

FACT SHEET



UK COPYRIGHT

- Copyright gives the creators of a wide range of material such as product packaging, product literature, trade mark logos, music, sound recordings and films rights enabling them to control use of their material in a number of ways.
- There is no official register for copyright as it is an unregistered right. There is therefore no need to make an application, no application form and there are no fees.
- It is advisable to mark copyright work with the copyright symbol - © - followed by the name of the author and the date of creation. There is no legal requirement to do so, but it can make it easier to prove ownership.
- Copyright comes into effect as soon as a work which can be protected is created in a permanent form, e.g. the creation of the wording for a magazine advertisement, the design of a new chocolate bar or of a new pharmaceutical capsule shape.
- It has been protected in the UK since the early 18th century and has been through numerous amendments since then.
- The International Copyright Act came into force in 1886 and UK-specific Copyright Acts were passed in 1911 and 1956. The most recent UK-specific Copyright legislation was passed in 1988 as part of the Copyright, Designs and Patents Act 1988 (CDPA).
- Since the CDPA came into force it has been amended several times in order to implement European Directives.
- The duration of copyright protection varies depending on the nature of the work in question, but the maximum term is “life of author plus 70 years”.
- Enforcement of copyright can be carried out against an infringing party. It is important to note that, because copyright is an unregistered right, it is necessary to prove copying in order to pursue a claim for copyright infringement.
- Ownership of copyright vests generally with the creator of the work in question, although many contracts of employment provide that any copyright works created by an employee in the course of their employment belongs to the employer. There must usually be an express transfer of copyright ownership for it to become the property of another individual or entity.
- It is useful to note that copyright works created in the UK can also have some protection overseas because the UK is a member of several international conventions relating to copyright. Accordingly, copyright material created by UK nationals or residents is protected under local copyright laws in all countries which are members of these conventions.

This briefing paper is intended as guidance only and no legal liability can be accepted in relation to the information given above. For further information contact a trade mark attorney or contact the Institute office at:

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