

COPYRIGHT FACT SHEET

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. The copyright does not necessarily subsist in the physical item, but it does need to be fixed in some way.
- Works are protected regardless of artistic merit, although they need to be original and created by a “natural person”.
- Original means that that the work is the creator’s own intellectual creation.

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 creator dies. When the creator dies, copyright typically passes to their estate unless otherwise specified.
- For broadcasts, sound recordings, films and typographical works, there are different periods of protection. These usually arise for a period of 50 or 70

years from the end of the calendar year in which the work was released or published.

- 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.
- Copyright can also be owned by more than one person. If a work has separable parts, then a work is co-owned. If a work is jointly created, then there are joint owners.
- 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.

Helpful resources

- **Naomi Korn Associates resources** – A collection of free and openly licensed copyright, licensing and data protection help resources.
- **Intellectual Property Office (IPO)** – Intellectual property rights resources, information and updates on UK legislation.
www.gov.uk/government/organisations/intellectual-property-office

- **Heritage Digital guide: Working with volunteers: Copyright considerations** – A guide providing information on best copyright practices when it comes to managing or supervising volunteers. This resource includes an editable template Deed of Copyright Assignment that you can use with your own volunteers. www.charitydigital.org.uk/resources/digital-guide-working-with-volunteers-copyright-consideration
- **Heritage Digital guide: Heritage Organisations and Exceptions to Copyright** – A guide providing an essential overview of the various UK copyright exceptions that can be used by heritage organisations to support their digital strategies. www.charitydigital.org.uk/resources/resources/digital-guide-heritage-organisations-and-exceptions-to-copyright
- **Heritage Digital guide: A Guide to Copyright and Working with Suppliers to Create Digital Content** - Best practice steps and guidance to help heritage organisations manage copyright effectively when working with suppliers (for example freelancers, web developers, photographers or commissioned artists). www.charitydigital.org.uk/resources/resources/digital-guide-working-with-suppliers-to-create-digital-content
- **Copyright User** - A website providing guidance and resources about using copyright resources www.copyrightuser.org
- **Creative Commons** – Details about the different types of CC licences and sources of CC licenced content. www.creativecommons.org

Information Law: Compliance for librarians, information professionals and knowledge managers, by Charles Oppenheim, Adrienne Muir and Naomi Korn – A book presenting the tried and tested ‘Compliance Methodology’ for organisations seeking to navigate the complex legal landscape of the information professions. www.facetpublishing.co.uk/page/detail/?k=9781783303663*



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