

Five Facts About: Copyright Law

The importance of works protected by copyright ('Works') in business can't be overstated, particularly following the expansion of available media through the internet. Whether you're an artist or an accountant, the changes are good that you will create Works or commission them from someone else.

What is covered?

Copyright arises when an original artistic, musical, literary or dramatic work is created. These terms include a wide range of Works, including non-fiction and software code. The Work doesn't need to have a great deal of artistic merit but a certain amount of thought and energy does need to be expended in creating it.

Ideas and their Expression

Copyright doesn't apply to ideas but to the expression of them so if you've had a great idea for a book plot your idea won't be protected until you have written it down. If you're still at the ideas stage, the best way to protect your idea is to ask the person you're sharing it with to sign a confidentiality agreement. That way, you have contractual protection, even though you haven't actually got the protection of copyright yet.

Registration

Once you have created a Work, it is automatically protected by copyright law. Copyright doesn't need to be registered.

Proof of Authorship

The reason people often believe that copyright needs to be registered is that you need to be able to prove that you created the Work and when you created it. I wrote this article in September 2010 but there's nothing to stop an unscrupulous person from claiming they wrote it a year earlier and that I copied it.

To indicate that you are the owner of the work, use the copyright symbol, your name and the date of creation e.g. © HRJ Law LLP, 2010. This tells other people that you're claiming your right to be acknowledged as the author of the work.

There are registration services available to help you to prove the timing of creation but the traditional method of lodging the Work with an independent third party your bank or solicitor probably remains the best way of proving your authorship. If you use an online service, check them out first to make sure that they're reputable.

Commissioning Works

If you are entering into an agreement with someone else, in order for them to create a Work for you, it is important to ensure that the agreement confers the rights you need for the future. This is particularly important in the context of website design and development and software development. You will need to be certain that the Work is



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original to the service provider and isn't copied from someone else. Equally important is the issue of who will own the Work in the future. If you won't own the Work, you will need the right to use it in the future and, in many cases, to make changes to it. We strongly advise that all such agreements should be reviewed by us and individually negotiated to ensure that you are protected.

For advice about copyright law, please contact Gillian Harding at our Hitchin office on 01462 618506 or gillian.harding@hrjlaw.co.uk.