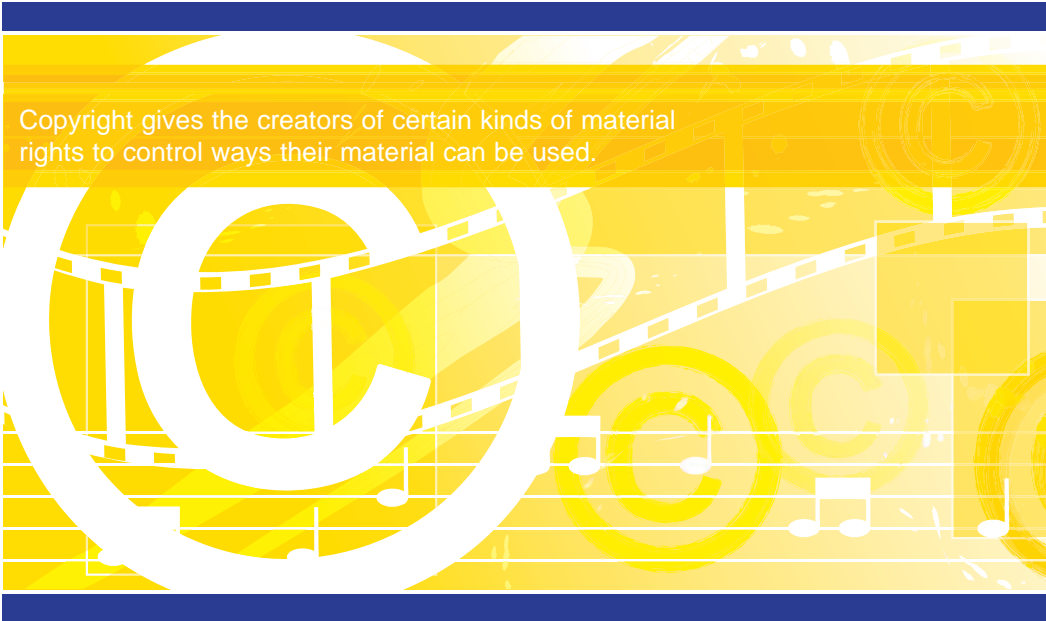




Copyright:
Basic facts



Copyright gives the creators of certain kinds of material rights to control ways their material can be used.

All information contained in this document was correct at the time of going to print, and is available in alternative formats on request. For further information please visit our website at- www.ipo.gov.uk or contact us on:- **0300 300 2000**

Copyright: Basic facts

What is copyright?

Copyright gives the creators of certain kinds of material rights to control ways their material can be used. These rights start as soon as the material is recorded in writing or in any other way. There is no official registration system. The rights cover:

- copying;
- adapting;
- distributing;
- communicating to the public by electronic transmission (including by broadcasting and in an on demand service);
- renting or lending copies to the public; and,
- performing in public.

In many cases, the author will also have the right to be identified on their work, and to object if their work is distorted or mutilated.

What is protected by copyright?

Copyright protects original literary, dramatic, musical and artistic works, published editions of works, sound recordings (including CDs), films (including videos and DVDs) and broadcasts.

What about computer programs and material stored in computers?

A computer program is protected as a literary work. Converting a program into or between computer languages and codes counts as 'adapting' a work. And storing any work in a computer involves 'copying' the work. Also, running a computer program or displaying a work on a VDU will usually involve 'copying'. The copyright owner will usually need to give permission for 'adapting' and 'copying' a work. But you may not need permission to make transient or incidental temporary copies.

What about databases?

Databases are protected by copyright if the selection and/or arrangement of their contents is original. But they may also, or instead, be protected by 'database right' if there has been a substantial investment to make the database. Database right protects databases against anyone extracting and using their contents without permission. Database right lasts for 15 years from when the database is made or, if the database is published during this time, for 15 years from publication.

Copyright: Basic facts

Does material have to have novelty or aesthetic value to get copyright protection?

No - the material simply has to be the result of independent intellectual effort. Technical descriptions, catalogues and engineering drawings are all examples of material which qualifies for copyright protection whatever the subject matter.

Are names protected by copyright?

No - there is no copyright protection for names or titles.

Are ideas protected by copyright?

No - although the work itself may be protected by copyright, the idea behind it is not.

Can copyright protect industrial articles?

No - copyright can protect the drawing from which an article is made, but it cannot be used to prevent someone manufacturing the articles. For information on protecting industrial articles, please see our leaflet 'Designs - Basic facts'.

Is material on the internet protected by copyright?

Yes - under UK law copyright material sent over the internet or stored on web servers will usually be protected in the same way as material recorded on other media. So if you want to put copyright material on the internet or distribute or download copyright material that others have put on the internet, you will need to make sure that you have permission from the people who own the rights in the material. The position in other countries may be different. If you put material on the internet or download it in the UK, the above rules apply, even if the material is to be downloaded or was put on the internet in another country.

Ownership and length of copyright

The general rule is that the author is the first owner of copyright in a literary, dramatic, musical or artistic work. In the case of films, the principal director and film producer are joint authors and first owners of copyright. The main exception is where you create a work or film as part of your job. In this case your employer owns the copyright.

The copyright in sound recordings, broadcasts and typographic arrangement of published editions usually belongs to the record producer, broadcaster or publisher.

The length of copyright is different for these different types of work.

Do I need to register copyright?

No - copyright protection in the UK is automatic, so there is no registration system, there are no forms to fill in, and no fees to pay.

Can copyright be transferred to someone else?

Yes - copyright is a form of intellectual property and, like physical property, it can be bought and sold, inherited or otherwise transferred. It is also possible to transfer only some of the rights you are entitled to. Anyone who is a copyright owner can choose to license others to use their work.

But if I own something, doesn't that make me the copyright owner?

No - copyright exists independently of the material on which it is recorded. So if, for example, you have bought a painting, you will only own the copyright in it if that has also been transferred to you.

How long does UK copyright last?

Copyright in a literary, dramatic, musical or artistic work (including a photograph) lasts until 70 years after the death of the author. For films, copyright lasts for 70 years after the death of the last to survive of:

- the principal director;
- the authors of the screenplay and dialogue; and
- the composer of any music specially created for the film.

Ownership and length of copyright

Sound recordings are generally protected for 50 years from the year of publication. Broadcasts are protected for 50 years and published editions are protected for 25 years.

For copyright works created outside the UK or another country of the European Economic Area, the term of protection may be shorter. There may also be differences for works created before 1 January 1996.

Is there any protection after copyright ends?

If copyright in a literary, dramatic, musical or artistic work or film ends and the work has never been made available to the public, it may be protected by 'publication right'. This is an automatic right given to the first person who makes a relevant work or film available to the public within the European Economic Area. It lasts for 25 years from the time the work is made available to the public and gives similar rights to those given by copyright.



Sound recordings are generally protected for 50 years from the year of publication

Using copyright material

Copyright is a type of intellectual property and, like physical property, cannot usually be used without the owner's permission. Of course, the copyright owner may decide not to give you permission to use their work.

How do I get permission to copy or use copyright material?

You must normally contact the copyright owner. But there are several organisations which act for groups of copyright owners in connection with particular rights and which may offer 'blanket' licences to users. You can get more information about these organisations from the sources given at the end of this leaflet.

Can I do anything if I think I am being charged too much to use copyright material?

If a copyright owner has offered you a licence to use their work, you can try and negotiate terms and conditions that are acceptable to you. But you can only go ahead if you can agree terms and conditions with the copyright owner.

If copyright owners act together to license use of their work, you may be able to apply for an independent ruling on the terms and conditions of your licence, including how much you must pay. You can do this by applying to the Copyright Tribunal. The members of the Tribunal are appointed by Ministers. The Secretariat of the Tribunal is provided by our office. However, the Tribunal makes its decisions independently of Government. You will find more details about the Copyright Tribunal in a factsheet available from the office (see the end of this leaflet for contact details).

Do I always need permission to copy or use copyright material?

No - there are some exceptions to the copyright owner's rights. For example, you may be allowed limited copying of a work for non-commercial research and private study, criticism or review, reporting current events, judicial proceedings and teaching in schools. But if you are copying large amounts of material or making many copies, you may still need permission. Also, you will usually need to include in your work an acknowledgement of the name of the copyright work and its author.

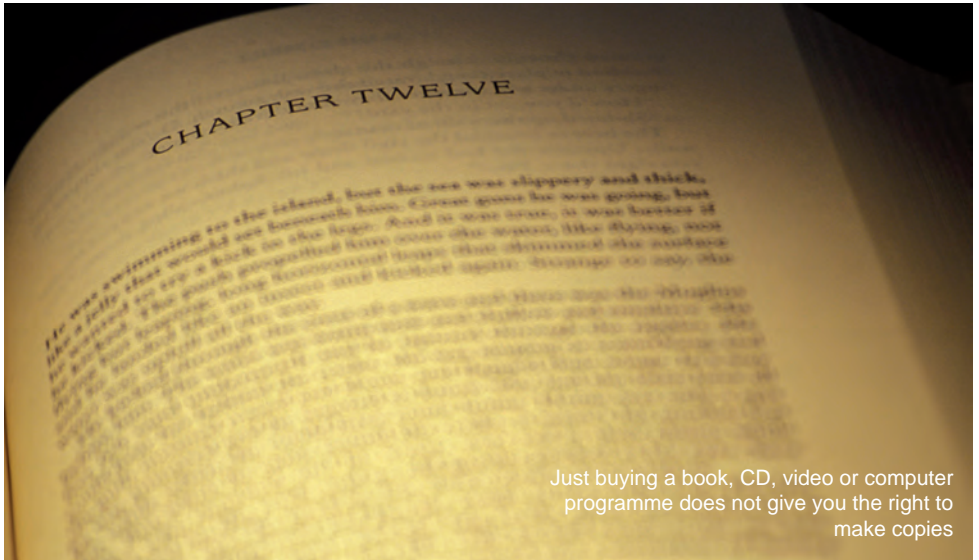
Using copyright material

But if I've bought something, can't I use it however I like?

Just buying a book, CD, video or computer program does not give you the right to make copies (even for private use) or play or show them in public. The right to do these things generally belongs to the copyright owner, so you will need their permission. Photocopying a work, scanning it to produce an electronic copy, and downloading a copy of a work which is in an electronic form (for example, on a CD-ROM or an on-line database) all involve copying the work, so you will usually need permission to do these things.

But if I have permission or a licence to use a work, can't I use it however I like?

Not unless the licence you have allows **any** use of the work. A copyright owner will often only give permission for some uses of a work (for example, publishing a photo in a particular newspaper). If you want to use the work in any other way (for example, by publishing the photo in a magazine), you will need to get further permission.



Just buying a book, CD, video or computer programme does not give you the right to make copies

Enforcing copyright

Copyright is automatic in the UK and most of the rest of the world. It is a private right, so each copyright owner will usually have to make their own decisions about use of a copyright work and how to enforce their copyright.

Do I have to mark my work to claim copyright?

In some countries you must mark your work with the international © mark followed by your name and the year of creation. This is not necessary in the UK, but it may help you if you need to take action against someone using the work without your permission. Marking your work in this way also means that you will get automatic copyright protection in certain foreign countries. (You will get automatic copyright protection in many other countries even if you do not mark your work, but marking may still help).

How can I prove that my work is original?

Ultimately this is a matter for the courts to decide. But it may help if you:

- deposit copies of your work with a bank or solicitor; or
- send copies to yourself by special delivery (which gives a clear date stamp on the envelope), leaving the envelope unopened when it is returned to you.

Either of these methods could help to prove that your work existed at a certain time. (You can get more details of special delivery from post offices).

What can I do if my work is used without my permission?

It usually saves time and money if you first try to sort out the matter with the person you think has used your work without permission. Use without your permission is called 'infringement of copyright'. If you cannot do this, you may need to go to court.

Before going to court you should consider taking legal advice. Courts may offer a range of solutions such as injunctions (to stop the other person using the material), damages, or orders to hand over infringing copies (that is, goods made without your permission). If infringing copies are being imported from outside the European Economic Area, you can ask the UK Border Agency to try to stop them coming into the country.

Enforcing copyright

Isn't it a criminal offence to use my work without my permission?

If someone does this on purpose, and to the detriment of the copyright owner or in the course of business, it may be a criminal offence. If it is on a large scale (for example, pirate or counterfeit copies of CDs), it is worth telling the police or your local trading standards department. They can then decide whether to take action which may include prosecution.

Will my material be protected overseas?

This is usually the case, but not always. The UK is a member of several international conventions in this area, for example, the Berne Convention for the Protection of Literary and Artistic Works, and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations.

Copyright material created by UK nationals or residents is protected in each country which is a member of the conventions by the national law of that country. Most countries belong to at least one of the conventions, including all of the Western European countries, the USA and Russia. You can get a

full list of the conventions and their member countries from our office.

Your work may also be protected overseas under the agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), which forms part of the World Trade Organisation (WTO) Agreement.

What about marking my work and enforcing copyright when I put it on a website?

When you put your work on a website, it is probably a good idea to mark each page of the website with the international © mark followed by your name and the year of creation. You could also include information on your website about whether and how far you are happy for others to use your copyright material without permission.

Although material on a website is protected by copyright in the same way as material recorded on other media, you should remember that people have access to websites all over the world. This means that if material on your website is used without your permission, you will usually need to take legal action in the country where this use has taken place. As a result, enforcing your

Enforcing copyright

copyright when you have made it freely available on a website is very difficult.

Performers' rights

A performer's rights are said to be infringed by a person who makes a recording of, or broadcasts a live performance without the performer's permission.

There must be a differentiation between the non-property and property rights.

Performing artists also have rights which last for 50 years

in relation to:

- recordings of their live performances (whether legal or illegal);
- copying, distributing, renting and lending recordings of their performances;
- broadcasts, other communications to the public by electronic transmission (including on demand services) of sound recordings of their performances; and,
- playing in public sound recordings of their performances.

These rights are related to copyright, so the details set out earlier in this leaflet apply, in a similar way, if you want to use material protected by performers' rights or if you are a performer wanting to enforce your rights.



Performing artists have rights which last for 50 years

More information

The law of copyright and rights in performances' is a booklet on sale from:

The British Copyright Council
Copyright House
29-33 Berners Street
London
W1P 4AA.

Phone: 01986 788122
Fax: 01986 788847
E-mail: Copyright@bcc2.demon.co.uk

[The British Copyright Council is a private organisation representing copyright owners. We do not accept any responsibility for their booklet].

If you want more information about how HM Customs and Excise can intercept infringing goods at UK ports and airports, please contact:

Her Majesty's Revenue and Customs
CITEX Authorisations and Returns
Intellectual Property Authorisations Unit
Fitzroy House
Castle Meadow Road
Nottingham
NG2 1BD

Phone: 0115 974 1902
Website: <http://www.hmce.gov.uk>

If you have any queries on copyright, please contact:

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Phone: 0300 300 2000
Minicom: 0300 0200 015 (for the hard of hearing)
Fax: 01633 813600
E-mail: information@ipo.gov.uk

Information about copyright and the Copyright Tribunal is regularly updated on our website at <http://www.ipo.gov.uk>

Other Publications

Patents

- 1. Patents: Essential Reading
- 2. Patents: Application Guide
- 3. Patents: Basic Facts



Designs

- 4. How to Apply to Register a Design
- 5. Designs: Basic Facts



Copyright

- 6. Copyright: Basic Facts



Trade Marks

- 7. Trade Marks: Essential Reading
- 8. Trade Marks: Application Guide
- 9. Trade Marks: Basic Facts



Additional

- 10. Confidential Disclosure Agreements
- 11. Licensing Intellectual Property
- 12. Agreeing a Price for Intellectual Property Rights
- 13. Search and Advisory Service





Intellectual Property Office

Publications order form

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Any other comments you may wish to add:

All Publications are available through the Intellectual Property Office Website:
www.ipo.gov.uk or by phoning our Information Centre on **0300 300 2000**

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