

## A guide to copyright

### 1. What is copyright?

It is an automatic right giving protection to certain types of material. It does not require any application for registration. It enables you to exploit the ways in which that material can be used.

Copyright protects the way in which ideas are expressed. Generally, it does not protect ideas.

The material that copyright protects are original;

- Literary works
- Dramatic works
- Musical works
- Artistic works
- Sound recordings
- Films broadcasts and cable programmes
- Published editions of works

### 2. How do I claim copyright?

No formalities are required. A practical step is to mark any work with the © symbol followed by the name of the copyright owner and the year of publication.

Copyright only exists in original works. Proving originality can be fraught with difficulty.

### 3. Who owns copyright?

- Literary, dramatic, musical and artistic works - The author
- Films - The principal director and the film producer
- Sound recordings, broadcasts and published editions - The record producer, broadcaster or publisher

It is possible for a work to be of joint ownership.

If a work is made in the course of employment then the employer will usually own the copyright.

If a work is commissioned, ownership remains with the author of the work even if the payment has been made, although the commissioner will have an implied right to use the copyright in the work for the purpose of the commission.

#### 4. How long does it last?

Literary, dramatic, musical and artistic works	70 years from end of calendar year in which author dies
Sound recordings, broadcasts and cable programmes	50 years from end of calendar year in which sound recording, broadcast or cable programme is made or from date of release or in which cable programme is included in a cable programme service
Film	70 years from the death of the last survivor of principal director, author of screenplay and dialogue, or composer of any music
Published editions	25 years from end of calendar year in which first published

#### 5. What can I do if my copyright is used without my permission?

A copyright owner has six exclusive rights:

- i. A right to perform, show or play the work in public
- ii. A right to broadcast the work or include it in a cable programme service
- iii. A right to copy
- iv. A right to issue copies to the public
- v. A right to lend or rent the work to the public
- vi. A right to make an adaptation of the work

Any breaches of these rights are known as Primary Infringements. If someone carries out one of the above without the copyright owner's permission or gets a third party to do so then copyright is infringed. Even infringement of part, provided it is a substantial part, can amount to an infringement.

Dealings with infringing copies are also actionable. These are called Secondary Infringements. They are:

- i. Importing infringing copies
- ii. Processing in the course of a business or dealing with infringing copies
- iii. Providing means for making infringing copies

- iv. Permitting use of premises for infringing performances
- v. Provision of apparatus for infringing performances

Note: There are various rules which determine whether certain acts are infringing or not; those rules are beyond the scope of these notes.

If copyright is infringed you can go to Court. The Court may grant a range of remedies including Orders to stop the infringement, damages and delivery of or destruction of the infringing goods/materials.

There are also criminal sanctions enforced by local Trading Standards or the Police.

## 6. Can I transfer copyright?

You can sell or licence copyright. You can control which rights you would like to exploit.

## 7. Is my copyright protected overseas?

This depends upon whether the material is one that is protected by an international convention. The UK is a member of a number of such conventions.

## 8. Other related rights

- Moral rights;
  - i. A right to prevent false attribution
  - ii. A right to be identified as the author
  - iii. A right to privacy
  - iv. A right to object to derogatory treatment

These rights remain even if an author assigns or licences the copyright.

From 1 February 2006 moral rights are created for performers.

- Database right - Databases may get protection from copyright but equally they may have a separate automatic right; a right that protects databases against unauthorised extraction and re-utilisation. It lasts for 15 years from the creation of the database.