

Issued: April 2000

Last amended: 11th August 2004

The UK copyright law fact sheet outlines the Copyright, Designs and Patents Act 1988, the principal legislation covering intellectual property rights in the United Kingdom and the work to which it applies.

Introduction

Copyright law originated in the United Kingdom from a concept of common law; the Statute of Anne 1709. It became statutory with the passing of the Copyright Act 1911. The current act is the Copyright, Designs and Patents Act 1988.

Rights covered

The law gives the creators of literary, dramatic, musical, artistic works, sound recordings, broadcasts, films and typographical arrangement of published editions, rights to control the ways in which their material may be used.

The rights cover; broadcast and public performance, copying, adapting, issuing, renting and lending copies to the public.

In many cases, the creator will also have the right to be identified as the author and to object to distortions of his work.

International conventions give protection in most countries, subject to national laws.

Types of work protected

Literary

song lyrics, manuscripts, manuals, computer programs, commercial documents, leaflets, newsletters & articles etc.

Dramatic

plays, dance, etc.

Musical

recordings and score.

Artistic

photography, painting, sculptures, architecture, technical drawings/diagrams, maps, logos.

Typographical arrangement of published editions

magazines, periodicals, etc.

Sound recording

may be recordings of other copyright works, e.g. musical and literary.

Films

broadcasts and cable programmes.

The Copyright (Computer Programs) Regulations 1992 extended the rules covering literary works to include computer programs.

When rights occur

Copyright is an automatic right and arises whenever an individual or company creates a work. To qualify, a work should be regarded as original, and exhibits a degree of labour, skill or judgement

Interpretation is related to the independent creation rather than the idea behind the creation. For example, your idea for a book would not itself be protected, but the actual content of a book you write would be. In other words, someone else is still entitled to write their own book around the same idea, provided they do not directly copy or adapt yours to do so.

Names, titles, short phrases and colours are not generally considered unique or substantial enough to be covered, but a creation, such as a logo, that combines these elements may be.

In short, work that expresses an idea may be protected, but not the idea behind it.

Who owns a piece of work

Normally the individual or collective who authored the work will exclusively own the work. However, if a work is produced as part of employment then it will normally belong to the person/company who hired the individual.

Freelance or commissioned work will usually belong to the author of the work, unless there is an agreement to the contrary, (i.e. in a contract for service).

Rights cannot be claimed for any part of a work which is a copy taken from a previous work. For example, in a piece of music featuring samples from a previous work, the copyright of the samples would still remain with the original author.

Only the owner, or his exclusive licensee can bring proceedings in the courts.

Duration of copyright

The 1988 Copyright, Designs and Patents Act states the duration as;

For literary, dramatic, musical or artistic works

70 years from the end of the calendar year in which the last remaining author of the work dies.

If the author is unknown, copyright will last for 70 years from end of the calendar year in which the work was created, although if it is made available to the public during that time, (by publication, authorised performance, broadcast, exhibition, etc.), then the duration will be 70 years from the end of the year that the work was first made available.

Sound Recordings and broadcasts

50 years from the end of the calendar year in which the work was created, or,

if the work is released within that time: 50 years from the end of the calendar year in which the work was first released.

Films

70 years from the end of the calendar year in which the last principal director, author or composer dies.

If the work is of unknown authorship: 70 years from end of the calendar year of creation, or if made available to the public in that time, 70 years from the end of the year the film was first made available.

Typographical arrangement of published editions

25 years from the end of the calendar year in which the work was first published.

Broadcasts and cable programmes

50 years from the end of the calendar year in which the broadcast was made.

Restricted acts

It is an offence to perform any of the following acts without the consent of the owner:

Copy the work.

Rent, lend or issue copies of the work to the public.

Perform, broadcast or show the work in public.

Adapt the work.

The author of a work, or a director of a film may also have certain moral rights:

The right to be identified as the author.

Right to object to derogatory treatment.

Acts that are allowed

Fair dealing is a term used to describe acts which are permitted to a certain degree without infringing the work, these acts are:

Private and research study purposes.

Performance, copies or lending for educational purposes.

Criticism and news reporting.

Incidental inclusion.

Copies and lending by librarians.

Acts for the purposes of royal commissions, statutory enquiries, judicial proceedings and parliamentary purposes.

Recording of broadcasts for the purposes of listening to or viewing at a more convenient time, this is known as time shifting.

Producing a back up copy for personal use of a computer program.

Playing sound recording for a non profit making organisation, club or society.

(Profit making organisations and individuals should obtain a license from the Performing Rights Society.)