

COPYRIGHT

Works of literature

Copyright is a large and complex subject, even though the principles are relatively simple; this is a very brief summary which only scratches the surface.

Copyright is:

- a property right
- in various types of work, including literary and artistic works
- which are original products of the author
- whose duration is for a limited period,
- which gives the owner certain rights
- but allows users the enjoyment of certain exceptions
- without which they would infringe.

Property right

You can own it, sell it, bequeath it to your heirs.

It is associated with Moral Rights which are not property rights and cannot be assigned

Works

Literary in copyright means written, not a work of literature

Original

The work must have 'originated' with its author

An amanuensis is not the 'author'

Successive versions of works may be original

Without a court judgment opinions on originality are opinions and can differ

Duration

The standard term is the life of the author plus 70 years

There are many variations, but especially:

- at least 2039 for all unpublished literary, dramatic and musical works

See charts

Owner

First owner is normally the author

May assign the rights

Reversionary rights, 1911-1957

Bequests

NB Ownership of the copyright and of the artefact can be different

Rights

Including:

Copying

Issue to the public (conventional publication)

Communication to the public by wire or
wireless means

Adaptation, such as translation

Performance and exhibition

Exceptions

Fair dealing

Reading aloud

Archive copying

Gowers review has recommended new
exceptions including for digital
preservation

Infringement

Risk assessment. What are the risks of:

- the rights owner knowing he owns the rights;
- knowing of your use; and
- objecting?

Tim Padfield

Information Policy Consultant

The National Archives

020 8392 5381

tim.padfield@nationalarchives.gov.uk

DURATION OF COPYRIGHT

Literary, dramatic, musical and artistic works (excluding Crown copyright)

