



Definition IP

Copyright

What does it protect?

Copyright regulates the use of a range of cultural works such as books, songs, films and computer programs. To qualify, the work must be original, and exhibit a degree of labour, skill or judgment. Copyright arises automatically, i.e. without the need for formality or registration, and is typically owned by the creator of the work. However, ownership may vest in an employer or commissioner in certain circumstances. Creations in which copyright may arise are generally divided into primary and secondary works, as follows:

- Primary works: literary, dramatic, musical and artistic works.
- Secondary works: Sound recordings, films, broadcasts and typographical works.

The copyright owner has exclusive rights to translate the work, copy the work, publicly perform, transmit or broadcast or adapt the work, meaning that third parties can only do with the owner's permission. However, "fair use" exceptions do exist, and normally cover acts relating to private research, educational use, news reporting and review, and making readable copies for people with disabilities.

How do I get it?

Copyright automatically arises when you create one of the above works. There is no register of copyright in the UK or in Ireland, and therefore no formal registration process. However, as a matter of good practice, a copyright notice should be attached to creative works to identify it as your own, e.g. e.g. '©2018 Definition IP Limited'. This reminds others that the work is subject to copyright, it acts as a deterrent against plagiarism and it makes you known as the owner of copyright should someone wish to contact you.

Ownership

Ownership is often dependent on the specific circumstances, but as a rule of thumb, in the case of literary, dramatic, musical or artistic works, the author or creator of the work is usually the first owner of any copyright. However, where a literary, dramatic, musical or artistic work, or a film, is made by an employee in the course of his employment, the employer is the first owner of any copyright in the work (subject to any agreement to the contrary).

Where a person such as a contractor or freelancer works under a 'contract for services' he will usually retain copyright in any works he produces. For commissioned works, the first legal owner of copyright is the person or organization that created the work and not the commissioner, unless otherwise agreed in writing.

This information has been condensed for explanatory purposes and should not be taken as legal advice.