

Re: What am I doing wrong?

Source: <http://linux.derkeiler.com/Newsgroups/comp.os.linux.setup/2004-10/0441.html>

From: Juhan Leemet (juhan_at_logicognosis.com)

Date: 10/13/04

Date: Wed, 13 Oct 2004 14:35:15 -0200

On Wed, 13 Oct 2004 05:50:40 +0000, Bill Unruh wrote:

> *Tim Haynes* <usenet-20041012@stirfried.vegetable.org.uk> writes:
> *JPaul Lutus* <nospam@nosite.zzz> writes:
>
> *[[snip]*
> *J]>> How on *earth* can you copyright tide data? It's a fact of nature...*
> *JI would be inclined to refine that view, to suggest that it's a matter*
> *of Jdoing *work* that gives you the copyright; whether you choose to*
> *recoup the Jcost thereof is a matter of licensing thereafter.*
>
> *JBut then again, IstillANAL. :)*
>
> *J]>> Seems the law must change to stop this sort of exploitation*
> *occurring. J]>*
> *J> This isn't so egregious as some abuses. After all, the Fourier J>*
> *coefficients represent an efficient distillation of many hundreds of J>*
> *hours of effort in the field, per site.*
>
> *JIt doesn't sound like an abuse to me at all. Do work resulting in some*
> *Jobjective representation of IP, will have copyright. If you don't want*
> *to Jpay to use it, negotiate special rates or do the work yourself.*
>
> *No, the work must be creative work. It cannot be a mere compilation for*
> *example. And with sufficient creativity, the amount of work needed need*
> *not be very great.*
> *The question is a) whether creativity went into the creation of the*
> *work, and b) whether there exist other ways of representing the idea*
> *that that work represents. Ie, if it can be shown that there is only one*
> *way of representing the idea, then it is AFAIK not copyrightable.*

Hmm, I'm not sure we all define/understand "creative" in the same way? I do recall something about the work not being merely an automated transformation, there must be something (new?) added to it.

For example you could not program a robot to discover the 10 most <something> sites on the web and try to prevent someone else from using that list. They can use the same public information to derive their own list. Even if that list is the same as yours, you have no special rights.

comp.os.linux.setup: Re: What am I doing wrong?

However, that does not mean they automatically have any rights to your program/criteria that you use to generate your list.

Some compilations do actually have some (minimal? creative?) input: for example, music CD compilations. One could argue that the act of selecting those particular songs for the compilation (based on a theme of some kind?) is actually a (subjective?) creative act, not merely a mechanical or automatic transformation. You should see some of the argument on alt.guitar about who is the best guitarist (silly question, IMO).

So, I would think that tide data could be copyrighted. First of all, it is derived, there is nothing in nature that is clearly identifiable (like the presence or absence of something). You don't directly measure the tide. You measure the height/depth of the water. Then you compute the time for high and low tide. Then you collect your calculations and come up with a predictive formula to generate tables. Oh, and there are local variations, as in weather, depending on local topology (or whatever you call it). It is not at all obvious. I used to manage computer stuff at a company that did meteorological & oceanographic data collection and processing. They would scream blue murder if you took one of their books of mariners' wind & wave seasonal charts and copied it, esp. for resale. Copying in part (fair use) for commentary, or copying for personal use are special cases. The last one (maybe still illegal? but) difficult to detect (hence pursue).

I guess if there is a dispute, take it to court. All other cases (like the U.S. Supreme Court case that was mentioned) notwithstanding, you have to try your own particular dispute in court. Arguing in a newsgroup is just gossip and opinion (like many things, everyone has one, or more).

(oh, and IANAL)

--

Juhan Leemet
Logicognosis, Inc.