

## **Fundamental Notes on Copyright, by Tony Oliver**

Copyright is the right to reproduce an original work of creativity, whether it be written, photographed, drawn or sculpted. The basic aim is to protect the creator from exploitation with financial gain, i.e. it is an economic right.

It is defined by the Copyright, Designs and Patents Act, 1988.

Copyright is automatically effective from the point at which an original work is created. It endures for the lifetime of the creator plus seventy years after their death.

The only exception to this rule occurs when the creator produces original work under contract of employment. In these circumstances copyright is owned by the employer.

Copyright becomes infringed when replicas are made of an original, either in whole or in substantial part without the copyright owner's permission. For example, copyright would be infringed if a drawing were made from another person's photograph without their permission. It need not be an exact copy, but will infringe even if only the main design is replicated.

Copyright may be sold in whole or part (assignment of copyright) but this remains separate to physical ownership of the original work. Thus ownership of the work does not automatically include ownership of copyright.

Permission to reproduce an original work can be granted and is best defined in writing. A written document such as this will help to avoid misunderstanding and has been nominally termed a licence.

In order to protect both client and copyright holder it is desirable that the following objectives be defined on the licence:

The use or the application to which the commissioned work will be put.

The territory or physical area in which the work is to be used.

The exclusivity ensures that the work cannot be used elsewhere to the detriment of the commissioning client.

The duration or period of time that the licence agreement remains effective. The maximum time that can be given is for the period of copyright which would also ensure exclusivity to the client.

Tony Oliver