

A Guide to Copyright

Copyright is a property right whereby, and subject to legislation, the owner of the copyright work may undertake or authorise other persons to carry out certain acts in respect of the work. Copyright protection does not extend to the ideas and principles which underlie any element of a work, procedures, methods of operation or mathematical concepts, and, in respect of original databases, shall not extend to their contents.

Works protected by copyright include literary, dramatic, musical or artistic works, sound recordings, films, broadcasts, cable programmes, typographical arrangements of published editions, original databases and computer programs.

Acts restricted by Copyright

Subject to the exceptions mentioned later, the owner of the copyright in a work has the exclusive right to undertake, or authorise others to undertake all or any of the following acts

- to copy the work,
- to make the work available to the public,
- to make an adaptation of the work.

These acts are known as acts restricted by copyright, and the undertaking of any of these acts by a third party without the consent of the copyright owner amounts to infringement.

Owning Copyright

The author of a work is the first owner of the copyright unless

- the work is made by an employee in the course of employment, in which case the employer is the first owner of any copyright in the work, subject to any agreement to the contrary
- the work is subject of Government copyright
- the work is subject of the copyright of a prescribed international organisation
- the copyright in the work is conferred on some other person by legislation

This author is defined as the person who creates the work and includes

- in the case of a sound recording, the producer;
- in the case of a film, the producer and the principal director
- in the case of a broadcast, the person making the broadcast or in the case of a broadcast which relays another broadcast by reception and immediate retransmission, without alteration, the person making that other broadcast
- in the case of a cable programme, the person providing the cable programme service in which the programme is included
- in the case of a typographical arrangement of a published edition, the publisher
- in the case of a work which is computer-generated, the person by whom the arrangements necessary for the creation of the work are undertaken
- in the case of an original database, the individual or group of individuals who made the database and
- in the case of a photograph, the photographer

A work qualifies for copyright protection where the author is a qualifying person. A qualifying person includes

- a citizen of the state, or a citizen or subject of, or an individual domiciled or ordinarily resident in a country, territory, state in respect of which the Government has made an order extending the provisions of this copyright legislation
- a national or foreign body corporate again subject to the proviso outlined above
- a national or foreign partnership or unincorporated body subject to foregoing proviso
- any other national or foreign body, again subject to the foregoing proviso.

The Paternity Right

The author of a work has the right to be identified as the author and that right applies to an adaptation of the work which is known as the paternity right. There are numerous qualifications and exceptions to the application of the paternity right, and these include:

- the inclusion of the work in an incidental manner in another work,
- acts done for purposes of instruction or examination,
- acts done in parliamentary and judicial proceedings,
- anything done by or with the authority of the copyright owner where the copyright in the work originally vested in an employer, where the work was made for the purpose of reporting current events, a newspaper or periodical, an encyclopaedia, dictionary, yearbook or other collective work of reference, a work in which Government copyright subsists or a work in which the copyright originally vested in a prescribed international organisation.

The Integrity Right

Subject to certain exceptions and qualifications, the author of a work has the right to object to any distortion, mutilation or other modification of, or other derogatory action in relation to the work which would prejudice his or her reputation. This right is known as the integrity right.

The paternity and integrity rights are incapable of assignment or alienation but may be waived. Other moral rights are the right not to have a work falsely attributed to a person as the author and the right to privacy in photographs and films where they are commissioned for private and domestic purposes.

Registering Copyright

It is not necessary to register copyright in a work in Ireland as copyright subsists automatically. A copyright notice is not required. However, it is recommended that notification that copyright subsists be given. This may be achieved by the following marking:-

© Name of owner/year of publication
e.g. © FRKelly 2008

Duration of Copyright

Type of Work	Term
Literary, Dramatic, Musical, Artistic	70 years after the death of the author
Film	70 years after the last of the following people die: the Principal Director the author of the screenplay the author of the dialogue the author of the music specifically composed for use in the film.
Sound Recording	50 years after sound recording is made
Computer Generated Work	70 years after the date on which the work is first lawfully made available to the public

Please Note

This guide is intended as a very basic introduction to Copyright, and certain procedures surrounding them, and as such, it is no substitute for consulting with a qualified attorney.

If you have any further questions please [contact us](#).

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