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## INVESTIGATING COPYRIGHT TERMINOLOGY AND COLLOCATIONS IN POLISH, ENGLISH, JAPANESE AND GERMAN

**Abstract.** The article deals with the comparison of key terminology in the field of copyright in the Polish, English, Japanese and German languages. The research material consists of copyright acts binding in Poland, Great Britain, the United States of America, Japan and Germany. The terminology has been compared in order to reveal similarities and differences in the meaning. Firstly, statutory terms from the Polish, English (British and American), German and Japanese acts will be presented and discussed. Also, a list of functional equivalents (Polish, English, German and Japanese) will be presented. The task was to search for functional equivalents, and if there is partial equivalence or no equivalence, an equivalent was provided according to techniques of providing equivalents for non-equivalent terms (c.f. Kłos, Matulewska, Nowak-Korcz 2007). They were made in such a way that equivalents will correspond with the reality of the laws in the above mentioned languages. The terms have been extracted with the usage of AntConc (corpus linguistics software). The method of analysis of comparable texts has been applied as well as the one based on three categories of equivalence by Šarčević (1997): “near equivalence”, “partial equivalence” and “non-equivalence”. Special attention has been paid to system-bound terminology existing in those five legal systems. To sum up, it should be borne in mind that the copyright law has been unified almost world-wide. As a result many countries have adopted similar or almost identical principles in this respect. Therefore, there is a significant convergence of meanings of analysed copyright terms with only slight differences resulting from deeply ingrained local and national legal traditions.

*Keywords:* copyright law, copyrights, legal terminology, collocations, comparative analysis, Polish, English, German, Japanese.

### 1. Introduction

In this paper, the author will deal with legal terminology in the field of copyrights in five languages: Japanese, English (American and British variety), German and Polish. The author focuses on finding equivalents

in the above mentioned languages. Copyright law is a global subject even though there are some differences in particular laws. The author wanted to find as many functional equivalents as possible, and if the lack of these equivalents is observed, create new ones that would fit into the legal reality. The two main methods that were used in this research are based on the three categories of equivalence by Šarčević (1997) and the other method is corpus based, which is essentially statistically based (all used methods are discussed in detail in the section – research methods). However, it should be stressed that the author's research resorted to corpus linguistics tools in a marginal way as it is qualitative (human evaluation, not machine based) and the AntConc program only helped with terminology extraction, that is to say with finding particular terms and collocations. AntConc was used to excerpt the terms with the usage of word list function and collocation for multiword words. The terms and collocations discussed in this paper serve only illustrative purposes; due to the limits of this article it was impossible to discuss all terminological units extracted from the analysed acts. Such research would be so broad that it would require writing a monograph in the future in which terminological units in Copyright laws would be analysed in detail.

## 2. Research material

The author has extracted the terms from the main acts regulating the field in force in Poland, Great Britain, the United States of America, Japan and Germany that is to say:

1. Polish Copyright Act (*Ustawa z dnia 4 lutego 1994 r. o prawie autorskim i prawach pokrewnych, Dz.U. 1994 Nr 24 poz. 83*) (tokens: 15 088, word types: 2954)
2. British Copyright Act (*Copyright Act, 1956, 4&5 Eliz. 2 CH. 74*) (tokens: 38 436, word types: 1707)
3. British Copyright Act (*Copyright, Designs and Patents Act 1988, CHAPTER 48*) (tokens: 102 539, word types: 2755)
4. American Copyright Act (*US Code, TITLE 17 – COPYRIGHTS, 2010*) (tokens: 53 905, word types: 2692)
5. Japanese Copyright Law (*知的財産基本法 Japanese Intellectual Property Basic Act, 平成十四年十二月四日法律第百二十二号 Act No. 122 of December 4, 2002*) (tokens: 438, word types: 339)
6. German Copyright Law (*Gesetz über Urheberrecht und verwandte Schutzrechte aus dem Jahre 1965*) (tokens: 25 253, word types: 3024).

In brackets there are numbers concerning tokens and word types analyzed thanks to AntConc.

### 3. Research methods

The research methods applied by the author include the following ones:

1. The comparison of parallel texts (cf. Neubert 1996, Delisle et al. 1999, Lewandowska-Tomaszczyk 2005, Biel 2009, Roald & Whittaker 2010); parallel text meaning a source text and its translation.
2. The analysis and comparison of comparable texts (cf. Neubert 1996, Delisle et al. 1999, Lewandowska-Tomaszczyk 2005, Biel 2009, Roald & Whittaker 2010); comparable texts meaning: “texts in different languages, each of which is written in the mother tongue – preferably by a competent native speaker. It is non-reciprocal translation, but the texts concern the same subject. Moreover, these texts are compatible with each other in terms of communicative function, i.e. they belong to the same category of texts (or group of texts)”, (Göpferich, 2005: 184). Wilss writes similarly (1996: 160). For him comparable texts are those that exist “in different languages, [they are] consistent in terms of thematic, stylistic and situational aspects”. According to these definitions, as Kubacki stated (2013: 147), comparable texts are those “which both in the culture of a source and target language are located in the same communication situation”.
3. The method of axiomatization of the legal linguistic reality (Bogusławski 1986, Bańcerowski & Matulewska 2012, Matulewska 2013a).
4. The terminological analysis of the research material (empirical observation).
5. The techniques of providing equivalents for non-equivalent or partially equivalent terminology (Newmark 1988, 1989, 1991, Kierzkowska 2002, Matulewska & Nowak 2006, Matulewska 2007) have been used to suggest possible methods of translation within those languages, ((i) different types of borrowings: loanwords, loanblends, loanshifts (calques), hybrids, exotics, international terms, (ii) definitions and other types of descriptive equivalents, (iii) neologisms, (iv) expansion, (v) restriction, (vi) two terms or more for one, (vii) cultureless descriptive and Latin-based terms, (viii) unassimilated Latin terms, (ix) functional equivalents, (x) modified functional equivalents, and (xi) antonyms).
6. The analysis of terminology according to three categories of equivalence as determined by Šarčević (1997): “near equivalence”, “partial equiva-

lence” and “non-equivalence” where “near equivalence” occurs “when concepts A and B share all of their essential and most of their accidental features (intersection) or when concept A contains all of the characteristics of concept B, and concept B all of the essential and most of the accidental characteristics of concept A (inclusion)” (Sarčević 1997: 238). “Partial equivalence” appears when concepts A and B share most of their essential and some of their accidental features (intersection) or when concept A includes all of the characteristics of concept B but concept B only most of the essential and some of the accidental characteristics of concept A (inclusion). When only a few or none of the essential characteristics of concepts A and B coincide (intersection) or when concept A has all of the characteristics of concept B but concept B only a few or none of the characteristics of concept A (inclusion) “non-equivalence” occurs and the functional equivalent is considered as unacceptable (Sarčević 1997: 238–239) as well as

7. The analysis of pertinent literature.

#### **4. Copyright law in brief**

In this section a short definition of the term copyright will be presented. Copyright is a legal right created by the law of a country that grants the creator of an original work exclusive rights for its use and distribution. This is usually only for a limited time. The exclusive rights are not absolute but limited by limitations and exceptions to copyright law, including fair use. A major limitation on copyright is that copyright protects only the original expression of ideas, and not the underlying ideas themselves.

#### **5. Key terminology**

In this section key terminology concerning copyright law will be discussed. The terminology was excerpted from the copyright law acts and only 14 are discussed. Only 14 terms were chosen because a detailed analysis would require much more space. The very detailed analysis concerns the term copyright itself. The aspect of understanding copyright in five different countries provides a broad view of what copyright is in these five legal realities. The research corpora include in total: 235 659 tokens and 10 395 word types. The terms were excerpted with the help of word list function of the AntConc program.

### **5.1. The term “copyright”**

The first term that will be discussed is *copyright*. Copyrights are generally the rights held by the author, or legal norms that allow the author to use the work and to gain benefits from it. In the UK law the term “copyright” is defined under the Copyright, Designs and Patents Act 1988 and says that copyright is an intangible property right subsisting in certain qualifying subject-matter. What is important and should be noticed, as a result of increasing legal integration and harmonisation throughout the European Union, a complete picture of the copyright law can only be acquired through recourse to EU jurisprudence. The same situation applies to Poland and Germany which have their own act, but also refer to EU directives.

The Copyright Law of the United States tries to encourage the creation of art and culture by rewarding authors and artists with a set of exclusive rights. United States copyright law is governed by the Copyright Act of 1976. The United States Constitution explicitly grants Congress the power to create copyright law. Copyright law grants authors and artists the exclusive right to make and sell copies of their works, the right to create derivative works, and the right to perform or display their works publicly. These exclusive rights are subject to a time limit, and generally expire 70 years after the author’s death (the same rule applies to every country discussed above).

Polish copyright law is regulated by the act from 1994. When we are talking about the definition of Polish law, the subject matter of copyright shall be any manifestation of the creative activity of individual nature, established in any form, irrespective of its value, designation or manner of expression (work). In contrast, the author has two types of rights: moral rights and economic/material rights (both are included in the broad category of copyrights). The definition of Polish copyright contains moral rights to a work which mostly distinguishes it from other countries’ definitions. They cannot be transferable to other people and stay with the author even after his death or even if he/she sells the rights to it.

Japanese copyright law protects all works “in which thoughts or sentiments are expressed in a creative way, and which falls within the literary, scientific, artistic or musical domain”. The laws automatically provide the following rights, without the need for formal declaration or registration. Japanese copyright laws (著作権法 *chosakukenhō*) consist of two parts: “Author’s Rights” and “Neighbouring Rights”. As such, “copyright” is a convenient collective term rather than a single concept in Japan. Such concept appears also in the Polish act. That is why the terms are equivalent in both languages. However, in Japanese copyright law, strictly speaking, the

term “copyright 著作権 *chosakuken*” only means economic/material rights (section 1, para. 17 of the copyright law). Therefore, there is a term denoting/expressing “moral rights”, which is 著作人格権 *chosaku jinkaku ken*, and there is the lack of equivalence between the Polish and Japanese term “author’s material rights”. In Japanese there is none, and this term is often expressed as 狭義の著作権 *kyogi no chosaku ken* (“literally: copyright in the narrow sense”).

German copyright law is codified in the *Gesetz über Urheberrecht und verwandte Schutzrechte* (also referred to as *Urhebergesetz* or *Urheberrechtsgesetz* and abbreviated *UrhG*). What is the German concept of copyrights? First, we have to take a look into European definition which says that it is the author’s own intellectual creation. German definition talks about personal intellectual creations. What are the features of such definition? It is an open clause, not restricted to specific work categories, including e.g. multimedia work, happening in contemporary art, etc. There is also a question of the difference between “personal” vs. “own”. The concept of originality is also taken into consideration. However, it is not defined in national laws but left to courts. But, the UK-concept has a closed list which comprises of 2 elements: “not copied” equals “origins in the author” as a person and expenditure of a substantial amount of the author’s own skill, knowledge, mental labour, taste or judgement (Laddie, Prescott, Vitoria 2011), but no personal imprint is required. The German concept involves “personal” concept as an individual or individual expression of the author as a person.

The table below presents the term “copyright” in languages discussed in this paper (English – American and British version, Polish, Japanese and German). The detailed analysis is provided below.

British English	American English	Polish	Japanese	German
copyright law, law of copyright	copyright	prawa autorskie	著作権 <i>chosakuken</i>	Urheberrecht

Below, a short terminology overview will be presented in five languages.

In British English, according to copyright law there are general categories in which there is a list of works which are protected, can be protected and what can be called a copyrighted work or material. Also, when we talk about copyright, in acts we have a compound noun “copyright law” or “law of copyright”. When it comes to United States copyright, the goal is to gain material benefits from selling the author’s material rights to the work. The term *copyright* is the simplest one and used in general when we

talk about this matter in every language. It is also because of the copyright note ©, the letter “C” circled and “all rights reserved” phrase written on the product. When we see such sign or/and phrase next to a work, e.g. CD, book, in main titles of the movie it means that such work is protected by copyright. Use of the notice informs the public that a work is protected by copyright, identifies the copyright owner, and shows the year of first publication. Furthermore, in the event that a work is infringed, if the work carries a proper notice, the court will not give any weight to a defendant’s use of an innocent infringement defense – that is, to a claim that the defendant did not realize that the work was protected. But U.S. law no longer requires the use of a copyright notice, although placing it on a work does confer certain benefits to the copyright holder. In Polish, for copyright there is a phrase *prawa autorskie*. There, it comprises of two words *prawa* (rights), which is a noun in plural, and *autorskie* (author’s), which is an adjective describing rights. This phrase is very similar to the German term, and grammatically it is a near equivalence (*prawo* = *Recht*, eng. *right*; *autor* = *Urheber*, eng. *author*). In Japanese, the meaning of the copyrights (著作権 *chosakuken*) is the author’s rights/copyrights. It consists of three ideograms: 著 *cho* – author, 作 *saku* – work, 権 *ken* – right. In German there is the term *Urheberrecht* which consists of two nouns: *der Urheber* (author) and *das Recht* (right). A detailed analysis below will reveal that they differ in meaning comparing to other terms.

According to the specifics mentioned above, Polish copyright is mostly equivalent (near equivalence) to German and Japanese copyright because, they have those elements (such as: words, graphics and spatial marks) covered in the copyright law (detailed analysis below). All in all, the term *copyrights* is present in all countries’ copyright law but it carries different definitions. What we can understand by “copyrights” can be seen in the table below:

Copyrights	The United Kingdom	The United States of America	Poland	Japan	Germany
Literary Works	√	√	√	√	√
Novels, dramas, articles, lectures				√	
written works			√		√
speeches			√		√
computer programs			√	√	√
mathematical symbols			√		
graphic signs			√		
journalistic works			√		
scientific			√		
cartographic works			√		

Copyrights	The United Kingdom	The United States of America	Poland	Japan	Germany
Musical Works	√	√	√	√	√
Verbal and musical works			√		
Pantomimic Work:		√	√	√	√
work of dance					√
choreographic		√	√	√	
Stage works			√		
Stage and music works			√		
Artistic Works:	√	√	√	√	√
paintings, engravings, sculptures				√	
works of architecture		√	√	√	
town planning works			√		
drafts					√
Photographic Works and similar			√	√	√
Cinematographic works and similar	√		√	√	√
Audiovisual works	√	√	√		√
Films	√				√
Illustrations of a scientific or technical nature:					√
drawings					√
plans				√	√
maps				√	√
sketches					√
tables					√
three-dimensional representations					√
Charts				√	
Models				√	
Dramatic works	√	√			
Pictorial Works		√			
Graphic Works		√			
Sculptural Works		√			
Sound recordings	√	√			
Derivative works		√		√	
compilations		√		√	
Broadcasts	√				
Typographical arrangements of published editions	√				
string musical instruments			√		
industrial design works			√		
databases				√	

As we can see in the table, all countries have literary works protected by copyright and it is clearly stated in the acts. Some of the countries provide very general definitions, but some of them – under the category of literary works – have listed many different works that belong to the major category of literary works. For example, Japanese law distinguishes novels, dramas, articles, lectures in the act. It is not specifically mentioned for example in the Polish law, but such works are protected. The only difference

is that the particular works are probably written into the Japanese law for the author's safety. On the other hand, written words are mentioned in Polish and German. The same applies to speeches which are not at all mentioned in English speaking countries. What is also interesting, under category of literary works we have computer programs in Polish and German. In Japanese there is separate category for such works. In the UK and the US, computer programs are also protected, but they are not mentioned in the subject of copyrights in the acts. Polish act mentions mathematical symbols, graphic signs, journalistic works, and scientific works. Another interesting fact is that maps or cartographic works are not mentioned in the English acts. In the Polish act there are cartographic works and in Japanese and German – maps. When it comes to musical works – all countries have them written in the acts, also Polish has additionally a subcategory, namely verbal and musical works. A pantomimic work is copyrighted everywhere but the United Kingdom. In Germany it is also subcategorized as a work of dance, and choreographic works in the US, Poland and Japan. Additionally, in the Polish act there are other categories of performance which are not mentioned in other laws, namely stage works and stage and music works.

As it can be seen in the table above, artistic works are copyrighted and mentioned in the acts everywhere. The Japanese act distinguishes paintings, engravings and sculptures as artistic works. Works of architecture are protected in American, Polish and Japanese law. In Polish, there is also town planning works in the act and in the German there are drafts of architectural works which can be protected by copyright. Photographic and similar works, as well as cinematographic works and similar ones, are specified in Polish, Japanese and German law. Also in the British act cinematographic work is mentioned in the act. There is a more general category – audiovisual works – everywhere except for Japan. Also, films as a subcategory of audiovisual works are present in the British and German acts.

The German act is very specific when it comes to illustrations of a scientific or technical nature, and it offers a list: drawings, plans (additionally in Japanese), maps (in Polish and Japanese), sketches, tables, three-dimensional representations. Moreover, the Japanese additionally covers charts and models in the act.

Dramatic works occur in English acts. This is very similar to Polish *stage* and *stage and music works* because they include works performed in theaters, operas, concert halls; works such as: ballets, operas, concerts, performances, etc.

In American act pictorial, graphic and sculptural works can be observed in the act. Sound recordings are mentioned in the English acts, derivative works and compilations in American and Japanese ones. Broadcasts, typographical arrangements of published editions are present only in the British act.

What is very interesting for the author is that string musical instruments are the subject of copyright in Poland. In Poland there is some kind of artistry in violin making (it is called in Polish *utwory lutnicze*). There are even special faculties at musical universities or academies where one can learn how to make/produce string instruments. Such works are protected in Poland because every piece of string instrument is unique even if the same author is making two violins. In Japanese we can provide such term: 弦楽器音楽の著作物 *gengakki ongaku no chosaku-mono* – *the art of violin-making*. (The same thing happens with industrial design works – they are mentioned only in the Polish act.) *Utwory lutnicze* are violin, viola, etc., and violin-making (pol. *lutnictwo*) is the art of creating these instruments (mostly string neck) in their entirety. The Japanese law does not mention the works of violin making, so they are not protected by copyrights. However, such works are protected in Poland. The art of violin making and other string instruments is protected by copyrights. As the string instruments are manufactured by hand, each model is an individual product of a luthier. It should be stressed once more that such art of string instruments making is not copyrighted in any country but Poland. There is zero equivalence in other languages that is why we use techniques to provide equivalent for non-equivalent terms. And finally, the last category that is seen in the table, namely: databases are mentioned only in the Japanese act.

We have to take into consideration that our translation always depends on the receiver. For those who want to have a very detailed description what *copyright* is, it is necessary to explain the contents of the act and we have to translate definitions which are in the description of the *copyright*. For a receiver who only wants to be informed whether the *copyright* term is equivalent in other languages we can provide a term, but say that there are some differences behind the interpretation and meaning of it.

From the above analysis it is observable that the term *copyright* has a very extensive meaning in every language. Here, this term is present in every discussed language but it carries sometimes a completely different meaning and during translation the translator has to be aware of it and be very careful when making the comparison.

## 5.2. The term: derivative copyrights/prawa zależne/

許諾權 *kyodakuken*

Derivative copyrights are the rights of disposal of the original work and use the original work by third parties with the consent of the author.

Between Polish and Japanese terms we may observe near equivalence. The definitions are almost the same. In British copyright laws there is no term for *prawo zależne*, there is non-equivalence, but in the American we have the term *derivative copyrights*, which occurs also in British but not in the act itself. American copyright law gives the following definition: a “derivative work” is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications, which, as a whole, represent an original work of authorship, is a “derivative work”. In German there is no term for “derivative copyrights”, we have only *Bearbeitung* (eng. adaptation) which is only one of the types of derivative works. It is also frequently incorrectly translated from German into Polish because *verwandte Schutzrechte* (*verwandte Schutzrechte* include “(Leistungen) des ausübenden Künstlers, des Herstellers von Lichtbildern, Tonträgern, Datenbanken und Filmen sowie für Sendeunternehmen<sup>1</sup>” (art. 70, 72, 73, 85, 87ff, 88ff). They also refer to *musikalische Wiedergabe einer Komposition, wissenschaftliche Buchausgaben, Photographien*<sup>2</sup>, which is not *prawa zależne* (eng. derivative copyrights) but *related rights/neighbouring rights*. The best way is to create new term for German, e.g. *Bearbeitungsrechte* (*Bearbeitungsrechte* = *Recht auf Bearbeitung des Werkes*). It should be noted that, according to Creifelds Rechtswörterbuch, *Bearbeitung* refers to derivative works which represent a personal intellectual creation like *Übersetzungen* [translations] and *Sammelwerke* [collections] (Art. 3,4, UrhG) which has the meaning of *derivative copyrights*.

The terms are juxtaposed in the table below:

British English	American English	Japanese	Polish	German
–	derivative copyrights	許諾權 <i>kyodakuken</i>	prawa zależne	– [verwandte Schutzrechte – related rights; [Bearbeitungsrechte]

**5.3. The term: lease/rental of copies of work/najem egzemplarzy utworów/著作権の貸与 *chosakuken no taiyo*/die Vermietung, das Verleihen**

To discuss the term from the headline the definition from the Polish act could be used: a rental of copies of a work means leasing copies of a work for time-limited use, directly or indirectly obtaining financial benefits.

Polish and Japanese terms can be treated as near equivalents. In British two terms can be listed: work is marketed/let for hire. At this point, two different grammatical forms of these terms can be observed. The British term “work is marketed” has the grammatical form of passive voice but is the result of a verbalization of the text; when it comes to “letting for hire”, it is nominalization. In both examples the opposing strategies of using terms can be noted – namely verbalization versus nominalization. In American such terms as: lease/rental of copies of work can be listed. Here, nouns as: *lease* or *rental* have no specific grammatical structure. In German: *das Vermietrecht* – rental rights; *Vermietung* – rental, *das Verleihen* – lending of a work. Thanks to this small analysis it can be said that German and American terms are near equivalents.

The terms are provided in the table below:

British English	American English	Japanese	Polish	German
work is marketed/letting for hire	lease/rental of copies of work	著作権の貸与 <i>chosakuken no taiyo</i>	najem egzemplarzy utworów	die Vermietung, das Verleihen [das Vermietrecht]

**5.4. The term: published work/utwór opublikowany/出版物 *shuppan butsu*/veröffentlichte Werke**

*Published work* is a work, that with the permission of the author, has been reproduced and its copies were made available to the public. Polish and Japanese terms are near equivalents. In both English versions we can list *published work* which is also an equivalent to the Polish and Japanese ones. In German there is *veröffentlichte Werke* which can also be considered equivalent but it is in the plural form of a noun. However, this German term is not pluralia tantum because it can have its singular form, yet in the act it is written only in plural form, even though in everyday language it can be either singular or plural. In German legal terminology there is also a term *Verwertungsrechte*, referring to *Vielfältigungs-* (reproduction), *Verbreitungs-* (dissemination/distribution of a work) and *Ausstellungsrecht* (the exhibition right) and *das Recht der öffentlichen Wiedergabe* (the right

of communication to the public), e.g. *Vortrags-* (lecture), *Aufführungs-* (performance), *Vorführungs-* (display), *Sende-* (broadcast) and *Wiedergaberecht* (the right of communication).

The terms are provided in the table below:

British English	American English	Japanese	Polish	German
published work	published work	出版物 <i>shuppan butsu</i>	utwór opublikowany	veröffentlichte Werke (pl.)

### 5.5. The term: original work/utwór pierwotny/

原著作物 *genchosakubutsu*/das Original des Werkes

For the purpose of discussion the term *original work* we can adapt the legal definition from the US which will apply to other legal realities as well. Under U.S. copyright laws, original work of authorship refers to any type of expression independently conceived by its creator. It is a first, original work written or recorded in any way. Near equivalence appears in every language and in both English versions we have *original work*.

The terms are provided in the table below:

British English	American English	Japanese	Polish	German
original work	original work	原著作物 <i>genchosakubutsu</i>	utwór pierwotny	das Original des Werkes

### 5.6. The term: disseminated work/utwór rozpowszechniony/

展示物 *tenji butsu*/verbreitetes Werk

The disseminated work is a work which is in any way made available to the public with the permission of the author. Polish and Japanese terms are near equivalents. In British there is a similar concept but no specific term for it – *performing the work in public*. This is a multiword phrase which is descriptive in character. In American we have *disseminated work*, *circulated work*. But for near equivalence it would be good to create the term *distributed work* which seems better for PL–EN translation. In German there is a term *Verbreitung* as *dissemination*, but there is no adjectival term ‘disseminated’ as it is for example in American and Polish or Japanese. Here the author proposes to use an adjective as in English: *verbreitetes Werk* which is the same as *distributed work*. It should be stressed that German legal language tends to use one word terms instead of multiword phrases,

like “Einstellung” instead of “Einstellung des Verfahrens”. As a rule, *Verbreitung* is used instead of *Verbreitung des Werkes*.

The terms are provided in the table below:

British English	American English	Japanese	Polish	German
–	disseminated work, circulated work	展示物 <i>tenji butsu</i>	Utwór rozpowszechniony	– [verbreitetes Werk]

### 5.7. The term: an artist/a performer/artysta wykonawca/ 実演家 *jitsuenka*/der Künstler

An artist is a person who performs the works on stage, by adding creativity through his/her performance. Once again, Polish and Japanese terms are near equivalents. In both English languages (British and American) we have two terms, *an artist* and *a performer*. They are partially equivalent to Polish and Japanese terms. The English term could be an *artist-performer* for near equivalence with the Polish one. From the artistic point of view, not every artist may be a performer or not every performer may be an artist that is why the terms are equivalents only partially. In German there are two terms: *der Künstler* and *der ausübende Künstler*. *Der Künstler* is used in the meaning of *an artist*, and *der ausübende Künstler* means *performer*.

The terms are provided in the table below:

British English	American English	Japanese	Polish	German
an artist; a performer	an artist; a performer	実演家 <i>jitsuenka</i>	artysta wykonawca	der Künstler (an artist) der ausübende Künstler (a performer)

### 5.8. The term: transfer of ownership/przeniesienie własności/ 著作権の譲渡 *chosakuken no jōto*/Überlassung

There are many ways of transferring copyrights, for example via sale, gift, donation, entry in the last will and testament, acquisition via inheritance or adopting in order to meet debt. Nevertheless, in the British act there is no word for transferring the ownership. We can provide or adapt an American term for near equivalence – *transfer of ownership* which is equivalent to the Polish and Japanese terms. In German there is *transfer* that

is *Überlassung* and to have complete term it should be added *des Besitzes oder Eigentums*. At the end there is *Überlassung des Besitzes oder Eigentums* equivalent to British, Japanese and Polish. In German copyright, there is also a term *Urheberrechtsübertragung* as well as *Eigentumsübertragung*. They are equivalents to *transfer of copyright/ownership*. However, these German terms do not occur in the analysed corpora.

The terms are provided in the table below:

British English	American English	Japanese	Polish	German
–	transfer of ownership	著作権の譲渡 <i>chosakuken no jōto</i>	przeniesienie własności	Überlassung [des Besitzes oder Eigentums]

### 5.9. The term: exclusive right/wyłączne prawo/排他権 *haitaken*/ausschließliches Recht

In British and American acts an *exclusive right* means that only an entity or legal person has the right to use the work, etc. Generally, an exclusive right to use the work is when one person or legal entity has the right to use the work. All terms are equivalent.

The terms are provided in the table below:

British English	American English	Japanese	Polish	German
exclusive right	exclusive right	排他権 <i>haitaken</i>	wyłączne prawo	ausschließliches Recht

### 5.10. The term: licence/license/licencja/実施権 *jisshiken*/die Lizenz

Firstly, one should be aware of the spelling: British – licence written with “c”, American – license written with “s”. Licence is an official authorization to perform a profession or to produce the patented product by someone or to use someone else’s copyrighted work. It consists of an exclusive license/専用実施権 *sen’yō jisshiken*/licencja wyłączna/Exklusivlizenz (the exclusive right to use the work), and non-exclusive license/通常実施権 *tsūjō jisshiken*/licencja niewyłączna/nichtausschließliche Lizenzen (unlimited number of licensees to use the work at the same time, it allows competition). Also, in Polish they can be observed exclusive and non-exclusive licenses as in every discussed country, so in this case there is near equivalence in every language.

The terms are provided in the table below:

Japanese	British English	American English	Polish	German
実施権 <i>jissshiken</i>	Licence	license	Licencja	die Lizenz

**5.11. The term: non-profit organization/organisation/organizacja zbiorowego zarządzania prawami autorskimi/著作権の管理事業者 *chosakuken no kanri jigyōsha*/zu keinem Erwerbszweck des Veranstalters**

Under the Polish copyright law the organization of collective management of copyrights shall be: a kind of organization, which in compliance with its by-laws, is responsible for the collective management and protection of copyright or neighbouring/related rights and the exercise of the powers under the Act. The Japanese term 著作権の管理事業者 *chosakuken no kanri jigyōsha* is an organization registered in the Agency for Cultural Affairs under the laws of economic governance, which performs operations of copyright management or related rights. In the British act it is broadly named as *an organisation* which is a very general term and at the same time it is hyperonymous (a word whose meaning includes the meaning of a more specific word). In the US a *nonprofit organization* is mentioned which is also a hyperonymous term in comparison to the Polish term. In Poland there is actually an organization which specifically takes care of authors and their works on their behalf. The Polish term is hyponymous comparing to the British and American ones (a word whose meaning is included in the meaning of another more general word). However, the chosen German term cannot be seen as an equivalent to those mentioned in other languages. *Zu keinem Erwerbszweck* is a prepositional object in close syntactic connection with the verbs: *dienen, vermieten, verwenden* or the corresponding verbal nouns (meaning: serving/renting/using to nonprofit purposes for the organizer). It is shown here, only to present the concept that is present in German corpora. The term is a non-equivalent and does not correspond with terms in other languages.

Equivalents are provided in the table below (but it must be born in mind that this is not near equivalence, only the concept that exists in every country, but it is named very generally and broadly, only in Poland there is such specific organization which copes with authors, performances, etc. and is mentioned in the copyright law act):

Japanese	British English	American English	Polish	German
著作権の管理事業者 <i>chosakuken no kanri jigyōsha</i>	organisation	nonprofit organization	organizacja zbiorowego zarządzania prawami autorskimi	zu keinem Erwerbsszweck des Veranstalters

**5.12. The term: moral rights/autorskie prawa osobiste/著作者人格権 *chosakusha jinkaku ken*/die Persönlichkeitsrechte**

*Moral rights/著作者人格権 chosakusha jinkaku ken/autorskie prawa osobiste/die Persönlichkeitsrechte* are rights to which the author has rights without any question. Even after the sale of the work, the author has moral rights that bind him intellectually with the work. Moral rights are inalienable and cannot be transferred to other people or organisations or companies, etc. In British, we can see in the act the term *moral rights* and in US we can borrow the same term if we want to have an equivalent term. When it comes to German term, a more precise equivalent is *die Urheberpersönlichkeitsrechte*, although the shortened version *die Persönlichkeitsrechte* occurred in the corpus due to the common use of shortened nominal phrases. The German, Polish and Japanese terms are equivalent as well as the British term. Equivalents are provided in the table below:

British English	American English	Japanese	Polish	German
moral rights	—	著作者人格権 <i>chosakusha jinkaku ken</i>	autorskie prawa osobiste	die Persönlichkeitsrechte

**5.13. The term: copyrighted work/utwór chroniony (prawem autorskim)/保護を受ける著作物 *hogo o ukeru chosakubutsu*/urheberrechtlich geschützte Werke**

Copyrighted work means all works which are a subject to copyright are also a subject to legal protection. Each work that has been labeled, stored or recorded is protected under the copyrights. In British there is term: *protection of work* and in American there are two terms: *work protected by copyrights* or *copyrighted work*. The grammatical aspect is different. Only the Polish *utwór chroniony* and American *copyrighted work* are near equivalents. However, German term *urheberrechtlich geschützte Werke* (works protected by copyrights) is the same as the first one – American – *work protected*

by *copyrights*. The only difference is in grammatical aspect (the German is plural *Werke*, and an American is singular – *work*).

British English	American English	Japanese	Polish	German
protection of work	work protected by copyrights, copyrighted work	保護を受ける著作物 <i>hogo o ukeru chosakubutsu</i>	utwór chroniony (prawem autorskim)	urheberrechtlich geschützte Werke

#### 5.14. The term: computer program/program komputerowy/

プログラムの著作物 *puroguramu no chosakubutsu*,

データベースの著作物 *dēta bēsu no chosakubutsu/*

**die Computerprogramme**

The Polish and Japanese terms are partial equivalents, because the Polish term is hyperonymous to the Japanese one since the Japanese legal language finds two terms, which are subordinate to the Polish term “computer program”. In both English versions we have term *computer program* which is equivalent to the Polish one. The Polish legislator defines a *computer program* as a programming language, a set of specific characters or symbols arranged in a specific sequence. Japanese terminology in relation to this term is divided into two terms: プログラムの著作物 *puroguramu no chosakubutsu* and it means all works programmed as a combination of computer instructions in order to get the results (sec. 2 paragraph 1 no. 10–2 Japanese Copyright). On the other hand, データベースの著作物 *deta bēsu no chosakubutsu* means database, which was built systematically with usage of a computer (sec. 2, paragraph 1 No. 10–3 Japanese Copyright) and refers to a database of creative and systematic structure of information, for example a database, which collects scientific papers, information databases about customers or employees in the company. In German there is an equivalent *die Computerprogramme* which in its definition contains the same aspects as British and American *computer program*. Equivalents are provided in the table below:

Japanese	British English	American English	Polish	German
プログラムの著作物 <i>puroguramu no chosakubutsu</i> データベースの著作物 <i>dēta bēsu no chosakubutsu</i>	computer program	computer program	program komputerowy	die Computerprogramme

## **6. Conclusion and implications**

The aim of the study was to analyze comparable texts in terms of Polish, English, Japanese and German copyright law acts. Such analysis is exceptionally useful for the translator's work because it contains precise use of certain terminology in those languages. The terms were extracted from comparable texts and the main task was to find common equivalents as the comparable texts are the most reliable source of terminological accuracy of the translation. But sometimes, if there are no equivalents in comparable texts, then such terms must be provided. The most important fact about translation is that inaccurate rendering of a one text into another may lead to misunderstandings and communication failure, translational scandals (c.f. Melbourne case) or even the worst thing for a translator – financial troubles, civil responsibility and other liabilities. Moreover, translators should bear in mind for whom they translate, so the focus is on the receiver of our translational product (c.f. Kierzkowska 2002).

It is concluded that terminology selected from the copyrights acts was in most cases equivalent. Polish, English, German and Japanese copyrights law acts have many features in common, due to the fact that those countries signed many international treaties (i.a. Berne Convention, TRIPS agreement, Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, WIPO Performances and Phonograms Treaty or WIPO Copyright Treaty). Apart from some similarities, there are some differences regarding Polish, English, German and Japanese terminology. We have to recognize the differences as the acts analysed in five different legal realities may not cover the same aspects or some particular aspects may not be regulated in a particular system. Furthermore, some discussed terms carry different meaning despite the fact that they appear to look the same, i.a. the above mentioned and described term "copyrights". Such research should be extended in the future, and more terms should be discussed. Also, a creation of a multi-language dictionary with the main subject of copyrights would be extremely useful for translators who know not only one language and have some problems with finding particular equivalents, in which case, the relay translation could be the most useful one.

N O T E S

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<sup>1</sup> verwandte Schutzrechte include “(performances) of the performing artists, the producer of light images, phonograms, databases and films as well as broadcasting”

<sup>2</sup> musical reproduction of a composition, scientific books, photographs

R E F E R E N C E S

- Bańczerowski, J. & Matulewska, A. 2012. *Towards the Foundations of Legilinguistic Translatology*. In: Knoppek K., Grzegorzczak P., Walasik M. (eds.): *Studia nad systemem ochrony prawnej. Księga jubileuszowa dedykowana Profesorowi Feliksowi Zedlerowi (1225–1261)*. Warszawa: Wolters Kluwer.
- Biel, Ł. 2009. Terminologia polskiego, angielskiego i amerykańskiego prawa spółek: organy spółki. In: *Lingua Legis* t. 17: 46–57.
- Christie, A. & Gare, S. 2014. *Blackstone’s Statutes on Intellectual Property*. Oxford University Press.
- Creifelds Rechtswörterbuch. 2004. 18. Auflage. München: Beck Verlag.
- Delisle, J. (et al., ed.). 1999. *Translation Terminology*. Amsterdam/Philadelphia: John Benjamins Publishing Company.
- Garside, R. & Leech, G. & McEnery, T. 1997. *Corpus Annotation*. Longman: Harlow.
- Göpferich, S. 2005. *Paralleltexte w: Handbuch Translation*, red. M. Snell-Hornby et al. Tübingen: Stauffenburg.
- Hōritsu yōgo kenkyūkai. 2012. 有斐閣法律用語辞典 *Yūhikaku hōritsu yōgo jiten*. Tokyo: Yūhikaku.
- Kaneko, H. & Shindo, K. & Hirai, N. (eds.). 2008. 法律学小事典 *Hōritsugaku shōjiten*. Tokyo: Yūhikaku.
- Kierzkowska, D. 2002. *Tłumaczenie prawnicze*. TEPIS.
- Kłós, P. & Matulewska, A. & Nowak-Korczyk, P. 2007. *Problemy przekładu specjalistycznego na przykładzie tekstów z dziedziny prawa, biologii, biotechnologii i medycyny*. In: *Investigationes Linguisticae* t. XV (81–99).
- Kubacki, A. 2013. Teksty paralelne jako narzędzie pomocnicze przy sporządzaniu tłumaczeń specjalistycznych. In: Bańczerowski, J., Matulewska, A. (eds.). *Comparative Legilinguistics. International Journal for Legal Communication* (145–157). Poznań: Zakład Graficzny UAM. Vol. 13/2013.
- Laddie, P. & Vitoria. 2011. *The Modern Law of Copyright and Designs*. Fourth edition. LexisNexis.

- Lewandowska-Tomaszczyk, B. (ed.). 2005. *Podstawy językoznawstwa komputerowego*. Łódź: Wydawnictwo Uniwersytetu Łódzkiego.
- Mattila, H. 2006. *Comparative Legal Linguistics*. Ashgate.
- Matulewska, A. 2010. Teksty paralelne a ustalanie konotatów i denotatów na potrzeby przekładu polsko-angielskiego. In: Bańcerowski, J., Matulewska, A. (eds.). *Comparative Legilinguistics. International Journal for Legal Communication* (57–70). Poznań: Zakład Graficzny UAM. Vol. 10/2013.
- Matulewska, A. 2007. *Lingua Legis in Translation*. Peter Lang Publishing House.
- McEnery, T. & Wilson, A. 2001. *Corpus Linguistics*. Edinburgh University Press: Edinburgh.
- McEnery, T. & Hardie, A. 2012. *Corpus Linguistics: Method, Theory and Practice*. Cambridge University Press: Cambridge.
- Mellinkoff, D. 1963. *The Language of the Law*. Little, Brown and Company. Boston, Toronto.
- Neubert, A. 1996. Textlinguistics of Translation: The Textual Approach to Translation. Gaddis, Rose Marilyn (ed.) *Translation Horizons Beyond the Boundaries of Translation Spectrum. Translation Perspectives IX* (87–105). Binghamton: Center for Research in Translation.
- Newmark, P. 1988. *A Textbook of Translation*. Prentice Hall.
- Newmark, P. 1989. *Paragraphs on Translation*. Multilingual Matters Ltd.
- Newmark, P. 1991. *About Translation*. Multilingual Matters Ltd.
- Onishi, I. 2011. 商標権侵害と商標的使用 *Shōhyōken shingai to shōhyōteki shiyō*. Tokyo: Shinzansha.
- Radhakrishnan, R. & Balasubramanian, S. 2008. *Intellectual Property Rights: Text and Cases*. New Delhi.
- Roald, J. & S. Whittaker. 2010. Verbalization in French and Norwegian Legislative Texts: A Contrastive Case Study. In: *Legal Discourse across Languages and Cultures*. eds. by Maurizio Gotti, and Christopher Williams (95–108). Bern: Peter Lang.
- Šarčević, S. 1997. *New Approach to Legal translation*. Hague: Kluwer Law International.
- Šarčević, S. 2000. *New Approach to Legal Translation*. The Hague: Kluwer Law International.
- Wills, W. 1996. *Knowledge and Skills in Translator Behavior*. John Benjamins Publishing.

### **Copyright acts**

Polish Copyright Act (*Ustawa z dnia 4 lutego 1994 r. o prawie autorskim i prawach pokrewnych, Dz.U. 1994 Nr 24 poz. 83*)

British Copyright Act (*Copyright Act, 1956, 4&5 Eliz. 2 CH. 74*)

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British Copyright Act (*Copyright, Designs and Patents Act 1988, CHAPTER 48*)

American Copyright Act (*US Code, TITLE 17 – COPYRIGHTS, 2010*)

Japanese Copyright Law (知的財産基本法 *Japanese Intellectual Property Basic Act*,  
平成十四年十二月四日法律第百二十二号 *Act No. 122 of December 4, 2002*)

German Copyright Law (*Gesetz über Urheberrecht und verwandte Schutzrechte aus dem Jahre 1965*).