

What is Copyright?

Copyright is a right that exists automatically in new or original works, such as artistic, dramatic, literary or musical works. It enables the owner to control use of their work, to be identified as the creator of certain kinds of work, to object to the distortion or mutilation of it and, perhaps most importantly, to make gain commercial through the exploitation of their creative material.

What can be protected by copyright?

- **literary works** - e.g. novels and other publications, song lyrics, computer software and databases
- **dramatic works** - e.g. theatre productions, dance or mime
- **musical works**
- **artistic works** - e.g. photographs, paintings, technical drawings, logos, diagrams and maps
- **layouts or typographical arrangements** used in published editions
- **recordings**, e.g. sound recordings and films
- **broadcasts** of a work

Copyright applies to any medium, including works published on the internet.

How do I obtain copyright protection for my idea?

Copyright does not protect ideas for a work. It comes into existence **automatically** when an original work is fixed or created, e.g. in writing, on paper or on film. There is no official registration system for copyright in the United Kingdom (or most other territories).

Although you do not have to do anything to establish copyright, to help you protect your copyright work and enforce your copyright, we advise marking the work with the © symbol, the name of the copyright owner and the year in which the work was created. This puts third parties on notice of the existence of copyright and enables them to determine whether or not the period of protection has expired. It also means that someone wishing to seek permission to use a work protected by copyright can identify the owner of that copyright.

It is also advisable to keep clear, dated records when creating a new work, and to either send yourself a copy of the completed work by special delivery, leaving the envelope unopened on its return, or lodge a copy of the work with a bank or solicitor. This may prove useful should you need to provide evidence relating to the creation of your work, or evidence that the work was in your possession at a particular date, for example in the event of a conflict.

How long does copyright last?

This depends upon the type of work. The periods of protection are generally as follows:

- **written works (including software and databases), theatrical, musical and artistic works, and films** - life of the creator plus 70 years.
- **sound recordings** - 50 years from the end of the year in which it was made/published/played in public (this is distinct from the copyright in the music and lyrics, which is protected for the creator's life plus 70 years - see above).
- **broadcasts** - 50 years from the end of the year in which the broadcast was made.
- **typographical arrangements** - 25 years from the end of the year in which the edition was first published.



Who owns the copyright in a work?

Generally speaking, the owner of the copyright in a work will be as follows:

- **written, theatrical, musical or artistic works** - the author(s)/creator(s)
- **films** - the principal director and the producer jointly
- **sound recordings** - the record producer
- **broadcasts** - the broadcaster
- **published editions** - the publisher.

There are certain exceptions to the above, e.g. in the case of works created by an employee in the course of their employment and, in some cases, commissioned works.

Copyright can be bought, sold, inherited or transferred, such that the *economic rights* (which give the copyright owner the opportunity to make commercial gain from the exploitation of his/her work) in a copyright work may be wholly or partially owned by someone other than the original creator or first owner.

On the other hand, in the absence of a specific waiver, the *moral rights* accorded to authors of literary, dramatic, musical and artistic works, film directors and performers (which are concerned with protecting their personality and reputation) last as long as copyright lasts and pass to the rights owners' heirs on death. These rights cannot be sold or assigned to another person.

What are the benefits of copyright protection?

The owner of copyright is able to gain financially through the exploitation of their work, and prevent others from using, copying or distorting a work (or a substantial part thereof) without permission. In particular, subject to a few exceptions, the owner of copyright can permit or prohibit the copying of their work (e.g. by photocopying or scanning a printed work or recording a musical work), the issuing, rental or lending of copies of their work, the performance or broadcasting of their work, and the adaptation of their work (e.g. by translating, transcribing or converting the work). If a third party does infringe copyright, the owner can take legal action to stop this and to recover damages.

Copyright and Trade Marks

Copyright may exist in a trade mark which consists of or contains a logo or stylised elements, though the trade mark owner might not necessarily also own the copyright if, for example, the logo or design has been commissioned. As a trade mark owner, it is advisable to ensure that you own any copyright which might exist in your trade marks, and that you are in a position to prove such ownership, as failure to do so could prove problematic when it comes to enforcing your trade mark against third parties.

Further advice

Please contact us if you would like any further advice relating, in particular, to the issues of copyright in industrial processes, software or trade marks.

United Kingdom

Dehns
St Bride's House
10 Salisbury Square
London
EC4Y 8JD

T: +44 (0)20 7632 7200
F: +44 (0)20 7353 8895
E: london@dehns.com

Dehns
Aspect House
84-87 Queens Road
Brighton
BN1 3XE

T: +44 (0)1273 244200
F: +44 (0)20 7353 8895
E: brighton@dehns.com

Dehns
Willow Court
West Way
Oxford
OX2 0JB

T: +44 (0)1865 305100
F: +44 (0)20 7353 8895
E: oxford@dehns.com

Germany

Dehns
Singlspielerhaus
Sendlinger Str. 29
80331 Munich

T: +49 89 2422 8130
F: +49 89 2422 8140
E: munich@dehns.com

www.dehns.com