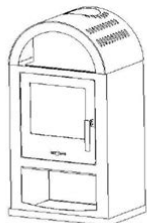
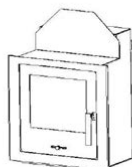


- D** Kaminofen Bedienungs-und Aufstellanleitung
- GB** Fire-place user instruction
- FR** Cheminée mode d'emploi
- HU** Kandalló használati útmutató

KF 198-L



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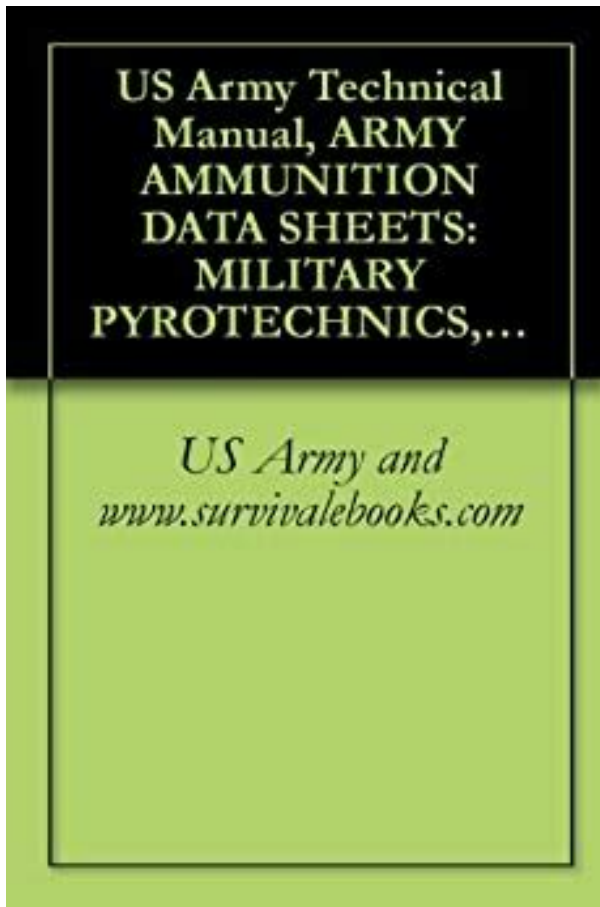
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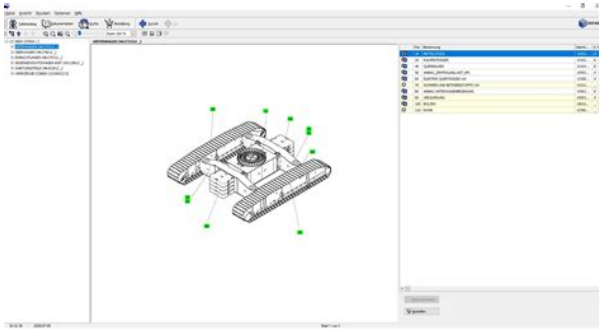
Book Descriptions:

Copyright on technical manuals



International edition UK edition US edition Australia edition International edition More UK edition US edition Australia edition Everything from tractors to home appliances came with detailed repair manuals. There was an expectation that if your table saw broke or your vacuum stopped working, you were going to open it up, figure out what was wrong, and fix it. If you got stuck, you called the manufacturer and they walked you through it. Manufacturers of computers, mobile phones, appliances, and cars still create repair manuals for every product they ship. You're just not allowed to have them anymore. And that gap in repair information is hindering our efforts to create a circular economy. Hicks runs Future Proof, a site that hosts ad-free, virus-free manufacturer repair guides for laptops. In no uncertain terms, Toshiba Australia's legal department told Hicks that he had to delete every one of its repair manuals. They contain proprietary information that only Toshiba and authorized repair technicians were privy to. Hicks wasn't allowed to have them, nor was anyone else. More than a year later, the manuals remain inaccessible and consumers who wanted to fix their computer have one fewer resource to rely on. Only a handful of electronics producers, including Dell, HP, and Lenovo, voluntarily release service manuals to the public for free. Others, including Apple, Acer and Sony, refuse to release repair, maintenance, or service manuals to the public, using copyright claims to scrub internal manuals off the web when third parties post them. No one can legally copyright facts or procedures but you can copyright any form of creative work, like writing. Manuals, despite their lack of creative or artistic merit, are a form of writing. Companies aren't going out on a limb by hiding them behind the shield of copyright. We're trying to fill the information gap left when manufacturers use copyright to keep their manuals offline. <http://www.budupomahat.cz/upload/fiero-parts-manual.xml>

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However, with thousands of new products hitting the market every single year, our community doesn't have enough time or resources to tackle them all. All it does is stop people from fixing their things. It prevents independent repair facilities and shops from having the information they need to repair your stuff at competitive prices. And it prevents refurbishers from having the resources they require to fix products and put them back on the market. Unlike recycling, repair lengthens the life of goods without compromising material quality or expending any extra resources. Reuse means our stuff can go on to a second, third, or even fourth life before recycling. Worse, they are shortcircuiting the circular economy. Support the companies that are doing a good job, and pressure other companies to share because a circular economy is our best opportunity to develop an economic system that works with the environment instead of against it. Become a GSB member to get more stories like this direct to your inbox. I further reasoned that if we followed their suggestion, they would need to put the notice on every page of their Web site and every PowerPoint presentation that they send out to the field. But, of course, too many copyright notices can become unruly and unattractive, so the practical question is whether there is a legal reason why copyright notices should be printed on every page of a document. Under an earlier version of the U.S. Copyright Act, the law required that a proper copyright notice be affixed to each copy of a work upon publication. As a result, using a copyright notice is now purely optional, and a copyright owner such as the author of a technical manual or the creator of PowerPoint slides does not forfeit this important intellectual property protection if he fails to include the notice. Interestingly, the U.S. Copyright Act provides only limited guidance. <http://pashtriku.org/fckeditor/fiero-service-manual-download.xml>



TECHNICAL GUIDE

SINGLE PACKAGE

GAS/ELECTRIC UNITS AND

SINGLE PACKAGE AIR CONDITIONERS

DM300 CONSTANT VOLUME

25 NOMINAL TONS

(WORLD 50 HZ)



This product was manufactured in a plant whose quality system is certified registered as being in conformity with ISO9001.

SUNLINE™ 2000

DESCRIPTION

Sunline™ 2000 series convertible package rooftop models have two independent refrigerant circuits for efficient part load operation. Although the units are primarily designed for curb mounting on a roof, they can also be slab-mounted at ground level or set on steel beams above a finished roof.

Cooling only, cooling with gas heat and cooling with electric heat models are available with wide variety of factory-mounted options and field-installed accessories to make them suitable for almost every application.

All units are self-contained and assembled on full perimeter base rails with holes in the four corners for overhead rigging.

Every unit is completely piped, wired, charged and tested at the factory to simplify the field installation and to provide years of dependable operation. Powder paint cabinets provide an exceptionally durable finish with the 750 hour salt spray process per ASTM-B117 test standard.

All models (including those with an economizer) are suitable for either bottom or horizontal duct connections. Models with power exhaust are suitable for bottom duct connections only. For bottom duct, remove the sheet metal panels from the supply and return air openings through the base of the unit. For horizontal duct, replace the supply and return air panels on the rear of the unit with a side duct flange accessory.

All models are available with three different outdoor air damper options:

- Single enthalpy economizer
- Single enthalpy economizer with power exhaust
- Motorized outdoor air damper

The enthalpy system contains one sensor that monitors the outdoor air and determines when the air is cool enough and dry enough to provide "free" cooling.

The rainhood is painted to match the basic unit and must be field-assembled before installing.

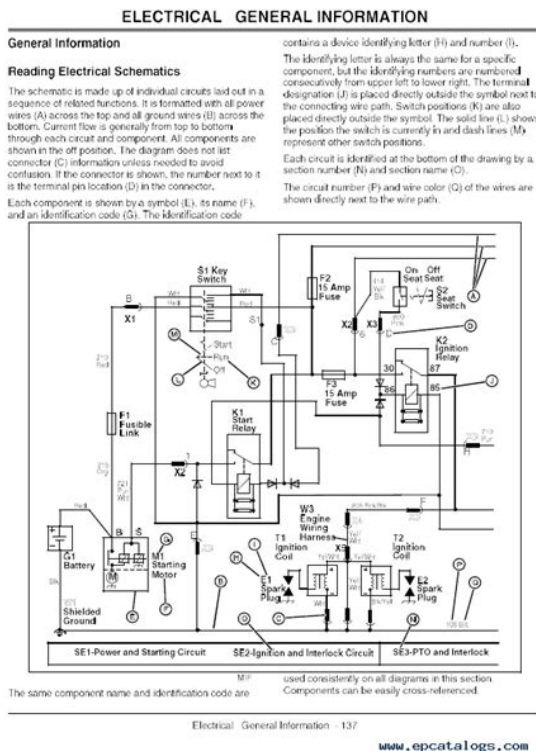
Power exhaust is not available as a field installed option.

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But what about your question What happens when the manual is revised. Interestingly, the Copyright Act doesn't directly say. But the commonly accepted practice is to include multiple years in the copyright notice, indicating the various years in which various material in the overall work was first published. That's why some attorneys might recommend that singleyear notices be used and placed at different locations throughout the manual. Or that additional descriptive information be provided along with the copyright notice. But that's the subject of another column! Well, first of all, you'd be creating an inaccurate copyright notice. Not all of the material was first published in the most recent year, right And, more importantly, the law will punish you for doing so.Laws and procedures change frequently and are subject to differing interpretations. It only takes a minute to

sign up. Sometimes there are differences, but mostly not. Is information like this considered common property ie. See, for example, Feist Publications Inc v. Rural Telephone Service Co, where a phone book was held to be not copyrightable. You cant copyright a recipe, but you CAN copyright a cookbook. Please be sure to answer the question. Provide details and share your research. Making statements based on opinion; back them up with references or personal experience. To learn more, see our tips on writing great answers. Browse other questions tagged copyright vehicle or ask your own question. Communications on Law Stack Exchange are not privileged communications and do not create an attorneyclient relationship. Hicks was frustrated that there wasn't a single website out there with every laptop service manual. Tims site now streams over 50 gigabytes of manuals every day. Or rather. it used to. In a recent strongly worded ceaseanddesist letter, Toshiba's lawyers forced Tim to remove manuals for over 300 Toshiba laptops.

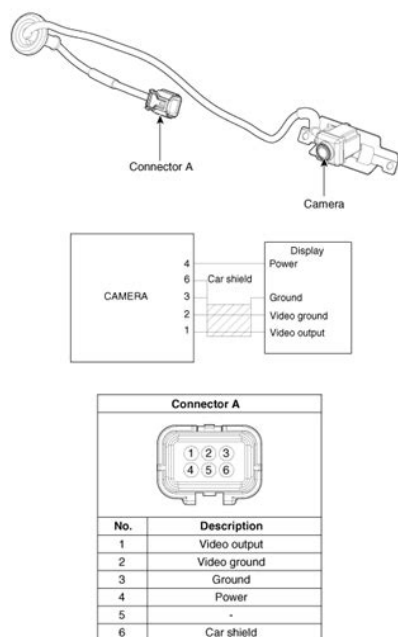


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Keeping manuals off the internet ensures the only path for beleaguered customers is sending broken devices back to highpriced, onlymanufacturerauthorized service centers. By making it so expensive and inconvenient to repair broken electronics, this policy amounts to planned obsolescence many people simply throw the devices away. Toshiba has discovered a new way to enforce such planned obsolescence by cutting the repair market off from critical service information. But the cost to society is significant The ewaste problem is growing; we're losing thousands of domestic jobs as independent repair shops shut down; and consumers are being forced to replace their hardware much frequently than they should have to. The Shady World of Online ManualsTim is one of the good guys. His site is adfree and supported by donations. Tim's website benefits everyone from service technicians to nonprofits like Computers for Schools.Independent shops wouldn't be able to repair modern cars without this information. Unfortunately, there's no equivalent legislation for electronics. Authorized technicians leak the manuals to people like Tim, who post it online; the service shops aren't breaking any laws when they use these manuals to fix our computers. But sites like Givemefile.net, downloadservicemanuals.com, and Tim's are breaking the law. Its illegal to redistribute copyrighted service manuals without manufacturer consent. Even so, a number of

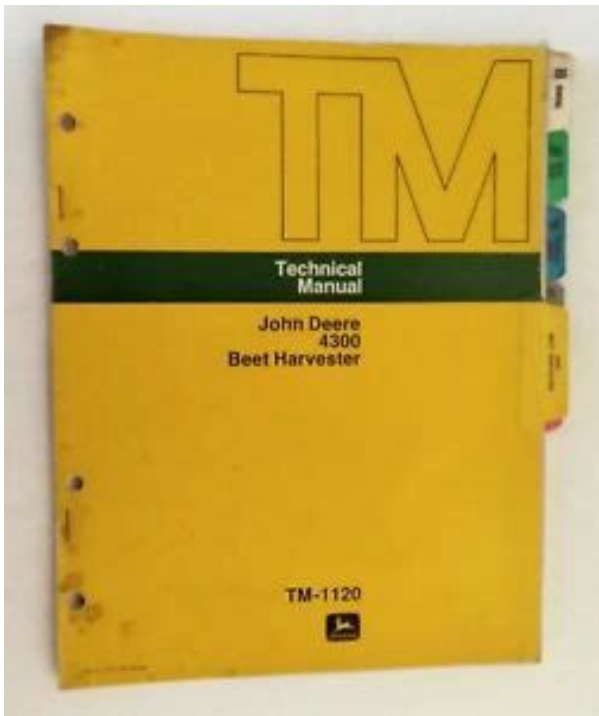
websites provide these critical documents to the service techs who need them. File sharing is a grey world. Yet this is a strong deterrent only theoretically, because copyright claims are only intermittently enforced. Tim hosted Toshiba's manuals for three years before he heard from the company. And he was fortunate Toshiba was satisfied once Tim removed the information. Copyright law does exist for good reasons. It's designed to promote creativity by protecting content creators for a limited period of time.

<https://www.ortorehab.se/images/8000-ford-tractor-repair-manual.pdf>



And you can copyright a poem, but you can't copyright facts like torque specifications. Major electronics manufacturers like Apple and Toshiba do copyright their service manuals; Apple has been using legal threats to keep its manuals offline for years. In fact, this information vacuum is what drove me to start iFixit. The electronics industry moves too quickly for this to be a serious concern. By using copyright law to cut off independent service shops from the information they need to function, Toshiba is essentially stifling the resale market. Its actions also hurt Toshiba customers by reducing the resale value of Toshiba products. Apparently, some IT departments are already considering shifting their budget away from Toshiba products toward more repairable computers. Procurement policies are a powerful tool for change. EPEAT, the green federal procurement tool, was used to pressure Apple this summer. So I have high hopes for this process. When the auto manufacturers refused to provide independent shops with the information needed to fix cars, consumers banded together for Right to Repair legislation, which passed just last week. This information needs to be free. The world desperately needs to know how to fix these products. Electronics repair is critically needed to solve the ewaste crisis; it helps bridge the digital divide by keeping secondhand electronics and developing countries' markets alive; and it accounts for hundreds of thousands of jobs in the United States alone. So if you're considering buying a Toshiba laptop, don't. And if you're a current owner, write Toshiba and tell them their actions are reprehensible. Buy from manufacturers who do make service documentation available online, like Dell, HP, or Lenovo. This should be true for our other purchasing choices, too. Because the problem is not unique to Toshiba. No cell phone manufacturer, for example, makes its service manuals available.

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Outside of the heavy equipment industry where customers demand the information and the automotive industry where legislation requires publication, it's a rare manufacturer that doesn't use copyright as a tool for controlling us consumers. But I'm not going to wait for Toshiba We're raising funds and hardware on Indiegogo to collaboratively write open source manuals to replace the ones Toshiba forced Tim to take down. Author Matt Simon Matt Simon Hacks A Critical Flaw Is Affecting Thousands of WordPress Sites Author Dan Goodin, Ars Technica Dan Goodin, Ars Technica We Recommend Powered By Outbrain Arielle Pardes Startup Perks Go Remote—and Take a More Inclusive Approach Adrienne So 16 Labor Day Camping Deals to Help You Escape to the Woods Jason Parham The Transgressive, Progressive Utopia of Summer Television Daniel Oberhaus Gravity, Gizmos, and a Grand Theory of Interstellar Travel Tom Simonite Big Tech Companies Want to Help Get You Back in the Office Get Our Newsletter WIRED's biggest stories delivered to your inbox. All rights reserved. Your California Privacy Rights. The material on this site may not be reproduced, distributed, transmitted, cached or otherwise used, except with the prior written permission of Conde Nast. Ad Choices. Copyrights are a valuable, though often underutilized, tool for protecting business assets. Practically everyone knows that copyrights protect books, films, and music. But many business people may not know that copyrights also protect computer programs, databases, web sites, proposals, newsletters, training films, manuals, technical publications, directories, architectural works and architectural and technical drawings, and promotional and advertising materials, both at home and abroad. Even fewer know that copyright protection is absolutely free; that it arises automatically when a work is created, and that the timely registration of copyright claims, for a nominal fee, can make copyright infringement suits economically feasible.

Fewer still realize that copyrights and also trademarks and patents may be used as collateral for secured loans. Since the enactment of the U.S. Copyright Act of 1976 and U.S. adherence to the Berne Convention an international treaty for the protection of copyrights, copyright protection has become a more powerful business tool. As the scope and power of the copyright laws have increased, so too has the ability of copyright owners to exploit their copyrighted works in new media. With this increased protection for copyright owners, however, has come the greater

likelihood that certain business uses of materials may be viewed as copyright infringement. Moreover, changes in the law have resulted in different sets of copyright rules, the applicability of which depends upon the dates of creation and publication of the copyrighted work. For instance, copyright notice requirements differ for works published before January 1, 1978; on or between January 1, 1978 and February 28, 1989; and on or after March 1, 1989. In addition, new rules pertaining to digital works and Internet Service Providers require special treatment of copyrighted works. Unfortunately, because the business community is generally unfamiliar with the copyright laws, many arrangements are entered into, without the advice of counsel, that do not take full advantage of the provisions of the Copyright Act, and sometimes are even inconsistent with copyright law. Often the deficiencies of such arrangements must be corrected by rehabilitative action by copyright attorneys, at substantial costs to the client. For the same reasons that the copyright law can be a powerful business weapon, it can also be a trap for the unwary. Thus, it is important now, more than ever, to become copyright conscious.

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In today's highly competitive world market, it is not enough for business people merely to be aware of their copyrighted assets, but they must also be cognizant of how best to exploit these valuable assets to their fullest and how to minimize the risk of running afoul of the copyrights of others. II. What Law Applies. The past 100 years have seen several systems of copyright protection for U.S. authors. The U.S. Copyright Act of 1909 and various state and common laws provided a dual system of protection from 1909 through the end of 1977. The Copyright Act of 1976, which became effective on January 1, 1978, virtually eliminated state and common law protection, and established a single system of federal protection, which is still in effect today. The 1976 Act then underwent some important amendments that became effective on March 1, 1989, when the U.S. acceded to the Berne Convention, thereby beginning the third copyright era of the last century. The Act underwent another revision effective January 1, 1996 when the United States joined the World Trade Organization WTO and acceded to the Agreement on Trade-Related Aspects of Intellectual Property commonly referred to as the TRIPs Agreement. Most provisions of the DMCA became effective October 28, 1998 see section XVI for a further discussion of the Digital Millennium Copyright Act and other issues involving digital technology. As a general rule, the copyright law in effect at the time that a particular act or transaction takes place governs that act or transaction. This may sound like a simple concept, but it is not. Owners of pre-1978 copyrights should be mindful that the 1909 Act contains many pitfalls that were substantially eliminated under the 1976 Act and the Berne Act, and that the two acts differ substantially. However, copyright law under the 1909 Act will continue to be relevant to copyright owners and attorneys for many years.

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Accordingly, maintenance of pre-1978 copyrights and actions affecting the ownership or validity of such copyrights should be undertaken only in conjunction with the advice of copyright counsel. III. What Is Copyrightable A. Copyrightable Subject Matter Just about anything that can be fixed in a tangible form and constitutes the authors or creators personal and nontrivial expression is automatically protected under the Copyright Act of 1976. This automatic protection begins the moment the copyrighted work is first fixed. The bill does not intend either to freeze the scope of copyrightable subject matter at the present stage of communications technology or to allow unlimited expansion into areas completely outside the present congressional intent. Section 102 implies neither that subject matter is unlimited nor that new forms of expression within that general area of subject matter would necessarily be unprotected. H.R. Rep. No. 941476, 94th Cong., 2d Sess. 51 Sept. 3, 1976. Copyright protection in a compilation or derivative work extends only to the new material contributed by the author of the work. These principles may seem innocuous, but they

can have important implications for copyright infringement, which are discussed in section XI. Certain works and subject matter are expressly excluded from copyright protection under the 1976 Act. It is worth noting, however, that slogans, short phrases, titles, and logos may be eligible for trademark or service mark protection if they indicate a source of origin of goods or services. Furthermore, where an idea and the expression of that idea merge, or where there is a limited number of ways to express a particular idea, the expression will be granted little or no protection by the courts. For example, a jewelry pin in the form of a bee was held not to be copyrightable because the features of a bee were capable of limited expression and therefore were not protectable under the copyright laws merger doctrine.

Herbert Rosenthal Jewelry Corp. v. Kalpakian, 44 F.2d 738 9th Cir. 1971. B. Statutory Requirements for Copyright Protection A work must meet two basic requirements to be protected as a copyrighted work—originality and fixation. The originality requirement is comprised of two subrequirements. Specifically, to be original a work must be independently created and be sufficiently creative to warrant copyright protection. Each of these requirements is described in more detail below. In addition, many principles of copyright law are identical under both the 1909 and 1976 Acts, such as the standard of originality. If the author created the work through his independent effort and did not copy it from some other source, then it is subjectively original to the author. Proof that the alleged author actually created the work may be accomplished through good record keeping or saving early drafts, or even by having the author mail himself a copy of the final draft of the work and keeping the sealed, postmarked envelope. However, the issue of whether the alleged author is the person who actually fixed the work in a tangible form is rarely litigated. Rather, to satisfy the objective originality element, a work need not be strikingly unique or novel. The work need only be more than a trivial variation from some preexisting work. Originality of even the slightest degree, even if it amounts to no more than a rearrangement of age-old ideas, is sufficient objective originality to merit protection. Despite the requirement of minimal objective originality, it is difficult to predict the amount of objective originality that will satisfy the Copyright Office when it is asked to register a claim. However, in letters rejecting copyright registration applications, examiners are hardpressed to quantify the amount of originality that is lacking.

It is important to remember, however, that a work may be copyrightable and may be covered by a valid copyright even if the Copyright Office says that it is not, or if it refuses to register a claim for the work. Moreover, neither work will infringe the other author's copyright. Two types of works, however, require special attention. They are computer software and databases. An operating system program is a computer program that manages the internal functions of a computer and facilitates the use of application programs. An application program usually performs a function for the computer user, e.g., word processing. Programs may be written in high-level languages resembling English, known as source code, or low-level languages consisting of alphanumeric labels or abbreviations. Low-level language versions of a given program are commonly known as object code. Object code consists of combinations of ones and zeros and is readable only by the computer or by programmers with considerable expertise and experience. Microcode instructions that control microprocessors is also subject to copyright protection. *NEC Corp. v. Intel Corp.*, 645 F. Supp. 590 N.D. Cal. 1986. *Whelan Assocs. v. Jaslow Dental Lab., Inc.*, 797 F.2d 1222 3d Cir. 1986, cert. denied, 479 U.S. 1031 1987. According to the Whelan court, the structure, sequence, and organization of computer programs may be copyrightable if these elements are not functionally dictated by the requirements of the computer or computer programming, or by the requirements of what the program is intended to accomplish. See *Data East USA, Inc. v. Epyx, Inc.*, 862 F.2d 204 9th Cir. 1988. In other words, as long as the structure, sequence, and organization of a program may be accomplished in more than one way, such elements of the program may be copyrightable. In 1992, the Second Circuit Court of Appeals adopted a three-part test for copyrightability and infringement of computer programs. *Computer Assocs. v. Altai, Inc.*, 982 F.2d 693 2d Cir.

1992. The Second Circuits threepart test first analyzes the program in increasing levels of abstraction from the most concrete level of expression the code itself to the most general idea of the program. The court then filters out all uncopyrightable elements of the program from each level of abstraction. Finally, the court compares the allegedly infringing program to the remaining copyrightable elements of the plaintiffs program. Here the court applies the substantial similarity standard of comparison see section XI, unless the computer program is composed primarily of material licensed from third parties or publicly available. If the computer program is composed primarily of material licensed from third parties or publicly available, the copyright owner, in order to prevail, must show virtual identity, rather than merely substantial similarity, between those aspects of its work that are protectable and those aspects of a defendants work alleged to be infringing. This threepart test has been adopted, with variations, by several other U.S. Courts of Appeals. The Supreme Courts deadlock in conjunction with the Courts lack of a written decision in the case, however, provides little guidance for future cases involving user interfaces. The court excluded from protection those elements of the work that necessarily result from external factors inherent in the subject matter of the work. These factors include hardware standards and mechanical specifications, software standards and compatibility requirements, computer manufacturer design standards, industry programming practices, and the practices and demands of the industry being serviced. Although they were protected, courts used two very different rationales to afford such protection. Some courts protected compilations based on whether the compiler arranged and selected the compilation in a creative manner.

Other courts protected databases based on whether the compiler invested time, effort, and resources in the process of creating the database. This changed in 1991 when the Supreme Court decided the case of *Feist Publications v. Rural Tel. Serv. Co.*, 499 U.S. 340 1991. The following factors are relevant when determining whether a database has sufficient creativity in its selection and arrangement to warrant copyright protection. For instance, many courts have held that a copyrighted database was not infringed because the differences between the databases were trivial, or because any elements of selection, coordination, or arrangement that were copied did not constitute creative authorship. Accordingly, the more creativity that is used to generate a database, the more likely the database will be protectable under the copyright law, and the greater protection that will be afforded to such a database.

IV. Exclusive Rights. Section 106 of the 1976 Act grants to the copyright owner the exclusive rights to reproduce the copyrighted work in copies or phonorecords; to prepare derivative works based upon the copyrighted work; and to perform or display the copyrighted work publicly. Section 106 also grants copyright owners the exclusive right to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The Court found that once a copyright owner sells a copyrighted work that has been manufactured in the United States, the first sale exception prevents a copyright owner from controlling further distribution of that work—including distribution by importation see first sale discussion in section VB. With the Courts decision in *Quality King*, the ability of copyright owners to use the copyright law to prevent importation of gray market goods has been limited, but not extinguished.

Quality King notwithstanding, if the gray market goods are manufactured abroad and imported into the United States, the copyright law may still be used by businesses to prevent such unauthorized importation. Section 106 also grants copyright owners the exclusive right to perform the copyrighted work publicly, unless the work is a sound recording. If the work is a sound recording, the copyright owner of the sound recording has the exclusive right to perform the sound recording publicly only when the performance occurs by means of a digital audio transmission. The exclusive rights are not without limitations. Exceptions and limitations to these rights are found in sections 107 through 122 of the 1976 Act.

A. The Fair Use Exception. The fair use exception constitutes both a beforethefact limitation on the copyright owners bundle of exclusive rights and an afterthefact

defense to a charge of infringement of such rights. Section 107 reads as follows In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include— The first is truthful comparative advertising embodying the copyrighted work of another, which was held to be a type of fair use in *Triangle Publications, Inc. v. KnightRidder Newspapers, Inc.*, 626 F.2d 1171 5th Cir. 1980. This type of fair use probably can be categorized as a form of criticism or comment. The first decision was the *Betamax* case, in which the Court linked the first and fourth fair use factors and seemed to create an economic effects test for fair use. In so doing, the Court seemed to establish a presumption of unfair use when the accused use is commercial in nature. The Court also seemed to establish a presumption that noncommercial uses are fair by deemphasizing the second and third factors.

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