

# ETHIOPIAN TRANSLATORS ASSOCIATION (ETA)

## INTELLECTUAL PROPERTY POLICY

### 1. Purpose

The **Intellectual Property Policy** establishes guidelines for handling intellectual property (IP) rights in the context of translation and interpretation. This policy aims to protect the intellectual property of both the translators and the original creators of works, ensuring that all translations are carried out in compliance with copyright laws and ethical standards. The document provides clear procedures for obtaining authorization to translate copyrighted works, managing intellectual property disputes, and addressing issues related to plagiarism or the unauthorized use of copyrighted materials.

### 2. Definition of Key Terms

#### 2.1 Intellectual Property (IP)

Intellectual Property refers to creations of the mind, such as inventions, literary and artistic works, designs, symbols, names, and images used in commerce. In the context of translation and interpretation, IP includes the original works (e.g., books, articles, films) and the translated versions.

## **2.2 Copyright**

Copyright is a legal right that grants the creator of an original work exclusive rights to its use and distribution. For translation, the original work is protected by copyright, and the translation is considered a derivative work, which is also protected by copyright laws.

## **2.3 Plagiarism**

Plagiarism is the act of using someone else's work, ideas, or expressions without proper acknowledgment, which is considered unethical and illegal in the context of translation and interpretation.

## **2.4 Authorization**

Authorization refers to the official permission granted by the copyright holder or authorized entity to use or translate a copyrighted work.

## **2.5 Derivative Work**

A derivative work is a new work created based on one or more existing works. In translation, a derivative work would be the translated text, which remains subject to the original work's copyright.

### 3. Rules for Obtaining Authorization to Translate Copyrighted Works

#### 3.1 Requirement for Authorization

- **Before Translating a Work:** Translators must obtain explicit authorization from the copyright holder or their legal representative (e.g., publisher, literary agent) before proceeding with the translation of any copyrighted material.
- **Written Permission:** The authorization must be in writing and specify the terms and conditions of the translation, including the scope of the translation, the rights granted, and the intended audience.
- **Scope of Use:** The authorization should clearly define whether the translator is granted rights to distribute, publish, or modify the translation, including any conditions such as royalties, credits, and deadlines.

#### 3.2 Types of Works Requiring Authorization

Authorization is required for all forms of copyrighted works, including, but not limited to:

- **Literary Works:** Books, articles, essays, poetry, and scripts.
- **Artistic Works:** Illustrations, paintings, photographs, and other artistic works.
- **Audio-Visual Works:** Films, documentaries, videos, and other visual media.
- **Software and Computer Programs:** Texts and codes related to computer applications and programs.

### 3.3 Duration of Authorization

- **Temporary Authorization:** In some cases, temporary authorization may be granted for a specific translation project, with limited use and distribution.
- **Exclusive Rights:** If exclusive rights are granted, the translator may have sole control over the translation for a specified period.

## 4. Procedures for Handling Intellectual Property Disputes

### 4.1 Dispute Resolution Process

In the event of an intellectual property dispute, ETA follows the following steps:

- **Initial Communication:** The parties involved in the dispute (e.g., the translator and the copyright holder or any other aggrieved party) are encouraged to resolve the issue through direct communication or negotiation.
- **Mediation:** If direct communication fails, ETA may offer mediation services to help both parties reach an agreement. ETA's role is neutral, and its mediators will facilitate constructive dialogue.
- **Formal Complaint Process:** If mediation does not resolve the dispute, the aggrieved party may file a formal complaint with ETA's **Disciplinary Committee**. The complaint should include:
  - A detailed description of the issue.
  - Any evidence supporting the claim (e.g., proof of authorization, correspondence, or records of work).
  - A request for a specific resolution or outcome.

- **Investigation and Resolution:** The Disciplinary Committee will investigate the complaint, involving both parties. The committee will work to resolve the dispute by proposing a fair solution based on ETA's policies and relevant copyright laws.

## **4.2 Role of the Disciplinary Committee**

The Disciplinary Committee is responsible for:

- Reviewing complaints regarding intellectual property violations.
- Conducting investigations and gathering evidence.
- Proposing remedies or sanctions (e.g., issuing warnings, recommending financial restitution, or imposing fines).
- Providing recommendations for further legal action if necessary.

## **4.3 Legal Action**

In cases where the dispute cannot be resolved within ETA, the involved parties may be advised to pursue legal action through local or international courts, depending on the nature of the dispute and the jurisdiction.

## 5. Consequences for Plagiarism or Unauthorized Use of Copyrighted Materials

### 5.1 Consequences for Plagiarism

Plagiarism, including the unauthorized use of copyrighted material without proper authorization, is a severe violation of ETA's ethical and professional standards. The following actions may be taken:

- **Immediate Suspension:** A member accused of plagiarism may face temporary suspension from ETA pending investigation.
- **Public Reprimand:** The member may be publicly reprimanded, with details of the violation made known to other ETA members.
- **Revocation of Membership:** If found guilty of plagiarism, a translator may have their membership revoked permanently, depending on the severity of the violation.

### 5.2 Consequences for Unauthorized Use of Copyrighted Works

If a translator is found to be using copyrighted works without proper authorization, the following consequences may apply:

- **Cease and Desist Order:** The translator may be ordered to immediately cease using the unauthorized material, including halting distribution or publication.
- **Financial Penalties:** The translator may be required to compensate the copyright holder for any losses or damages resulting from the unauthorized use.
- **Revocation of Translational Rights:** The translator may be prohibited from translating or distributing any future works that involve copyrighted material without authorization.

## **6. Training and Awareness**

### **6.1 Educating Members on Intellectual Property**

ETA will regularly organize training programs, webinars, and workshops to educate its members on intellectual property rights, copyright law, and best practices for ensuring that translations comply with legal and ethical standards. These programs will include topics such as:

- The importance of copyright in translation.
- How to obtain authorization for translating copyrighted works.
- The consequences of plagiarism and intellectual property violations.

### **6.2 Promoting Ethical Practices**

ETA will foster an environment where ethical practices in translation are prioritized. This will include promoting a culture of respect for the intellectual property of others and encouraging members to always seek authorization when translating copyrighted materials.

## **7. Monitoring and Compliance**

### **7.1 Regular Audits**

ETA may conduct random audits of translations completed by its members to ensure compliance with intellectual property laws and ETA's policies. Members found to be in violation of the intellectual property policy will face appropriate disciplinary actions.

## **7.2 Continuous Monitoring**

ETA will monitor industry developments related to intellectual property rights, updating its policy to reflect changes in local and international copyright laws. Members will be notified of any significant updates to the policy.

## **8. Conclusion**

The **Intellectual Property Policy** of the Ethiopian Translators Association is designed to safeguard both the rights of original creators and the ethical integrity of translators. By adhering to this policy, ETA members ensure that their translations are legally sound and respect the intellectual property of others. Through education, enforcement, and the promotion of best practices, ETA strives to maintain a high standard of professionalism in the translation industry.

**Approved by:**

**Ethiopian Translators Association (ETA)**