



A Comparative Study of the Right of Attribution in the Legal Systems of Iran, the United Kingdom, and the United States of America

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Abstract

The right of attribution refers to the entitlement to safeguard the name and identity of the creators of intellectual works. It entails acknowledging the creator's authorship and preventing the misattribution of the work to others. This right, also referred to as the "right to the name" or "paternity right of the work," is explicitly recognized and protected by the legislation governing intellectual property rights in Iran, the United Kingdom, and the United States of America. In these countries, various laws include provisions pertaining to this right. It is important to note that in the legal sources related to the right of attribution in the United Kingdom and the United States of America, judicial procedure has a special place. A source that does not play a significant role in Iran's domestic law in protecting the intellectual rights of creators. This distinction arises from Iran's adherence to the principles of the author's right system, while the United Kingdom and the United States of America, being members of the common law legal system, have embraced the copyright system, resulting in variations in the protection of authors' intellectual rights in these countries. Consequently, disparities exist among the laws of these three nations concerning the independent recognition of this right, its precise definition, and the acceptance of its various aspects. Furthermore, different approaches have been adopted regarding the coverage of the right of attribution, the individuals and works eligible for attribution, and the duration of protection, thereby reflecting varying levels of safeguarding across these countries. Considering the aforementioned points, the present study adopts a descriptive-analytical methodology to conduct a comparative examination of the concept, aspects, and scope of the right of attribution within these three legal systems. The findings of this research indicate that the right of attribution encompasses two aspects: positive and negative. The positive aspect entails actions that facilitate the identification of the creator, such as including the creator's actual or pseudonymous name in the work and revealing the creator's identity in works that were originally presented anonymously or under a pseudonym. On the other hand, the negative aspect empowers the creator to prevent



misattributions of their work. In this regard, the creator can refrain from associating their name with a work due to modifications made to it that could potentially harm their reputation. Additionally, the author has the authority to preclude their name from being erroneously linked to a work created by another individual. In the legal framework of Iran, although the fundamental notion of this right is recognized, only the Law on Protection of the Rights of Computer Software Creators of 2000 explicitly designates it as "the right of attribution" in relation to the implementation of articles (2) and (17). In other laws, there is no distinct provision introducing this right as an independent concept. However, the legislature has addressed the safeguarding of authors' names in various articles. The aspects acknowledged in relation to this right are limited to the inclusion of the creator's name in the work and the prevention of false attributions. It would be advisable for the legislator to amend the laws to explicitly recognize the right of attribution of creators and provide a comprehensive description of its various aspects. In contrast, in the United Kingdom and the United States of America, unlike Iran, separate titles have been employed to introduce this right, and the legislator has endeavored to identify some of its distinct aspects. As per the laws of these two legal systems, creators are permitted to publish their work under a pseudonym or anonymously and exercise various positive and negative aspects associated with the right, in addition to utilizing their real name. Regarding the scope of this right, its examination has encompassed personal, subject, and temporal domains. It has been determined that within the personal domain of the right of attribution and the recognition of individuals entitled to exercise this right, the creator of the work holds the foremost authority to do so. Furthermore, individuals authorized by the creator, possess the competence to enjoy this right. However, their competence is not absolute and unconditional; they must consider the interests of the creator and not act contrary to them. In this regard, the similarities between Iran, the United Kingdom, and the United States of America are evident. Nevertheless, it is necessary for the Iranian legislature to revise the law and specify the competent individuals who can exercise this right, resolving any disputes, particularly concerning the competency of the heirs of authors. Regarding the subject matter of the right of attribution and the identification of works eligible for this right, the protected works in the legal systems of Iran, the United Kingdom, and the United States of America are categorized into four distinct groups: literary, artistic, dramatic, and musical works. These categories are protected under the domestic laws of all three legal systems, albeit with minor differences. Finally, about the duration of protection for the right of attribution, in Iran, the protection is perpetual and unrestricted by time. However, in the United Kingdom and the United States of America, the protection of this right is temporary and subject to a specific timeframe.

Keywords: Anonymous Works, False Attribution, Moral Rights, Paternity Right, The Right to be Identified as the Author.



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