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COPYRIGHT CONSULTANCY

Copyright – Key points to remember

What is copyright?
! Copyright is mainly based on the *Copyright, Designs and Patents Act 1988*, 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/or show skill and judgement.

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

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.

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