

A SHORT GUIDE TO UK COPYRIGHT LAW

What is Copyright?

In the UK the Copyright, Design and Patents Act 1988 gives rights and protections to artists, photographers, writers, film makers, broadcasters and musicians. Most other countries have their own copyright laws and 179 countries are signatories to the Berne Agreement which means that national laws extend to foreign artists and writers. For example, if an artist in the USA copies the work of a UK artist then UK law will apply to that artist in the USA and visa versa therefore copyright law is international.

How Long Does Copyright Last for Artists?

In the UK copyright lasts for the artist's lifetime and for 70 years after their death. Copyright will expire at midnight on 31st December 70 years after the death of the artist.

What Does Copyright Do?

Copyright gives you complete ownership of your original work and how it is used. Any work you create is your work which means you hold all the rights to that work. Anyone who copies your work or uses it without your consent would be in breach of copyright. Even if you sell your work you still retain the rights to the image so you can produce prints, mugs, T-shirts, cards etc. If you choose, you can sell your copyright, grant licences or put your work into the public domain.

Do I Need to Register to Copyright My Work?

In the UK there is no need to register your work for copyright purposes however it is advisable you take steps to protect your work. As well as signing the front of your work also sign the back and either insert the word 'copyright' or © followed by your name and the date the work was created. Taking photographs is another good way of protecting your work. Digital photographs have embedded metadata that shows the date and time the photograph was taken which would enable you to prove when the work was created.

Staying on the Right Side of Copyright Law

Artists often look to other artists for inspiration as well as photographs in magazines, newspapers or the internet for inspiration and reference. Just as you are entitled to your work being protected so are other artists and photographers therefore you need to be careful how you use these reference materials. There are some things UK copyright law allows you to do without the consent of the original creator. You can find all the information on the Government website:

<https://www.gov.uk/guidance/exceptions-to-copyright>.

If the work has been produced in another country do check on their copyright laws as the law may differ from UK law in that country.

By following the guidance below you should stay on the right side of copyright law.

- You may use copyrighted work for private study but you cannot sell or exhibit that work.
- Do not copy, or substantially copy, other artists' work and pass it off as your own.
- Do not assume that because an image is on the internet it is free to use. Copyright law applies to images published online. This includes many online tutorials.
- If you want to use someone else's work, such as a photograph, get permission from the copyright holder.
- Purchase stock photographs but do ensure you check the terms and conditions before purchasing an image. Some stock sellers such as Shutterstock do not allow their images to be reproduced as artwork.

- Purchase directly from photographers or artists. Some wildlife artists, such as Jason Morgan sell their own photographs via downloads and CDs. Always check the terms and conditions of use.
- If you are inspired by film characters, magazine characters etc make sure you purchase a licence before using their images in your artwork. Companies such as DC Comics, Marvel Comics and Disney fiercely protect their product and will take action against individual artists like us as well as larger organisations.
- If you cannot take your own photographs there are a number of sites such as Pixabay, Unsplash and Pexels where you can obtain free to use photographs under a Creative Commons Zero Licence or an Attribution Licence.
- If in doubt, leave it out!

Breaches of copyright can lead to hefty fines. If you sell on sites such as Etsy, eBay, Amazon and Red Bubble to name just a few, a complaint from the original creator can lead to your online shop being closed down either temporarily or permanently. If you are using an image that is trademarked this can lead to some very serious repercussions. It's easy to think no-one would bother with artwork created by any of us but many artists, photographers and big businesses use tools such as Google Reverse Image Search, have their own search tools with sophisticated algorithms, or embedded software to search the internet. If your work is published anywhere online there is a fairly good chance of it been picked up.

The above guidance is a brief overview of copyright law. Copyright is a complicated area of law the complexities of which cannot be covered in such a short space. For more information there are a number of UK websites that provide excellent information on all aspects of copyright as well as other areas of law relevant to artists. Some of the sites listed below offer advice and information such as: contracts, selling, re-sale rights, shipping etc. They are well worth a look.

<https://www.copyrightuser.org/>

<https://artuk.org/about/copyright-explained>

<https://www.dacs.org.uk>

<https://www.artbusinessinfo.com/copyright-in-the-uk.html>

<https://www.artquest.org.uk/artlaw-article/copyright-law/>