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**Scientific and critical editions of texts as objects of copyright and related rights**  
summary of doctoral dissertation

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Those who engage in textual criticism and prepare scientific and critical editions are intermediaries between the person who prepared a given material (literary work, document etc.) and a contemporary reader. The purpose of preparing scientific and critical editions is to make a material available in a trustworthy shape, without any contaminations. Interfering with the available evidence is a crucial part of such preparation, necessary to prepare a proper version of the material. A scientific or critical edition can then become a basis for further research and, which is equally important, be used as a basis for a popular or school edition. Textual scholars can be perceived as gatekeepers, especially with regard to old cultural objects. In some cases the public is acquainted only with the effects of their work, because the source materials are not easily available.

Until July 2000, scientific and critical editions could only be potentially protected by copyright. When art. 99[1] and subs. of the Act on copyright and related rights (pr. aut.) entered into force on 22nd July 2000, two new related rights were introduced to the Polish legal system: the right to first editions and the right to scientific or critical editions. The latter right deals explicitly with editions described in this dissertation, while the former can sometimes relate to them. Both are specific in such matter that only materials from the public domain can be their objects. In other word, the lawmaker clearly open the way to remonopolize certain cultural objects by means of intellectual property rights.

The primary goal of this dissertation is to answer the question, whether and to what extent can scientific and critical editions of texts be protected by copyright or related rights. Consequently, the following hypothesis was formulated: scientific editions and critical editions are not homogenic, so various elements of the same edition can be protected under different intellectual property rights. This is accompanied by another hypothesis: only in exceptional cases can elements of such editions be protected by copyright.

There are six chapters in the dissertation, arranged in a manner inspired by the general structure of the Act on copyright and related rights.

In the first chapter, which concerns terminological issues, I describe the concepts of text, textology, textual criticism, scientific edition and critical edition, along with the structure of such editions. These form the basis of the further presentation. This includes the ascertainment that a text is a collection of linguistic signs (i.e. words or sentences) fixed graphically by any technique, forming an expression.

In the second chapter I discuss the possibility of protection of scientific or critical editions under copyright law or the related right from article 99[2] pr. aut. Due to the importance of this issue, this is the most extensive part of the dissertation. After describing the requirements for protection respectively for copyright and the related right, I analyze particular elements of a scientific or critical edition. An attempt is

also made to determine the relationship between the copyright protection and the protection under the related right.

The third chapter concerns the content of intellectual property right. I describe the economic rights (including the authors' economic rights and the purely economic related right from art. 99[2] pr. aut.) and discuss the possibility of protection of moral rights, under authors' moral rights or within personal rights under civil law. I also discuss issues related to fair use and the period of protection under various regimes.

The fourth chapter concerns the owner of intellectual property rights. Firstly, I identify the initial owner of rights to editions. Analysis of the status of editions prepared by employees and of the possibility of transferring the rights form a considerable part of the chapter. The latter also concerns licenses.

The fifth chapter is completely focused on the right to first editio (art. 99[1] pr. aut.). This related right is autonomous in such a way that a first edition does not have to be a scientific or critical edition, and vice versa. However, it is not uncommon for a critical edition to also be a so called *edition princeps*. Hence the question if and in what circumstances when a right to critical or scientific edition is acquired, a right to first edition can be obtained as well. It is also necessary to verify if the owner of the right to first edition can influence the exploitation of a scientific or critical edition of the same work or text.

In the sixth chapter I describe two institutions which can potentially, in exceptional cases, find use in the context of scientific or critical editions. These are: database rights (broadly construed) and torts, including civil law torts and unfair competition torts.

The research confirmed the hypothesis that scientific editions and critical editions are not homogenic not only from the point of view of textual criticism and text linguistics, but also from the perspective of intellectual property law. Various elements of the same edition can be protected under different intellectual property rights. The second hypothesis was also mostly confirmed. A rule was identified, according to which the non-textual elements of an edition (such as the introduction and commentary) copyright protection is generally possible. However, the textual elements, which indeed are the only ones with autonomous commercial value, copyright protection can exist only exceptionally. The related right to scientific or critical editions is their main basis for protection.

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