

coping with copyright

calligraphers are frequently asked questions as to copyright.

There are two main points to consider here, firstly the copyright of a creator's own work, but also copyright issues that may arise from wanting to use work belonging to another person.

so what is copyright?

Copyright is defined in the Copyright, Patents and Designs Act 1988 as a property right applying to original pieces of literary, dramatic, musical or artistic works.

Section 4 defines artistic work as 'a graphic work' and (thankfully for people like me), 'irrespective of artistic quality'.

The work must be the product of your own time and effort and should not just replicate or imitate the work of someone else.

The work must be tangible; it can't just be an idea you've had. Instead you need to have expressed that idea in a physical form. For example, when you think up a piece of work, it is only protected by copyright from the moment you write it down.

what does it do?

Copyright protects your work and stops others from using it without your permission. Copyright gives the creator the right to reproduce their work exclusively for a limited period of time.

The intention of copyright is to protect the original expression of an idea in the form of a creative work, but not the idea itself.

Copyright is intended to

- prevent people from copying your work
- distributing copies of it, whether free of charge or for sale
- renting or lending copies of your work
- putting it on the internet

how do I get it?

You automatically get copyright protection when you create:

- original literary, dramatic, musical and artistic work, including illustration and photography
- the layout of published editions of written, dramatic and musical works

You don't have to apply or pay a fee and there isn't any formal register of copyright works in the UK. However there are places which offer a service to manage a record of works (see below).

how long does it last?

Generally, copyright exists for the author's lifetime plus 70 years.

how do I show that my work is copyright?

In theory you don't need to do anything, but in the event that your work is challenged it is good to have some evidence as to when it was created and that you created it.

Many people choose to mark their work with the copyright symbol ©, their name and the year of creation. Whether you mark the work or not doesn't affect the level of protection you have.

does it apply abroad?

Your work could be protected by copyright in other countries through international agreements, for example the Berne Convention, but this is based on a mutual understanding between countries with the intention to protect each other's countries' laws, created to protect the works of their own citizens.

For example, copyright might expire in other countries at different dates, or they may not apply in the same way as they do in the UK. This can make an understanding of copyright more difficult, especially in these days of the internet being able to transmit data around the world instantly.

There are a number of exceptions that creep in, depending on where in the world work is exhibited. For example fonts are not protectable by copyright in the United States.

who is responsible for protecting my work?

You are.

The Copyright Tribunal www.gov.uk/government/organisations/copyright-tribunal is a UK court which specialises in

deciding disputes over the reasonableness of the price of a licence and its terms and conditions.

However you may wish to register with a Collective Management Organisation (CMO), whose purpose is generally to grant rights on behalf of multiple rights holders in a single licence for a single payment.

The CMO charges a fee for the licence, from which it deducts an administrative charge before distributing the remainder as royalties. They are typically not for profit organisations and are owned and controlled by their members, the right holders.

CMOs are governed by the Collective Management of Copyright (EU Directive) Regulations 2016. These Regulations implement a piece of EU legislation into UK law and its aims included standardising the rights of copyright holders across the EU to ensure that those holders held the same rights in all countries who are managed by this Directive.

There are many organisations aimed at particular artistic sectors. One which may be of interest to calligraphers is the Design and Artists Copyright Society DACS www.dacs.org.uk

are there exceptions to copyright?

Yes. Some people or organisations (such as libraries or schools) may be able to use copyright work without permission. If you see your work exhibited somewhere that you were not aware of, it is highly advisable that you first check whether someone's use of your work is permitted before making any attempt to approach them. Particularly if you have licensed the use of your work, you may find that a fee has already been paid for its use.

how do I let others use my work?

You can license the use of your work if you own the copyright. You can also decide how your work is used and

so refuse permission if you are not comfortable with a particular group or organisation using your work.

You can register your work with a licensing body, for example a collecting society, who will agree licences with users for you and collect royalties for you. However this may cost money to run and you should think about whether any profits may outweigh any running costs.

The Writers, Artists and Their Copyright Holders (WATCH) is a database of copyright contacts for writers, artists and prominent figures in other fields and can be found here norman.hrc.utexas.edu/watch//, but bear in mind that whilst it is a joint venture between the University of Reading and the University of Texas, the website is held and managed in the US.

where can I find out more?

You can find out more about copyright legislation by visiting the Intellectual Property Office www.gov.uk/government/organisations/intellectual-property-office

how can I use the work of someone else?

The best means to use the work of someone else is to ask their permission or that of any CMO or licensing body who licenses work on their behalf. Even if you are exempt from either requiring permission or from having to pay a fee (e.g. Schools etc referred to above), it is always best practice to ensure that the artist is aware of what you are seeking to do and why.

Many artists may be flattered knowing that their work is being used for worthwhile purposes and/or that their own work is inspiring others.

To conclude, this work is copyright David Bywater 2019 ©!

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