237588 - What is meant by the phrase “All rights reserved”?

the question

What is meant by the phrase “All rights reserved” – which is found on your website, for example? Does it mean that it is not permissible for me to benefit from the website or book on which this phrase is written, or to copy anything from it?

Detailed answer

Praise be to Allah.

Firstly:

The custom is for authors of intellectual property, inventions, writings, programs and apps to write the phrase “All rights reserved” in the introduction to or at the beginning of their works.

What this phrase means is that all intellectual property rights and patents that have to do with this work are protected and preserved for the party that is in charge of this work.

The rights that have to do with that are of two types:

(i) Moral and literary rights

what this means is: the right to have this item, written work or program attributed to its author; the right to give consent to publication thereof; the right to define the way in which it is to be published; the right to alter it and withdraw it from circulation when necessary, and so on.

(ii) Material rights

these materials, products and inventions have financial value, and the author has the right to give them to people for free or in return for financial gain.

All returns and financial privileges connected to these works are regarded as being the author's rights.

According to a statement of the Islamic Fiqh Council:

Trade names, business names, trademarks, written works, inventions and patents are all rights that belong to their owners or authors. According to modern customs and usage they have acquired considerable monetary value. These rights are respected in sharee'ah and it is not permissible to transgress against them.

Secondly:

The fact that rights are reserved for the authors does not mean that it is not allowed to quote from the works and make use of and benefit from what they contain of knowledge and goodness. Therefore there is nothing wrong with a person quoting or making use of these works, on condition that he attributes the quotation to the source.

Jamal ad-Deen al-Qaasimi said:

One of the important matters to note when writing books is the importance of attributing ideas, analyses and conclusions to the authors, so as to avoid attributing to yourself anything that is not yours, and so as to avoid being like the one who wears two garments of falsehood (by pretending to have been given something that he was not given – as mentioned in the hadith narrated by Muslim). End quote from Qawaa'id at-Tahdeeth (p. 40)

Part of intellectual honesty is attributing words and ideas to their authors, and not benefitting and learning from others then attributing what one has learnt to oneself, for that is a type of theft and a kind of deceit and forgery. End quote from ar-Rasool wa'l-'Ilm (p. 63)

However the author of this work does not have the right to prevent people from benefitting from it and quoting from it. If he says something to that effect, his words are to be ignored.

Thirdly:

The protection of authors' rights does not mean that it is not allowed to make copies of this work or download it – in any format – if the aim of doing so is personal use.

But if that is done for the purpose of making money and trading in these works, by publishing and distributing them, then this is a prohibited action, because it is a transgression against the material rights of the author of the work.

Shaykh Ibn 'Uthaymeen was asked:

Is it permissible for us to make copies of tapes on which it is written "All rights reserved"? Is the ruling different if the copies are made for free distribution, i.e., for da'wah and not for trade?

He replied:

What appears to me to be the case is that if they are copied for personal use, there is nothing wrong with that.

But if it is for trade, such as if a recording studio makes copies of these tapes, then that is not permissible, because it is a transgression against the brother's rights.

If it is a student who wants to make a copy from another student, there is nothing wrong with that.

End quote from at-Ta'leeq 'ala al-Kaafi by Ibn Qudaamah (3/373)

He was also asked: what is the ruling on making copies of tapes that are copyrighted?

He said:

What I think is that if a person makes a copy for himself only, and not for trade, there is nothing wrong with it, because this does not harm anyone. As for the one who copies it for the purpose of trade and distribution, this is a transgression, and is like a Muslim underselling his brother, and for a Muslim to undersell his brother is haraam. End quote from Liqa' al-Bab al-Maftooh (164/17).

We have previously quoted a fatwa of Shaykh Sa‘d al-Humayyid in question no. 21927, in which he said that making copies of a book or disc for the purpose of trading in it and harming the original producer is not permissible.

But if a person makes a single copy for himself, then we hope that there is nothing wrong with that, but it is better not to do that. End quote.

Conclusion:

The phrase “All rights reserved” does not prevent personal use, or quoting or benefitting from a work. Rather what is disallowed and prohibited is claiming the efforts and work of someone else and attributing it to oneself, or copying it with the aim of making a profit from it and trading in it without the permission of the rightful owner.

For more information, please see: 38847 and 131437

And Allah knows best.