

HELPING YOU READ BETWEEN THE LINES: copyright matters

Keep up to speed on copyright laws and how they affect your rights with this essential information, brought to you by Thompsons Solicitors – the NUJ’s dedicated legal partner. Copyright is there to protect authors – including writers, photographers, directors, designers and producers – and give you control of the way your work is distributed, and guidance on how to use or reproduce others’ work.



What's restricted?

It is an offence to do any of the following without the consent of the owner:

- Copy
- Rent, lend or distribute copies to the public
- Perform or broadcast the work in public
- Adapt the work
- Put it on the internet

The restrictions apply to the arrangement – “the expression” – rather than the ideas or concept contained within the work.



Copyright is infringed when a “substantial part” of your work is used without your permission – in this context “substantial” is taken to mean how significant the section copied is, rather than its length.

The laws at play

In the UK, copyright protection comes under the Copyright, Designs and Patents Act 1988. Across Europe there are similar protections, called “Authors’ Rights”. UK authors’ protections for “literary and artistic works” are guaranteed in other countries through international agreements, like the Berne Convention.



What are orphan works?

The Enterprise and Regulatory Reform Act changed the copyright rules relating to works where the information needed to identify the owner was missing; so-called “orphan works”. The changes mean people can use work if they can prove they carried out a “diligent search” and did not manage to identify the copyright owner.

The internet is a common source of orphan works, home to millions of images and photographs where metadata (which might show the owner) is stripped away a share, or a post, at a time. To find out more about orphan works, and how to register your work visit:

www.gov.uk/guidance/copyright-orphan-works



Whose copyright is it anyway?

Although in most cases the author of the work owns the rights to copy the work, if you produce work as part of your employment, it’s your employer who is automatically assigned the copyright unless there is an agreement in place to the contrary. Copyrights do however, expire: there are instances where copyright has run out or the material is open source in which case, the usage permissions are relaxed.

What is fair dealing?



Copyright allows for authors' work to be reproduced if it is considered "fair dealing". Using quotes and excerpts from work that is already publicly available is considered under "fair dealing" rules provided only the necessary amount of material is used, and the author and source are clearly indicated and provided it does not compete commercially with the copyright owner's work.

What can I do if I think someone is using my work without my permission?

- Request that any infringements which damage your / the author's reputation are removed such as: banning, destroying or seizing the print run of publications or removing online content.
- Request damages for the unauthorised use of your copyright.

For detailed advice, read the NUJ's **The Right Thing:** An authors' rights handbook for journalists publication.



How long do copyrights last?



Copyright is not registerable in the UK. Copyright exists automatically from the moment the work is recorded in permanent form, provided the work is "original" i.e. its creation involved some kind of expenditure of an independent skill and/or labour.



Broadcasts
50 years from broadcast



Films
70 years from death of copyright holder



Sound recordings
70 years from the date that the sound recording is first published or communicated to the public



Written works
70 years after the author's death



Layout of published written and musical works
25 years from publication

When bad news hits, the NUJ Legal Service is here for you.



Download more information about your rights – including employment rights – from:
www.thompsonstradeunion.law/nuj-resources



Injured or involved in an accident?
100% free and 100% compensation guaranteed.
Start a claim, call **0800 587 7528**.



Arrested while working or require other forms of emergency criminal law advice?
Call the emergency helpline, on **0800 587 7530** – 24 hours.