

Cultural Enterprise Factsheet

Intellectual Property

Introduction

Copyright is a complex and constantly evolving field of law. Below is a basic summary of copyright laws; however, if you have a query concerning copyright, it is advisable to consult an organisation dedicated to protecting Intellectual Property (IP) or solicitor who specialises in IP work.

The Basic Points

Copyright protection covers a wide range of creative works - literary (including computer software), dramatic, musical and artistic (paintings, drawings, photos, graphics), sound recordings, films, videos, CD ROMs and broadcasts.

The normal term of copyright is the author's life plus 70 years. There are, however, some exceptions, including; sound recordings (50 years from making or release), broadcasts (50 years from first transmission), and published editions (25 years).

In the UK, copyright automatically comes in to being with the creation of a work, provided it fulfils the requirements of being original and tangible (i.e. on paper, a sound recording, an electronic record on the internet, etc). Because the law states that work must be in a tangible form, copyright laws do not protect ideas.

The creator/s of the work is/are the first owners of the copyright in a literary, dramatic, musical or artistic work, unless the work was created during the course of employment. In this case the employer owns the copyright. Being hired as a freelance practitioner does not constitute employment. It is advisable to state who will own the copyright on any work produced in contracts or letters of employment to avoid disputes at a later date.

The copyright in films, sound recordings, broadcasts and published editions belongs to the film or record producer, broadcaster or publisher.

Copyright includes property (economic) and moral rights. The economic rights are the rights of reproduction, adaptation, distribution and publishing. The copyright owner has the exclusive right to authorise the reproduction of a work in any medium by another party. Permission is usually granted in return for a fee.

Moral rights are rights of paternity (the right to be identified as the creator of a work) and integrity (the right to object to derogatory treatment of a work). Moral rights are personal to the artist and cannot be assigned; however, they can be waived.

Copyright disputes often depend on timing, i.e. who can prove they had an earlier version. The simplest and cheapest way of achieving this is to make a copy of the work, for example a photocopy or CD, and send it to yourself in a sealed envelope, preferably by registered post. When the envelope returns to you, do not open it and make sure that the date stamp is clearly visible. Do not send original work in the post.

Alternatively, you could lodge a copy of the work in a sealed package with your bank manager or your lawyer. Some professional associations offer a similar service for their members, for example, BECTU's (www.bectu.org.uk) script registration service.

For further information on moral rights, design rights, patents, trade marks, licensing and publication rights visit;

General

- www.patent.gov.uk : The Patent Office is responsible for advising and administering Intellectual Property Rights in the UK, encompassing Patents (how something works), Registered Designs (the overall appearance of the article), Registered Trade Marks (the identity of a business or business product) and advising on copyright
- www.intellectual-property.gov.uk : Government-backed website offering advice on Copyright, Designs, Patents and Trade Marks
- www.britishcopyright.org : The British Copyright Council (BCC) is a national consultative and advisory body representing organisations of copyright owners and performers and others interested in copyright in the UK.
- www.ipwales.com : business support to SMEs aiming to develop the business through the use of patents, trademarks, industrial designs, copyright, database rights and licensing agreements
- www.lawsociety.org.uk/choosingandusing/helpyourbusiness/foryourbusiness.law : Lawyers For Your Business is a network of 1,200 solicitor firms in England and Wales offering specialist advice to small and medium-sized businesses.
- <http://creativecommons.org/> : Creative Commons is a non-profit organization that offers flexible copyright licenses for creative works.

Writers

- www.scriptwritermagazine.com/legal9.htm : Scriptwriter magazine's website contains a series of legal articles from the magazine.
- www.alcs.co.uk : The Authors' Licensing and Collecting Society Limited (ALCS) is the UK rights management society for all writers.

- www.cla.co.uk : The CLA is a non-profit making company owned by its members, the Authors' Licensing and Collecting Society and the Publishers Licensing Society. It aims to encourage and promote respect for copyright

Music

- www.musictank.co.uk : information on copyright for the music industry
- www.mpaonline.org.uk : Music Publishers Association exists to safeguard the interests of music publishers and the writers signed to them
- www.mcps-prs-alliance.co.uk : The MCPS negotiates agreements with those who wish to record music on behalf of its member composers and publishers
- www.pamra.org.uk : PAMRA collects and distributes royalties to performers who have, in the last 50 years, recorded their work on commercially produced records, CD's or cassettes provided these have been broadcast or played in public since 1 December 1996.
- www.bmr.org : British Music Rights promotes the interests of British music composers, songwriters, publishers and their collecting societies, through lobbying to UK government and EU policy makers, education, PR and events
- www.ppluk.com : a music industry collecting society representing record companies, from the large multinationals to the small independents

Performance

- www.equitycollecting.org.uk : BECS was established by Equity in 1998 as a non-profit making organisation to administer performers' intellectual property rights.

Visual Arts

- www.artquest.org.uk/artlaw/index.html : an Archive of legal articles
- www.greetingcardassociation.org.uk/gcahome.htm - information on licensing
- www.ephotozine.com : information on copyright for photographers
- www.dacs.org.uk : the copyright and collecting society for the visual arts (fine artists, photographers, illustrators and craftspeople) in the UK

Film and New Media

- www.acid.uk.com : set up to help protect design rights
- www.bfi.org.uk/filmtvinfo/gateway/categories/legislationcopyright : information on copyright and links for the film and media industry

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