

COPYRIGHT LAW

This fact sheet outlines the laws covering copyright in the United Kingdom and the work to which it applies.

Introduction - Copyright law and copyright originated in the UK from a concept of common law, the Statute of Anne 1709. It became statutory with the passing of the Copyright Act 1911. The current act is the Copyright, Designs and Patents Act 1988.

About copyright law - Copyright law gives the creators of literary, dramatic, musical, artistic works, sound recordings, broadcasts, films and typographical arrangement of published editions rights to control the ways in which their material may be used. The rights cover; broadcast and public performance, copying, adapting, issuing, renting and lending copies to the public. In many cases, the creator will also have the right to be identified as the author and to object to distortions and mutilations of his work. International conventions give UK copyright protection in most countries, subject to national laws.

Types of work to which copyright applies

- ❑ **literary** - song lyrics, manuscripts, manuals, computer programs, commercial documents, leaflets, newsletters & articles etc.
- ❑ **dramatic** - plays, dance, etc.
- ❑ **musical** - recordings and score.
- ❑ **artistic** - photography, painting, sculptures, architecture, technical drawings/diagrams, maps, logos.
- ❑ **typographical arrangement of published editions** - magazines, periodicals, etc.
- ❑ **sound recording** - may be recordings of other copyright works, e.g. musical and literary.
- ❑ **films broadcasts and cable programs** - Computer programs regulations in 1992 extended the copyright of literary works to include computer programs.

When copyright occurs - Copyright arises whenever an individual or company creates a work: A work is subject to copyright if it is regarded as original, and must exhibit a degree of labour, skill or judgement. Interpretation is related to the independent creation rather than the idea behind the creation. For example, copyright will not exist in names, colours or ideas, but will exist in a work composed of these elements. In short, copyright may protect a work that expresses an idea but not the idea behind it.

Who Owns The Copyright On A Piece Of Work - Normally the individual or collective who authored the work will exclusively own the copyright. However, if a work is produced as part of employment then normally the copyright belongs to the person/company who hired the individual. For freelance or commissioned work, copyright will usually belong to the author of the work, unless there is an agreement to the contrary (i.e. in a contract for service). Copyright does not subsist in any part of a work which is a copy taken from a previous work. For example, in a piece of music featuring samples from a previous work, the copyright of the samples would still

remain with the original author. Only the owner, or his exclusive licensee can bring proceedings in the courts.

Duration of copyright - The 1988 Copyright, Designs and Patents Act states the duration of copyright as:

For literary, dramatic, musical or artistic works - 70 years from the end of the calendar year in which the last remaining author of the work dies, or, if the work is of unknown authorship: 70 years from end of the calendar year in which the work was created, or if made available to the public in that time, (by publication, authorised performance, broadcast, exhibition, etc.), 70 years from the end of the year that the work was first made available.

Sound Recordings and broadcasts - 50 years from the end of the calendar year in which the work was created, or, if the work is released within that time: 50 years from the end of the calendar year in which the work was first released.

Films - 70 years from the end of the calendar year in which the last principal director, author or composer dies, or, if the work is of unknown authorship: 70 years from end of the calendar year of creation, or if made available to the public in that time, 70 years from the end of the year the film was first made available

Typographical arrangement of published editions - 25 years from the end of the calendar year in which the work was first published

Broadcasts and cable programs - 50 years from the end of the calendar year in which the broadcast was made.

Acts restricted by copyright - It is an offence to perform any of the following acts without the consent of the copyright owner: copy the work, rent, lend or issue copies of the work to the public, perform, broadcast or show the work in public, adapt the work. The author of a work or director of a copyright film may also have certain moral rights; the right to be identified as the author, right to object to derogatory treatment.

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