

Who owns copyright and what is protected?

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The creator's rights...

The creator of a work usually owns copyright in that work, however like any form of property, copyright can be bought, sold or leased. In the case of a book, the author will usually be the copyright owner, however he or she may grant an exclusive licence to a publisher to publish the book. The author may alternatively sell (assign) their copyright to the publisher. Where copyright is licensed, the licensee (the party receiving the licence) will enjoy certain rights in respect of the relevant copyright work. With respect to your own academic publications it is recommended that wherever possible you retain the copyright.

Ownership depends on format...

Copyright ownership also depends on the format of the work, so in the case of a sound recording the producer owns the copyright in the sound recording. The copyright in a film is owned by the producer and principal director and in a broadcast it is owned by the person or organisation who makes the broadcast. Other forms of copyright may subsist in a sound recording, film or broadcast. For example, there may be additional rights in the script or music used in making the film.

Employer as owner...

However, if a work is created by an employee in the course of their employment, the copyright in that work will be owned by the employer, unless there is an agreement to the contrary. In the higher education sector there have been ongoing debates over intellectual property rights of materials prepared for teaching and research. This guide does not cover this in any detail, but generally if you are employed to undertake a task, then the copyright in the work created in the course of that task will be owned by your employer. Conversely, students will own copyright in all their work unless there is an agreement to transfer the copyright to the educational institution.

So who owns it??

Often the easiest way to determine who owns the copyright in a work is to look for the internationally recognised copyright symbol ©. This is not a definitive statement as to ownership of the copyright in a work, but it is good practice to include this along with the name of the copyright holder and the date of publication on any work where you wish to claim copyright. So, for example this guide contains the following ©Jane Secker. However never assume that a work is not subject to copyright because it doesn't include the copyright symbol. Also note that in the UK copyright does not need to be registered and comes into being when a relevant work is created.

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