un peuple, transmettant des messages sans mots. Ousmane, proclamé Trésor Humain Vivant, joue un rôle essentiel dans la préservation et la transmission de cet art millénaire. Ses mains sont bien plus que des instruments de création, elles sont les gardiennes d'une identité séculaire. Par ces images, la parole muette de la broderie s'élève en symbole de résistance à l'oubli, rappelant l'importance de préserver cet héritage culturel.

This is an image with the theme "*Africa Creates*" from: [Mali](#)

**Date** 19 March 2019, 17:27:30

**Source** Own work

**Author** [Hamdia Traoré](#)

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You are free:

- **to share** – to copy, distribute and transmit the work
- **to remix** – to adapt the work

Under the following conditions:

- **attribution** – You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.
- **share alike** – If you remix, transform, or build upon the material, you must distribute your contributions under the same or compatible license [as](#) the original.



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Camera manufacturer	<a href="#">NIKON CORPORATION</a>
Camera model	<a href="#">NIKON D7000</a>
Exposure time	1/100 sec (0.01)
F-number	f/4.5
ISO speed rating	400
Date and time of data generation	10:15, 18 March 2019
Lens focal length	22 mm
<a href="#">Show extended details</a>	



## ***5. Threshold of originality helps decide whether an image is copyrightable or not***

The threshold of originality is used in copyright law to assess whether or not a particular work, or a portion of it, can be copyrighted. It is used to distinguish works that are sufficiently original to warrant copyright protection from those that are not.

*Ets-Hokin v Skyy Spirits Inc.:* Photo is eligible for copyright protection, but not the bottle in the USA



*Simple logos and design  
are OK to upload to  
Commons, because they  
are below the threshold  
of originality*

The logo of Chicago Union Station is not considered a "work of authorship" because it only consists of text in a simple typeface, so it is not an object of copyright in respect to US law. However, this logo is still protected by trademark laws.

CHICAGO  
UNION STATION

# Threshold differ per country...

How does the "threshold of originality" vary per country?



Simple-word Logo

Can be protected  
nowhere.



"Abstract" Wilber  
isotype with logo

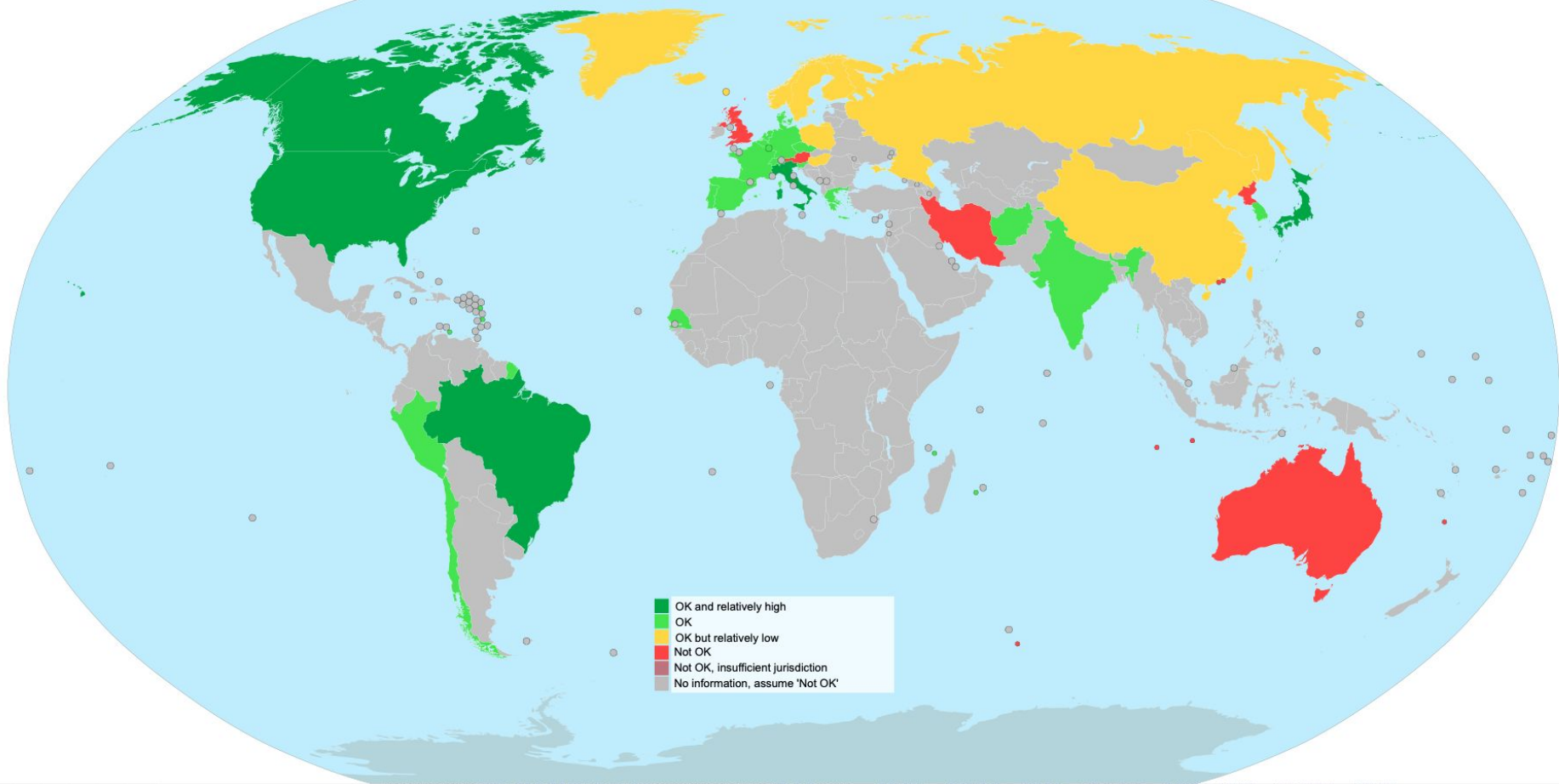
Can be protected in:  
Austria, UK and other  
"skill and labour"  
countries.



Actual Wilber  
isotype with logo

Can be protected  
anywhere.  
Needs a free license.





Threshold of originality world map - 2021. PD



## *6. Freedom of panorama*

In most countries, all paintings, sculpture, architecture, text, and other creative works have copyrights which last for 70 years after the death of the creator. An image of a work that is still under copyright is a derivative work, and infringes on the copyright so that we cannot usually keep the image on Commons.

**In some countries, there is a special exception** to the copyright law which allows such images under certain circumstances. We call that exception freedom of panorama (FOP).

Unfortunately there is no applicable FOP exception in some (many) African countries

# *Freedom of panorama, or lack thereof, limits uploads to Commons*

Works on permanent public display in the above-listed countries may not be free (no applicable freedom of panorama exception in these countries).

Benin Republic, Botswana, Burkinafaso, Cameroon, Cape Verde, Central African Republic, Comoros, Democratic Republic of the Congo, Republic of the Congo, Djibout, Equatorial Guinea, Eritria, Ethopia, The Gambia, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagaska, Malawi, Mali, Mauritius, Mozambic, Namibia, Niger, Rwanda, Senegal, Sao Tome Principe, Seycheles, Sierra Leone, South Africa, Sudan, Togo, Zambia.

**Therefore, you may not take photograph of copyrighted works on public display without a written permission from the creator of those works or a clear evidence that the copyright has expired.**

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*minimis non curat lex*  
("The law does not concern itself with trifles").

## ***7. De minimis***

De minimis is a concept in copyright used to describe the minimal or trivial use of copyrighted works in such a way that permission or consent of the copyright holders is not required

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## *De minimis*

This photograph is acceptable as the copyrighted images appearing on the screens are *de minimis*

David Lytle CC-BY-SA 2.0



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## *De minimis*

This photograph is not a copyright violation since its focus is not the Louvre pyramid but the entire plaza



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# *Freedom of panorama vs De minimis*

Burj Khalifa

(UAE allows the freedom of panoramas only when used in broadcast programs.)

In countries where there is no applicable **freedom of panorama**, if the copyrighted object (building, sculpture, artwork etc) is incidental to your image, the principle of *De minimis* may apply and as such, the image could be uploaded on Commons



## ***8. Photos of people : legal rights of the subjects constitute non-copyright restrictions***

Contents on Wikimedia Commons are free for use, modification, and redistributions under its specific license but some files may be subject to additional legal restrictions when they are used in particular circumstances or in particular ways.

These limitations may arise from laws related to **trademarks, patents, personality rights, political censorship**, or any of many other legal causes which are entirely independent from the copyright status of the work.

[Access to Deletion policy](#)

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***Example of a  
Non-Copyright  
Restriction:***

***Trademarks***

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This logo of Chicago Union Station is not considered a "work of authorship" because it only consists of text in a simple typeface, so it is not an object of copyright in respect to US law. However, this logo is still protected by trademark laws.

CHICAGO  
UNION STATION



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***Another example of  
Non-Copyright  
Restrictions:  
Personality rights***

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Every person(s) have a right to publicity, the right to control the commercial use of their identity, name, image etc.

Creative Commons licence(s) are irrevocable but a subject of an image still reserve the right to request that their image be deleted from Commons and any other website if they believe that the use of such image violates their personality rights (even though the image is protected by copyright)

## 9. Use of watermarks on Commons is limited

For the purposes of Wikimedia Commons, watermarks are classified as

1. ✗ *Destructive watermarks*, which significantly obstruct use of a work.
2. ✗ *Promotional watermarks*, which go significantly beyond asserting authorship/copyright, for example, to promote a website.
3. ? *Visible watermarks*, which are neither destructive nor promotional.
4. ✓ *Invisible watermarks*, which are forms of [digital watermarking](#) that do not affect use.

**Description**

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**Date** 19 March 2019, 17:27:30

**Source** Own work

**Author** [Hamdia Traoré](#)

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- **to remix** – to adapt the work

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- **share alike** – If you remix, transform, or build upon the material, you must distribute your contributions under the same or compatible license [as](#) the original.



Metadata

This file contains additional information such as Exif metadata which may have been added by the digital camera, scanner, or software program used to create or digitize it. If the file has been modified from its original state, some details such as the timestamp may not fully reflect those of the original file. The timestamp is only as accurate as the clock in the camera, and it may be completely wrong.

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ISO speed rating	400
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Lens focal length	22 mm
<a href="#">Show extended details</a>	

***10. The Commons  
community is actively  
reviewing the copyright  
situation of images  
uploaded***

to be sure that only contents  
that are compatible with  
Commons licenses are uploaded

and many other rules (not  
discussed today)

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## *Reviewing the copyright situation of images uploaded*

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In most cases, images that violates copyright are  
\* either nominated for deletion to allow some  
time for discussion  
\* or speedily deleted.

When this happen, politely explain why you think  
the image is free for upload to Commons.

If they are uploaded as part of the Wiki Loves  
Africa contest, notify the organisers, they would  
be happy to help review the situation and advise  
you accordingly.

Remember to look at your notifications :)

# 11. Permissions or confirmations of authorship may be confirmed by email

The Volunteer Response Team (VRT) manages recording system to file permissions, release of rights, confirmation of authorship, or to file a complaint.

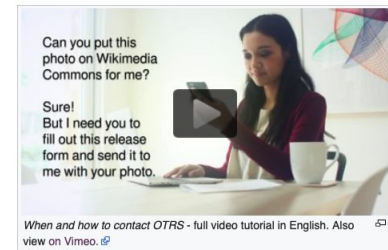
Process and email templates:

[https://commons.wikimedia.org/wiki/Commons:Email\\_templates](https://commons.wikimedia.org/wiki/Commons:Email_templates)

Permission generator : [VRT release generator](#)

email: [permissions-commons@wikimedia.org](mailto:permissions-commons@wikimedia.org)

[Detailed video](#) : When and how to contact VRTS (formely known as OTRS)



## 12. Proper attribution of images published under Creative Commons licenses

### The TASL method

(Title, Author, Source, Licence)

For English speakers :

[https://wiki.creativecommons.org/wiki/best\\_practices\\_for\\_attribution](https://wiki.creativecommons.org/wiki/best_practices_for_attribution)

Pour les francophones :

[https://commons.wikimedia.org/wiki/File:CC\\_CF2\\_Attribution\\_Poster\\_FR.pdf](https://commons.wikimedia.org/wiki/File:CC_CF2_Attribution_Poster_FR.pdf)



Jeunes filles à Busua, par Adam Jones. Flickr sous licence CC BY 2.0

Le titre

L'auteur

La source

La licence