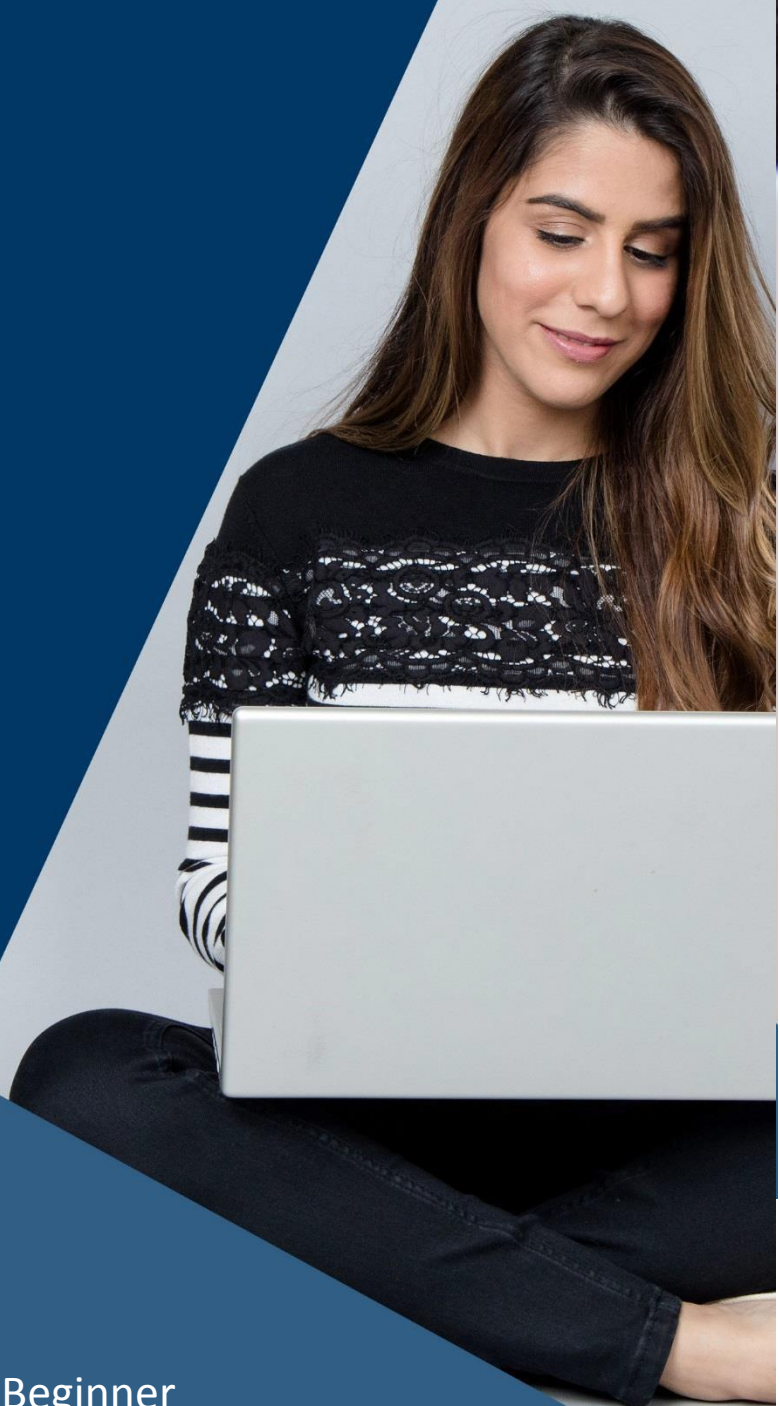


EdShare

Copyright Basics



University
of Glasgow

Level: Beginner

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What is copyright?

Copyright is a legal protection, automatically assigned to a piece of work as soon as it is in a fixed format (e.g. written or recorded). Copyright protects the works of authors and performers for a specific period of time. The current copyright legislation in the United Kingdom is the [Copyright and Patents Act 1988](#). The act has been amended several times, so it is important you consult the most up to date version.

There are currently four areas, which must be met in order for your work to receive copyright protection, these are listed below:

1. **Original** – The work must be original, i.e. you must have created it and not copied from anyone else.
2. **Fixed** - Copyright does not protect ideas. Works have to be presented in a physical form in order to receive copyright protection.
3. **The types of works that are currently protected** - Copyright protects work that fall under one of the categories below:
 - Literary Works
 - Dramatic Works
 - Musical Works
 - Artistic Works
 - Sound Recordings
 - Films
 - Broadcasts
 - Typographic arrangements of published editions
 - Websites
4. **UK Nationality, domicile or residence or first publication in the UK** - In order for a work to be protected under the UK's copyright laws, the author's nationality, domicile or residence must be in the UK or else the work must have been first published in the UK (this would include where it has been simultaneously published elsewhere within 30 days).

Copyright exists automatically when qualifying work is created, but many people use the copyright symbol to make this clear, e.g. 'John Smith ©'



Who owns Copyright for a particular work?

Who owns Copyright?

In short, the person who creates the 'fixed' or physical work(s) owns the copyright. See below examples of specific owners in varying genres and guidance on 'who owns copyright in the Higher Education sector.

The circumstances around the owner of copyright materials will vary depending on the work(s) that have been created. In the case of literary, musical or works of art the author could be the author, composer or illustrator/artist. In today's world, computers are used on a daily basis and now works created on them factor into copyright - in this medium the author is the person who undertakes arrangements necessary for the creation of the work, such as the programmer who created them.

Ownership can be passed on, e.g. after death. It can also be transferred when published, e.g. author signing transfer, it can also be transferred when published, e.g. author signing transfer agreement to publisher after article is published

Who owns Copyright in the Higher Education Sector?

The author is the creator of a work and therefore the copyright owner

- If an employee of a Higher Education Institution creates a literacy, dramatic, musical, artistic or film-based piece of work during the course of employment then the employer is the copyright owner. The only exception to this would be stipulations within an employee's contract
- In the case of work produced by students in a Higher Education establishment, the copyright owner is the student unless there has been a contract produced which revokes this and defers ownership to the University. This would only be enforced if it passes a test of fairness in the eyes of the law.
- A freelance photographer or writer will own the copyright to the work they produce, for example any photographs or literary works. Just like the above scenario a contract would have to be produced which stipulates that the University is the copyright owner. As with any contract, carefully develop and read each clause to understand who owns the copyright and under what terms.

To find out more information about the duration of Copyright associated with various works, please refer to '**Detailed Information about the length of Copyright (UK Law)**' document.

