

## COMMON QUESTIONS ABOUT COPYRIGHT

*Can I copyright an idea?* No. Copyright may protect a work, drawing or plan that outlines the idea, but copyright cannot prevent the idea itself from being used elsewhere. Dependent on what the idea is, i.e. an invention, it may be possible to apply for a patent.

*Are names protected by copyright?* No. There is no copyright in a name, title, slogan or phrase. These may however be eligible for registration as a trade mark. For more information contact your solicitor.

*What about the Internet?* Under UK law, it makes no difference how the work is stored or published, copyright law still applies

*What about music which is made up of sample and loops of other songs?* Copyright does not subsist in any part of a work which is a copy taken from a previous work, so although the work for the main part may be original and copyright apply, the parts which were copied from another track would retain the original copyright. You should certainly seek permission from the original author of the samples before you consider publishing or broadcasting such a work.

*What about computer programs and material stored in computers?* Under the 1988 Copyright designs and patents act, computer programs are now protected as literary works. Databases may receive copyright protection for the selection and arrangement of the contents. Also database right may exist in a database. This is an automatic right and protects databases against the unauthorised extraction and re-utilisation of the contents of the database. Database right lasts for 15 years from the making but, if published during this time, then the term is 15 years from publication.

*What constitutes a copyright work?* Any literary, dramatic, design, musical or artistic work. So long as the work, "exhibits a degree of skill, labour or judgement".

*Can Copyrights be inherited?* Yes. The person who inherits the work will become the new copyright owner.

*Does format or quality of the work matter?* Copyright exist in works regardless of format, i.e. negatives or photographs, computer files or paper documents, and regardless of the quality of the work.

*What happens when a copyright expires?* The work will fall into the public domain, making it available to anyone wishing to use, copy or reproduce the work. This is how so many companies can publish works by William Shakespeare, classical composers etc.

*Where can a copyright licence be obtained from?* The Copyright Licensing Agency licences users to copying extracts from books, journals and periodicals, and collects fees from licensed users to pay authors and publishers their shares of the copying fees.

*Is a licence needed for the public performance of music?* Yes, to obtain a performance licence contact the Performing Rights Society.

*How does copyright apply in works which contains extracts, quotes etc.?*

Copyright exists in all parts which are of original creation, (i.e. excluding any parts quoted or copied from other works). Any non-original parts retain the original authors copyright, and permission should be sought before using them.

*How does copyright differ from a patent?* Patents apply to inventions or ideas, whilst copyright applies to written or recorded work. For more information on patents, contact the Patent Office.

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