

COPYRIGHT

In the UK protecting your business assets is vital, this is where a trademark and/or a copyright play an essential role in securing the intellectual property your business creates. From logos and signage to marketing slogans and packaging designs, keeping your intellectual property secure means it's important to understand the difference between trademark and copyright protection.

Copyright

Copyright is a legal right, giving the owner control over their work and how it is used. It gives creators protection against use of their work without permission. Owners of copyright can use, sell or licence a work to a third party.

A copyright is what businesses usually think of first when they have created an item of intellectual property and they want to make sure no one else uses it. Copyrights are used to protect what the Copyright office calls "original works of authorship."

To be communicated, the work must be published somewhere that others can find it and available to others to see or hear or touch.

Works which can be copyrighted include books, articles, works of art, fabric works, sculpture, photographs, poems, plays, dances, musical compositions, television and radio broadcasts, computer software and databases, promotional literature, advertising and industrial designs. As you can see, all of these works are creative and artistic. The copyright in each type of work exists independently.

You can also copyright original work on a website, but domain names cannot be copyrighted. A recipe can be copyrighted, but not a list of directions or ingredients.

Other works that cannot be copyrighted include:

- Works that are not fixed in some tangible form. For example, a speech that isn't recorded or written out cannot be copyrighted.
- Titles, names, short phrases, and slogans, including book titles.
- Familiar symbols or designs, typographic variations or colouring.
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices.
- Works that are "common property" or are in the public domain, like historical facts or measurement conversions.

Registration for copyright

You don't have to formally register a copyright in order to be able to enforce it, but you should always use the copyright symbol ©, the year of first publication, and the copyright owner on every instance of the work.

Find below some added questions you may have about copyright.

Can copyright be inherited?

Yes. Just like any other asset, the rights to a copyright work can be inherited.

What happens when a copyright expires?

The work will fall into the public domain, making it available to anyone wishing to use, copy or reproduce the work. This is how so many companies can publish works by William Shakespeare, classical composers etc.

What types of work are protected?

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

How long does copyright last?

This will depend on the work and nationality, but typically the work will be protected for either, 70 years from the death of the author, or if published 70 years from the date of first publication.

Does the nationality of the author matter?

Under the terms of the Berne Convention, authors are automatically protected internationally, they may also enjoy additional rights as granted under national laws.

Does format or quality of the work matter?

The format of the work, i.e., Negatives or photographs, computer files or paper documents, does not matter, neither does the quality of the work.

Advantages

- It lasts for the life of the creator, plus 70 years from their death.

Disadvantages

- Copyright doesn't protect ideas – the work must be fixed, i.e., recorded or written down.
- It is fairly limited in its scope, so you are likely to need other forms of protection too.

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