

# THE RIGHT TO CONTROL



## An introduction to Copyright

Copyright is a form of intellectual property right that protects a work from being copied.

# COPYRIGHT ARISES AUTOMATICALLY UPON THE CREATION OF A WORK

- ARISES AUTOMATICALLY - NON REGISTRABLE IP RIGHT
- PROTECTS ARTISTIC WORKS
- PROTECTION LASTS 50 YRS FROM FIRST BROADCAST FOR SOUND RECORDINGS
- PROTECTION LASTS LIFETIME PLUS 70 YRS FOR LITERARY, MUSICAL AND DRAMATIC WORKS

Copyright is a form of intellectual property right that protects a work (e.g. a sound recording) from being copied.

Copyright can subsist in an 'artistic work' such as (a) a graphic work, photograph, sculpture or collage, irrespective of artistic quality; (b) a work of architecture being a building or a model for a building; or (c) a work of artistic craftsmanship. It can also subsist in dramatic, musical and literary works (e.g. a novel, an instruction manual, computer program code etc.) as well as other types of works. It is important to note that copyright does not protect ideas (which may be protectable via a Patent) and does not protect a name (which may be protectable via a Registered Trade Mark).

**Copyright arises automatically upon the creation of a work. There is no formal requirement to register or to apply to register copyright. We recommend that you mark your work with the copyright symbol © followed by your name and the date.**

It is important to ensure that you are able to establish (to the satisfaction of a Court of Law) that copyright does subsist. It is also important to be able to demonstrate the date of creation

of the copyright work. For example, to help demonstrate the date of creation, it may be helpful to deposit the work with a Solicitor or post it to yourself via special delivery and leave the envelope unopened.

**In order for copyright to subsist in a work, the work must be 'original'. This means that the work must be originated by the author, without derivation or copying from a pre-existing work.**

Copyright can only subsist in works if the requirements for place of first publication or the national qualifications concerning the nationality or national residence of the author are met. In general, these provisions act to deny copyright protection to nationals of foreign territories if those territories do not confer reciprocal rights to works of U.K. origin under their own laws.

A copyright owner of a work is usually the author/the creator of the work. However, where the work is made by an employee in the course of his duties, the employer is usually the copyright owner. Where a work

is commissioned, the author/ the creator of the work is the copyright owner. Therefore, if you are commissioning an external agency to produce material that may be protected by copyright, it is important to form a contract with the agency so that copyright is owned by you and not by the agency.

In general, for artistic, literary, musical and dramatic works, copyright lasts until the end of the period of 70 years from the end of the calendar year in which the author dies. For sound recordings and broadcasts, copyright lasts for 50 years. For typographical arrangements of published editions, copyright lasts for 25 years.

The provisions relating to copyright infringement are complex and we are able to provide advice in this regard. It should be kept in mind that copyright in a work may be infringed by reproducing the work in a different medium. For example, copyright may be infringed by making a sound recording of a book that is protected by copyright.