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## What is copyright and how is it governed by UK law?

Copyright is part of a wider set of intellectual property rights which offer protection and certain exclusive rights to the owner(s) of the rights in a work. For example copyright laws usually grant the creator of a work the exclusive right to reproduce that work or prepare derivative works.

In the UK the Copyright, Design and Patents Act 1988 (as amended) defines copyright as:

*"... a property right which subsists in accordance with this Part in the following descriptions of work -*

- *original literary, dramatic, musical or artistic works,*
- *sound recordings, films, or broadcasts, and*
- *the typographical arrangement of published editions."*

Examples of literary, dramatic, musical or artistic works include books, plays, songs and photographs.

There are three tests that you can apply to any work to determine if it is subject to copyright. These include:

- it must be original
- it must be fixed (important in electronic environment) This means it must exist in a material form - whether that is on paper, electronically or otherwise.
- the author of the work must be a qualified national (broadly either from a country that recognises copyright law or resident in such a country) or where the work has been published, the country of first publication must qualify (broadly that it recognises copyright law).

In the UK the legislation in force is the [Copyright, Designs and Patents Act 1988](#). When looking at the Act you will also need to consult a number of statutory instruments as many amendments have been made since 1988. In recent years numerous amendments have been made following EU Directives, which are attempting to harmonise copyright law across the European Union. It is also anticipated that changes may be made to UK copyright law in the next few years, following the recommendations from the Independent Review of IP and Growth undertaken in November 2010. To keep up to date with copyright changes see the [Further Reading](#) section of this course.

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