

## Editorial

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### Writing a textbook equals balancing on a copyright tightrope, or does it?

When you embark on writing a textbook, as I did a while ago, you start out with the belief that you will impress the scientific world with THE standard work on your subject. By necessity, a textbook is a compilation, an authoritative corpus of what is known and what has been written about a certain subject. And, in contrast to writing fiction, you are going to use published material to support your facts and statements, your opinions and interpretations. You realize, of course, that published material is almost always protected by copyright. As the Oxford dictionary asserts: Copyright is the exclusive legal right granted for a specified period to an author, designer, etc., or another appointed person, to print, publish, perform, film, or record original literary, artistic or musical material.

So sooner or later you will wonder whether you should not acquaint yourself with the rules that govern copyright protection, and you begin roaming the web. This is what you will find: The rules for copyright protection are laid down in a treaty, the Berne Convention for Protection of Literary and Artistic Works, signed at Berne, Switzerland, on September 9, 1886; it includes all arts, protocols, and revisions thereto, and like "Paris Text 1971", it is adopted by many countries. The text of the Berne Convention for Protection of Literary and Artistic Work (the Berne Convention) includes 38 articles and an additional 6 articles in the appendix (<http://www.law.cornell.edu/treaties/berne/overview.html>). All of them are accessible through the internet and can easily be linked to. One gets the impression that there is no creative work on this planet unprotected by copyright.

Then the important question arises: To what extent may I quote from a work protected by copyright? Article 10 of the Berne Convention deals with this subject. Since it was so important for me, the textbook writer, I shall share the full text of Article 10 with you:

(1) It shall be permissible to make quotations from a work which has already been lawfully made available to the public, provided that their making is compatible with fair practice, and their extent does not exceed that justified by the purpose, including quotations from newspaper articles and periodicals in the form of press summaries.

(2) It shall be a matter for legislation in the countries of the Union, and for special agreements existing or to be concluded between them, to permit the utilization, to the extent justified by the purpose, of literary or artistic works by way of illustration in publications, broadcasts or sound or visual recordings for teaching, provided such utilization is compatible with fair practice.

(3) Where use is made of works in accordance with the preceding paragraphs of this Article, mention shall be made of the source, and of the name of the author, if it appears thereon.

Source: <http://www.law.cornell.edu/treaties/berne/10.html>

So far so good: the textbook writer may make use of quotations as long as the source, and the name of the author are mentioned in the text, just as it is done in any scientific journal.

But there is a fly in the ointment. Some editors/publishers of multi-author textbooks place a limit on the number of references per chapter. The usual arguments are that pages in books are expensive and that most readers are not interested in references anyway (with the notable exception of the unquoted authors of the articles, of course). How should one navigate between the economic Skylla of the editor/publisher and the legal Charybdis of copyright protection? Even if the textbook writer would know everything by heart about the subject covered in the nascent textbook, can he or she claim its entire content as personal intellectual property (and have the entire textbook copyrighted), without quotes and references? Legally, it can be done, and perhaps a textbook in that style will please most readers. Whether it pleases the colleagues and peers who have contributed to the subliminal knowledge of the author and have stocked his/her memory is quite another matter. No tightrope act for the textbook writer, but where is the line between science and fiction? Is it really only a question of taste?