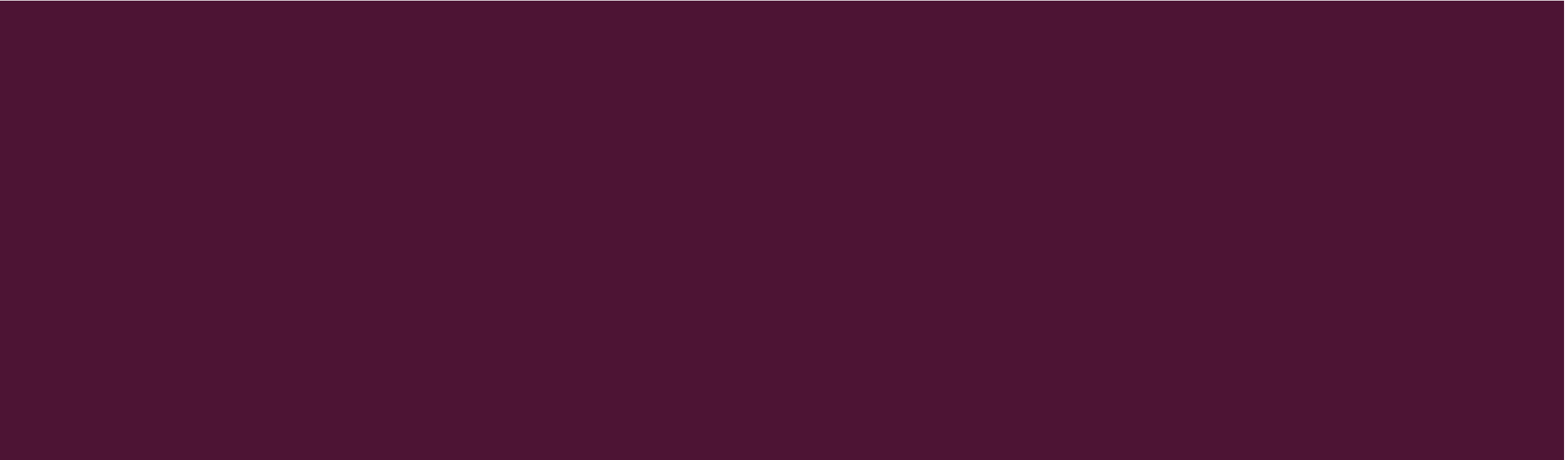




COPYRIGHT TUTORIAL

BY MARK GILLAN



WHAT IS COPYRIGHT?

- Protects the rights for the making of, investment, generating, design of creative works
- The work must be original and a substantial amount of creativeness, labour, skill and effort must have been used
- In the UK, the law enforcing copyright is the Copyright, Designs and Patents Act 1988, with qualification of copyright meeting criteria such as nationality of the owner and the place of publication
- Under the Rome Convention, rights of performers, broadcasters and producers of audio recordings are protected
- Economic and / or moral rights for a limited period, depending upon the type of work

WORK COVERED

- Literary (song lyrics, writings, script)
- Dramatic (Dance and Mime)
- Musical (composition of music)
- Artistic (paintings, art work, sculpture)
- Broadcasts, audio recordings
- Film and video
- Typographical arrangement (layout)
- Computer programs and other digital work
The Copyright (Computer Programs) Regulations 1992 extended the rules governing literary works to now include computer programs
- Economic rights: Exclusive rights. These rights can be sold under licence (various types of licence agreements for the use of the copyrighted work)
- Moral rights: Authors of literary works, directors and producers as named. Moral rights are not sold but can be waived or transmitted in the event of death of the author

CROSSING THE COPYRIGHT LEGALITIES



INFRINGEMENT OF COPYRIGHT

- Copyright infringement occurs when a person(s) uses or acts in a way to contravene any of the exclusive restrictions within copyright protection without the permission of the copyright owner
- Either unlawful use of the copyrighted material in whole or part
- In the UK, copyright exists immediately upon creation
- Registration / any formal process is not required for copyright to be applied
- The Copyright, Designs and Patent law has substantially changed recently for harmonisation across the EU

CRITERIA

- Original material (Broadcasts of film / video can be excluded from originality requirement, although a broadcast must not be copied from a previous broadcast of similar kind)
- To receive copyright protection, pieces of work such as a literary, musical or dramatic production need to be recorded in writing
- Literary works include and are not limited to lyrics to songs, newspaper / magazine articles, novels, examination papers, tutorials / learning material, instruction manuals, computer programs, computerised databases and the like
- A name, title or even a slogan might not be covered by copyright. Logos might be covered due to the artistic content and originality
- Literary works such as ballet, mime, dramatic productions are covered by copyright if recorded in writing. A play or acting would be considered copyright infringement if reproduced with the same actions

MUSIC

- Music including songs, jingles, spoken word and similar, are covered by copyright if written or recorded
- If music is required for any production whether in whole or part, including a gig using a cover version, permission from the copyright owner will be required
- Copying music with copyright protection, for the purpose of public performance, video release, music compilation, background music, alteration / editing, in whole or part, requires permission
- Pop music could possibly enter across various copyright legalities, such as the lyrics being considered literary works, the music is covered by musical works, the sound recording having its own protection and the singer / performer has rights as well



ARTISTIC WORK

- Copyright exists for artistic works such as:
 - Paintings
 - Drawings
 - Sculptures
 - Architecture
 - Photographs
 - Originally created digital art
 - Diagrams, charts, illustrations
 - Maps, guides, planners
 - Works of artistic craftsmanship
- Permission is required for use within any advertising material, brochures, books and commercial production



EXCEPTIONS

- Public domain
- Expiry of the copyright (various categories with expiry timing)
- Copyright protects the expression of an idea but not the idea itself (an idea could be in someone's mind as well as many others – it is too difficult to rule upon this due to the unknown thoughts / ideas of others, so the idea / thoughts need to be expressed and recorded in some way to form copyright protection for the way in which the idea / thought is expressed)
- Employers: If an employer can prove artistic works had been developed, created and published during hours of employment they could claim first author copyright ownership. Although, in the same token, if an employee can prove creation occurred outside employment they too could claim ownership. Joint ownership or commissioning for a purpose is a possibility
- Contract: If a contract specifically details the exact artistic work (not in general terms) and it is agreed in a contract then copyright is decided prior to creation. It could be argued it is a commissioned piece of work
- Crown copyright: Any item produced by HM or by a servant or officer representing the crown during the course of their duties, worldwide exclusive rights belong to the crown
- Some exceptions apply (strictly) to Educational material generated by lecturers, disability, reporting / news, research and review

TERM OF PROTECTION



- Literary, dramatic, musical and artistic works:
70 years from the end of the year of death for the longest surviving author
- Films and video:
70 years from the end of the year of the death for each element of the film (script, screenplay, main director, producer, composer of any music etc.)
- Broadcasts:
50 years from the end of the year of the making of the broadcast
- Sound recordings:
50 years from the end of the year it was made or published – or 70 years from first release - whichever is the latter
- Typographical arrangement:
25 years from the end of the year it was first published

LICENCES AND PERMISSION

- **REMEMBER: Copyright must be considered in ALL instances of media being required for ANY purpose**
- Try your best to locate the copyright owner and ask for permission. Many times, approaching the copyright owner to ask for permission to use for a specific purpose might see FREE use for that specific purpose (with some restrictions and the need to display the name of the copyright holder upon the material)
- Lack of respect for copyright can land people in court. Your employer or indeed your bank manager will not be too pleased and it could bankrupt you!
- So many people do not take copyright seriously and one day might just come across problems ...one day soon!
- Licences can be obtained for many copyright protected material, with restrictions being applied. For example, purchasing a copy of computer software might only allow one instance of the software on one computer / device at any one time or it might only permit non-commercial activity with additional costs relating to commercial use
- Some copyrighted material will be provided for personal use and when used for commercial use the owner might ask for Royalties for each time it is used. Royalties is a form of earnings for the copyright holder as commission upon monies being made by someone using their hard worked creation
- Always think ... if you spend a long time, hard work, creativeness, thought, innovation and money creating something ... you would want to earn payment for someone else using it - especially when they might be making a lot of money from your material!!!

LICENSING

- **Exclusive Licence:**
Under certain circumstance and payment, with possibly future Royalties or indeed Royalty free. A contract will exist between user and the copyright owner
- **Limited Licence Use:**
Use of copyrighted material under licence agreement that might limit the use within certain countries, limit the use for certain activities, limit the use for certain media, limit the distribution (possibly with a cost per use), limit the time and have various terms / conditions applied to the licence
- **Creative Commons Licence:**
Sometimes copyright owners might release FREE of any charge material to users but might place some conditions upon the use. See: [Creative Commons org](https://creativecommons.org)
- Check the licence agreement in ALL instances, get reading and researching ... it might just save court action!



DECISIONS

- Ultimately, the court of law will decide, if required
- Originality, length of copyright, public domain and any other queries as to the legality will be decided by a court of law
- No need for copyright registration of any kind to enforce the law. However, placing a copyright symbol © upon a documentary publication with the name of the author / producer along with the year possibly assists the process for permission / licence as well as legal questions
- Documentary evidence placed into a sealed envelope, posted or retained by a bank / solicitor might help with any legal challenge
- If copyright infringement has been found, a court can:
 - Issue an injunction, stopping the use of the copyrighted material
 - Award the copyright holder damages (monetary compensation)
 - Instruct all materials illegally infringing upon copyright to be handed over to the copyright owner



PLACES ONLINE TO ACQUIRE MEDIA

Ensure you check the licence agreement, terms and conditions for each media used. It is your own responsibility to check with the copyright owner ... it is the LAW ... hope this list helps!

Any other good website you come across – let me know. It is always good to find new sources with good licence agreements not only educational use but commercial use

- Sound Bible - www.SoundBible.com
- Stock xchg – <http://www.sxc.hu/>
- Every Stock Photo - <http://www.everystockphoto.com/>
- Free Pixels - <http://www.freepixels.com/>
- Open Photo - <http://openphoto.net/>
- Image*After - <http://www.imageafter.com/>
- Free Sound Effects - <http://www.freesfx.co.uk/>
- Sound Jay - <http://www.freesfx.co.uk/>
- Audio Network Sound Effects - <http://www.audionetwork.com/sound-effects>
- Stock Animation and Video - <http://www.motionelements.com/>
- Graphics Factory with animation clips - <http://www.graphicsfactory.com/>

MORE INFORMATION

Websites with more information

- FACT – Federation Against Copyright Theft – [click here](#)
- Various websites listed at gov.uk – [click here](#)
- Intellectual Property Office (moving soon to the gov.uk website and search for IPO) – [click here](#)
- The Copyright Hub general advice – [click here](#)
- Creative Coalition Campaign – [click here](#)

Copyright news and views

- Out-law.com providing some news – [click here](#)
- Creative news from CREATE – [click here](#)
- JISC digital media use – [click here](#)
- Wired online magazine with news – [click here](#)
- World Intellectual Property Organization – [here](#)
- Legislation government website – [click here](#)
- Get advice for permissions to use different media at the Copyright Hub – [click here](#)
- YouTube video – Digital Rights Management and Licence agreements explained – [click here](#)