



Advocates for International Development
Lawyers Eradicating Poverty

Copyright Guide

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This document provides general information and comments on the subject matter covered and is not a comprehensive treatment of the subject. It is not intended to provide legal advice. With respect to the subject matter, viewers should not rely on this information, but seek specific legal advice before taking any legal action

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What does this guide apply to?

This guide addresses UK copyright law as at February 2013. UK law will cover how you can use and protect materials in the UK, even if the materials were created outside the UK.

Do I need to register copyright?

No. In the UK there is no registration system.

It can be useful to prove that you created e.g. a drawing or a piece of text before a particular date. One way of doing that is to send a copy of the item to yourself in the post and not open the envelope, so that the postmark shows the date by which your work had been created and that you cannot have copied someone else. This is a form of evidence; it does not affect whether copyright exists or not in the first place.

The © symbol is sometimes used to indicate ownership of copyright in something. You do not have to use it but it can help show people that you are asserting that you own copyright and that you want to protect against unauthorised use.

What does copyright protect?

Copyright protects various "works". These include:

- Literary works – e.g. text, novels, song lyrics, computer software;
- Artistic works – e.g. drawings and photographs;
- Musical and dramatic works – e.g. melodies and plays; and
- TV programmes, films and "sound recordings" (e.g. the actual recording of a song).

Facts as such cannot be protected by copyright. In general terms, you can therefore rewrite a news item using your own words without infringing the copyright in the news report. Copyright does not protect the general ideas which underlie a work, only the way in which those ideas are expressed e.g. on paper.

Where you want to stop others using information which you can keep secret, you should use a written confidentiality agreement with the person to whom you wish to disclose the information (also called a non-disclosure agreement or "NDA").

When does a work have copyright protection?

Usually, there is no requirement of artistic or literary merit, so you can have copyright protection even for business documents, simple diagrams and words on a website. The work must be recorded in a material form (including a digital form which has never been printed out).

How long does copyright last?

For most works, copyright last for the life of the author + a further 70 years (ending on 31 December).

For films, copyright lasts for 70 years from the death of the last of various people such as the director. For sound recordings the duration is currently 50 years from first publication of the recording, but this will increase to 70 years from 1 November 2013.

Who owns copyright?

The author (the creator of the work e.g. an artist, photographer, lyricist etc.) is generally the first owner of the copyright in his or her work.

One important exception is where a work is made by an employee in the course of his employment (e.g. an employee writes a report or takes a photograph as part of his or her job). Here, the copyright will automatically be owned by the employer (unless they have agreed something different).

Freelancers or independent contractors own copyright in their works and not pass to the person who paid for it, unless they sign a written transfer of the copyright.

What rights does a copyright owner have?

Copyright is the right to stop someone else exploiting your work ~~it~~ in certain ways without your permission. Doing any of the following without permission infringes copyright unless there is a defence:

- copy the work (e.g. make photocopies),
- issue copies to the public (e.g. distribute copies of a book),
- perform, show or play the work in public (e.g. play a record in a public place),
- communicate the work to the public (e.g. put copies onto a website), and
- adapt the work.

It is not a defence to say "I didn't realise I was doing anything wrong".

You can also infringe by dealing in infringing copies e.g. selling something made by someone else, if you knew or should have known that the copies in question were made without permission.

You can infringe by taking just a part of the work and by adapting rather than just by taking the whole, word for word.

Defences to infringement

Sometimes, you can use copyright works without permission. These include the following:

- Certain kinds of copying for educational purposes, as long as it is not for commercial gain and the author is acknowledged.
- Fair dealing for various purposes, which include using the work for non-commercial research purposes and private study, or for criticism and review, provided the author is acknowledged.

What happens if I infringe someone's copyright?

If they complain, they will usually ask for:

- an immediate end to the unauthorised copying (maybe ordered by the court, called an "injunction");
- financial compensation ("damages") for the past use (which in some cases can be on a punitive basis, but are usually based on the sort of fee you would have been charged for permission);
- the hand-over of the unauthorised copies; and
- reimbursement of their legal costs.

Can I transfer my copyright?

Yes. You can transfer ownership in a signed, written document.

If you want to remain owner but allow someone else to exploit copyright, you can grant a licence and say (at least):

- whether the licence is exclusive (i.e. you cannot also exploit the copyright) or non-exclusive (you can, and can also allow others to do so);
- how and where the other person can exploit;

- whether the other person can allow others to exploit (known as sub-licensing) and whether they can transfer the licence to anyone else;
- the payment terms; and
- how you can terminate the licence.

It is a good idea to take professional advice on complex licences.