

brief guide to copyright

Copyright protects the following types of works:

- **Original literary works** (any work other than a dramatic or musical work, which is written, spoken or sung, and includes a table or compilation and a computer program).
- **Original dramatic works** (a work that is capable of being performed);
- **Original musical works** (musical sounds);
- **Original artistic works** (graphic work, photograph, sculpture, collage, work of architecture or a work of artistic craftsmanship);
- **Sound recordings**;
- **Films** (a recording on any medium from which a moving image may be produced);
- **Broadcasts or cable programmes** (a transmission of visual images, sounds or other information by wireless telegraphy);
- **Typographical arrangement of published editions** (of the whole or part of one or more literary, dramatic or musical work – there is no requirement that the work itself be the subject of Copyright).

Copyright subsists in these materials as soon as an original work is created and fixed in a permanent form, for example on paper or film. There is a degree of overlap in the categories mentioned above and the technical definition of each extends beyond its colloquial meaning.

For example, a book may constitute or contain a literary work, a published edition and an artistic work. Originality is also an interesting concept - in some cases Copyright may subsist in "new versions" of "old works" - a new edition of a book compiled of existing works may in certain circumstances bear Copyright even though no new material was created.

Copyright does not subsist in ideas per se, but rather in the way an idea is expressed in a piece of work. Copying an idea may therefore be a lawful act as long as it does not involve copying the way it was expressed.

As Copyright exists automatically and is unregistered it is important to keep records that can show the date the Copyright work was created and that **it is owned by you**. You must be aware that just because you have paid for the work it does not mean that you necessarily own all the rights. If you have employed someone else to design something for you, you should ensure that the copyright is transferred to you either by virtue of the terms of their employment or by specific assignment.

Whilst you are not required to mark a Copyright work with the Copyright symbol it may assist you in proving ownership should you wish to enforce your Copyright. The usual Copyright notice is set out in the following format:

© [year of creation] [name of author]

Copyright allows the owner to control the way in which their material is used. The right is infringed by unauthorised copying, adapting, performing, distributing, broadcasting, renting or lending to the public.

Copyright can be bought, sold or licensed like all other intellectual property rights. We can assist you in preparing Copyright assignment and licence documents.

In the UK copyright in a literary, dramatic, musical or artistic work lasts for 70 years following the death of the author. Copyright in a film lasts for 70 years following the death of the last to survive of the principal director, the authors of the screenplay and dialogue and the composer of any music especially created for the film. Sound recordings are generally protected for 50 years from the year of publication. Broadcasts are protected for 50 years and published editions are protected for 25 years.

how can we help you ?

- General advisory work on Copyright
- Drafting Assignments and Licenses

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This Brief Guide was prepared as an overview of the subject matter. It is not intended as a substitute for considered advice from one of our attorneys and should not be relied on as such. For assistance on IP related issues please contact the HallMark IP attorney who normally deals with your matters. Alternatively, you can make a general inquiry at info@hallmark-ip.com or call us on +44 (0)20 3102 9000. We look forward to helping you.

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