

Copyright Fact Sheet

April 2021

What is copyright?

- Copyright is mainly based on the *Copyright, Designs and Patents Act 1988* and subsequent revisions including the *Copyright and Related Rights Regulations 2003*, *Copyright Rights in Performances Regulations 2014*, previous Copyright Acts (1911 and 1956), Directives, Treaties, Conventions and Case Law.
- Copyright is an exclusive economic right granted to the creator of original work to permit or prevent other people from copying it.
- Copyright does not protect an idea, only the material expression of the idea.
- Works are protected regardless of artistic merit, although they need to be original and created by a “natural person”.

What does copyright protect?

- Copyright only protects certain things specified by the Copyright Act - if it does not fall within one of the eight categories – it will not be protected
- These categories are: Literary works, Dramatic Works, Musical Works, Artistic Works, Broadcasts, Sound Recordings, Films and Typographic Works

How are works protected?

- There is no need to register copyright in the UK: it exists automatically as soon as a work in one of the above categories is fixed
- There is no need to use a copyright symbol in the UK, if a work is protected by copyright, it will be protected anyway
- For most works, copyright protection in the UK lasts 70 years from the end of the year in which the artist who created the work dies. When the artist dies, copyright normally passed to their estate unless they specify otherwise.
- As a general rule, the first owner of copyright in a Work(s), the “Copyright Holder” will be the artist who produced the work unless it was made by an employee in the course of their employment.

- A Copyright Holder is able to transfer the legal ownership of that copyright to a third party (also called an "assignment") or grant permission to use it under licence.

What are "Moral Rights"?

Moral Rights relate to the creator's honour or reputation. They give the creator:

- The right to be named as the creator of the work (paternity right)
- The right to object to someone wrongly named the creator of his/her work (false attribution right)
- The right to object to derogatory treatment of the work (derogatory treatment right)

Moral rights can't be assigned to anyone else (unlike copyright), but they can be waived.

What are Licences?

Licences enable the use of other people's copyright protected works because permission is granted. For example, Creative Commons Licences, www.creativecommons.org facilitate sharing of creative works, by rights holders, and those acting with the specific authorisation of rights holders.

Where can you find out more?

General Information

- Naomi Korn Associates www.naomikorn.com/resources
- Intellectual Property Office www.ipo.gov.uk
- Creative Commons www.creativecommons.org
- Copyright User <https://www.copyrightuser.org/educate/intermediaries/museums-and-galleries/>
- Korn, N and McKenna, G 2015. *A Practical Guide to Copyright*. Collections Trust
- Oppenheim, C., Muir., A & Korn N. *Information Law: Compliance for librarians, information professionals and knowledge managers*. (2020) Facet Publishing

Resources

- Cracking Ideas www.crackingideas.com/third_party/IP+Tutor
- BBC Copyright Aware www.bbc.co.uk/copyright
- UK Creative Content: Get it Right From a Legal Site www.getitrightfromagenuinesite.org/
- “A guide to copyright and working with suppliers to create digital content” NLHF funded guide: <http://ow.ly/dV3u50DABM3>
- “Duration of Copyright guidance” Intellectual Property Office resource: <http://ow.ly/b6Bo50DABXl>

Copyright Exploitation Help

- Design and Artists Copyright Society (DACS) <https://www.dacs.org.uk/>
- Own-It <http://www.own-it.org/>
- British Library Business and IP Centre <https://www.bl.uk/business-and-ip-centre>

About Naomi Korn Associates

We are copyright, data protection and licensing experts, helping our clients manage their rights and privacy responsibilities through consultancy and training. Using the practical, holistic approach we have developed over the last 17 years, we support our clients’ long-term compliance and sustainability, through better organisational rights and privacy management.



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