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UK Copyright Law

This fact sheet outlines the laws covering copyright in the United Kingdom and the work to which it applies.

1. **Introduction**
   Copyright law and copyright originated in the UK 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.
   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.
2. **Types of work to which copyright applies**
   i. **Literary**
   Song lyrics, manuscripts, manuals, computer programs, commercial documents, leaflets, newsletters and articles etc. Computer programs regulations in 1992 also extended the copyright of literary works to include computer programs.
   ii. **Dramatic**
   Plays, dance, etc.
   iii. **Musical**
   Recordings and score.
   iv. **Artistic**
   Photography, painting, sculptures, architecture, technical drawings/diagrams, maps, logos, etc.
   v. **Typographical arrangement of published editions**
   Magazines, periodicals, etc.
   vi. **Sound recording**
   May be recordings of other copyright works, e.g. musical and literary.
   vii. **Films**
   viii. **Broadcasts and cable programs**
3. **When copyright occurs**
   Copyright arises whenever an individual or company creates a work: A work is subject to copyright if it is regarded as original, and must exhibit 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.
   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 will be.
4. **Who owns the copyright on a piece of work**
   Normally the individual or collective who authored the work will exclusively own the work and is referred to as the 'first owner of copyright' under the 1988 Copyright, Designs and Patents Act.
   However, if a work is produced as part of employment then the first owner will normally be the company that is the employer of the individual who created the work.
   Freelance or commissioned work will usually belong to the author of the work, unless there is an agreement to the contrary, (e.g. in a contract for service).
   Just like any other asset, copyright may be transferred or sold by the copyright owner to another party.
   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 their exclusive licensee can bring proceedings in the courts.
5. **Duration of copyright**
   The 1988 Copyright, Designs and Patents Act states the duration of copyright as:
   i. **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*, or,
   If the author is unknown, copyright will last for 70 years from end of the year in which the work was created; if it is made available to the public during that time, (by publication, authorised performance, broadcast, etc.), copyright will run for 70 years from the end of the year that the work was first made available.
   ii. **Sound Recordings**
   50 years from the end of the calendar year in which the work was created, or,
   If the work is published, or otherwise made available to the public by the rights owner within that time, 70 years from the end of the year that the work was first published or made available.
   iii. **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 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
   iv. **Typographical arrangement of published editions**
   25 years from the end of the calendar year in which the work was first published.
   v. **Broadcasts and cable programmes**
   50 years from the end of the calendar year in which the broadcast was made.
   vi. **Crown Copyright**
   Crown copyright exists in works made by an officer of the Crown, this includes items such as legislation and documents and reports produced by government bodies.
   Crown copyright will last for a period of 125 years from the end of the calendar year in which the work was made.
   If the work was commercially published within 75 years of the end of the year in which it was made, Crown copyright will last for 50 years from the end of the calendar year in which it was published.
   vii. **Parliamentary Copyright**
   Parliamentary copyright will apply to work that is made by or under the direction or control of the House of Commons or the House of Lords and will last until 50 years from the end of the calendar year in which the work was made.

   * When a work is created on behalf of a company, duration is linked to the individual person that created the work. Guidance issued by the UK Government states: "An employer should keep careful records of which person(s) created the work for them and any contractual agreements which were in force. The period of copyright protection will usually still be linked to the date of the death of the creator(s) - that is the employee(s)."
6. **Acts restricted by copyright**
   It is an offence to perform any of the following acts without the consent of the copyright owner:
   i. Copy the work.
   ii. Rent, lend or issue copies of the work to the public.
   iii. Perform, broadcast or show the work in public.
   iv. Adapt the work.

   The author of a work, or a director of a copyright film may also have certain moral rights:
   v. The right to be identified as the author.
   vi. Right to object to derogatory treatment.

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7. **Acts that do not infringe copyright**

"Fair Dealing" is a term used to describe acts which are permitted to a certain degree (normally copies of parts of a work) without infringing copyright, these acts are:

i. Private and research study purposes.
ii. Performance, copies or lending for educational purposes.
iii. Criticism and news reporting.
iv. Incidental inclusion.
v. Acts for the purposes of Royal Commissions, statutory enquiries, judicial proceedings and parliamentary purposes.
vi. Recording of broadcasts for the purposes of listening to, or viewing, at a more convenient time. This is known as time shifting.
vii. Producing a back up copy for personal use of a computer program.

8. **Useful addresses**

Intellectual Property Office
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ
Tel: 0300 300 2000.
www.ipo.gov.uk

PRS for Music
29-33 Berners Street
London
W1P 4AA
Tel. 02075 805 544
www.prsformusic.com

Copyright Licensing Agency
Saffron House
6-10 Kirby Street
London
EC1N 8TS
Tel. 020 7400 3100
cla.co.uk

9. **Further reading**

The full text for the 1988 Copyright Designs and Patent Act can be found at the OSPI (HMSO) website.

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9. **Common questions**

Can I copyright an idea?
No. Copyright may protect a work, drawing or plan that outlines the idea, but copyright cannot prevent the idea itself from being used elsewhere. If the idea is an invention, it may be possible to apply for a patent.

Are names protected by copyright?
No. There is no copyright in a name, title, slogan or phrase. These may however be eligible for registration as a trade mark. For more information contact the Intellectual Property Office.

What about work published on the Internet?
It makes no difference how the work is stored or published, copyright law still applies.

What about music which is made up of sample and loops of other songs?
Although the work for the main part may be original, and copyright apply will apply to the specific arrangement, the parts which were copied from another track would retain the original copyright. You should seek permission from the author of the samples before you consider publishing or broadcasting such a work.

What about computer programs and material stored in computers?
Under the Copyright Designs And Patents Act, computer programs are now protected as literary works.
Databases may receive copyright protection for the selection and arrangement of the contents. Also database right may exist in the data itself. This is an automatic right and protects databases against the unauthorised extraction and re-utilisation of the contents of the database. Database right lasts for 15 years from the making but, if published during this time, then the term is 15 years from publication.

What constitutes a copyright work?
Any literary, dramatic, design, musical or artistic work. So long as the work, "exhibits a degree of skill, labour or judgement".

Can Copyrights be inherited?
Yes. The person who inherits the work will become the new copyright owner.

Does format or quality of the work matter?
Copyright exist in works regardless of format, and regardless of the quality of the work.

What happens when a copyright expires?
The work will fall into the public domain, making it available to all. This is why so many companies can publish works by William Shakespeare, classical composers etc.

Where can a copyright licence or permission for use be obtained from?
The Copyright Licensing Agency licenses users to copy extracts from books, journals and periodicals. They collects fees from licensed users and pay authors and publishers their shares of the copying fees. For other works you should contact the publisher of the work, as they will certainly know how to obtain permission or a licence to use the work.

Is a licence needed for the public performance of music?
Yes, to obtain a performance licence contact PRS for Music.

How does copyright apply in works which contains extracts, quotes etc.?
Any extracts or quotes would retain the original authors copyright, and permission should be sought before using them.

How does copyright differ from a patent?
A patent protects the concept, idea or invention itself whereas copyright would protect the written description of the idea. A breach of copyright would occur if the written description was copied, whilst a patent would protect the idea being put into use. For more information on patents, contact the Intellectual Property Office.