

Copyright Law & The Rights of a Copyright Owner



The Basics of Music Copyright

In the UK, copyright protection is afforded to original literary, dramatic, musical and artistic works. A work consisting of music, which includes any words, intended to be sung, spoken or performed with the music, is defined and covered under UK copyright law as a musical work.

- What is Copyright?
- When does Copyright start?
- How is Copyright protected?
- What are the restricted acts?
- How long does copyright last in the UK?



What is Copyright?

Copyright is a property right which exists in certain categories of protected works. The framework for UK copyright law is the Copyright, Designs & Patents Act 1988. As well as existing in original literary, dramatic, musical and artistic works, copyright protection is also afforded to:

- sound recordings
- films
- broadcasts, including broadcasts via wire or cable
- typographical arrangements of published editions

When does Copyright start?

Copyright in a musical work arises automatically once it is recorded either in writing or by another means. Works can be recorded - and copyright may thereby arise - in a variety of ways including making a video, tape or CD recording of the work, as well as by the more traditional notation of a musical score.

How is Copyright protected?

No official registration is necessary to secure copyright in a work. Under UK law, both musical and literary works are automatically protected from the time they are fixed in some material form. Consequently, in the event of a dispute over authorship,

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ownership or originality, there is no standard method of proving that one work was in existence before another.

There are, however, the following suggested ways to help prove that the work was created on a specific date:

- Deposit a copy with a solicitor or bank manager and obtain a receipt.
- The author may send a copy of the work to their place of residence by registered delivery leaving the envelope unopened upon receipt and labelling the envelope to identify the work(s) contained within it.
- Registering a title with MCPS and PRS **does not** create copyright in the work.



The Rights of a Copyright Owner?

The Copyright, Designs & Patents Act 1988 gives a copyright owner the exclusive right to do and authorise others to do certain acts (known as 'restricted acts') in the UK. No-one can do or authorise any of the restricted acts without the copyright owner's permission as this constitutes copyright infringement.

The restricted acts are as follows:

- to copy the work
- to issue copies of the work to the public
- to rent or lend the work to the public
- to perform, show or play the work in public
- to communicate the work to the public*
- to make an adaptation of the work or do any of the above in relation to an adaptation

Generally, the author of a work (described in the Act as the 'person who creates it') is the first owner of any copyright in the work. However, since copyright is a form of property, the author can transfer the whole or part of his copyright in a work to another party (such as a collection society or a publisher), so the author of the work is not necessarily or always the copyright owner.

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How long does Copyright last in the UK?

Copyright in original musical works lasts for a period of 70 years from the end of the calendar year in which the last living writer dies.

Copyright in a sound recording expires at the end of the period of 50 years from the end of the calendar year in which it was made.

If a work originates from outside of the European Economic Area (EEA) the duration of copyright lasts for as long as the work is protected by copyright in its country of origin, provided that length of time does not exceed the period for which UK copyright law protects works of EEA origin.

France uniquely extends the standard EU 70-year period with provision for the *années de guerre*: extra time for the First World War (considered to have lasted from 1914 to 1919) and the Second World War (1939 to 1948). Writers and composers who lived during these periods, for example, have their works protected for life + the EU 70 years + five years for WW I + nine years for WW II. The extension was reaffirmed by French courts in two decisions during November 2001. France also adds a further thirty years for an author who "died for France".

Most countries outside of the UK with copyright legislation have one or more organisations like MCPS and PRS to collect and distribute music royalties. When our members' works are used overseas, the local affiliated society collects the royalties and sends them to us. We then distribute the money to our members.



Our network of contracts continues to expand as more and more countries develop effective copyright legislation. To date MCPS and PRS have negotiated reciprocal contracts with over 80 affiliated societies in more than 70 countries.

How are royalties earned from Copyright?

A copyright owner can exploit their copyright in the following ways:

- **Transfer legal ownership:**

This is the transfer of the right to another party in return for payment, known as an 'assignment'. The copyright owner may assign all or some of the rights in a work, or alternatively the transfer could be limited by a period of time. During

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the period of assignment only the person who has been assigned those rights may exercise them.

- **Issue licences:**

Permission to use the work may be granted in return for payment with the advantage that many people can be licensed at the same time. As with assignment a licence can be granted for a particular duration or restricted act.