



COPYRIGHT BASICS

What is copyright?

Copyright is a legally granted right that belongs to a person who has created an independent original work. Films, plays, music, books, comics, and artworks do not come into existence without a creator. Copyright gives the creator exclusive rights to control their own work – the result of creative effort.

The creator has the right to determine what they do with their work: whether they keep it, grant usage rights to it, or sell it and at what price. Creators benefit from selling their works and the right to use them. Copyright is a prerequisite for being able to make a living from creative work and for the creation of new content

What does copyright protect?

Copyright protects written, spoken, or artistic works – the result of an independent and distinctive intellectual creative effort. Copyright safeguards the appearance and expression of the work. Protection is not dependent on the intended use or artistic quality of the work. The technique used to create the work or the material it is made from also does not affect protection.

Copyright protects, for example, written text, paintings, drawings, photographs, films, TV programmes, plays, musical compositions, maps, buildings, and computer programs.

How does copyright arise?

Copyright arises automatically when the work is created. To be covered by copyright, the work must exceed the 'threshold of originality' meaning it should be sufficiently independent and original. Whether the threshold has been met is determined on a case-by-case basis. No formalities, such as registration or the use of the © symbol, are required for the work to be protected by copyright.

Who gets copyright?

Copyright always arises for the person who created a work. The age of the creator is irrelevant, which means even an underage child can be a creator under copyright law. The creator can wholly or partially transfer their copyright to someone else, such as an educational institution or a publisher. The transfer must be in writing. Copyright can also be transferred through inheritance or by testament.

Owning a copy of a work, such as a book, a film recording, or a painting, does not imply ownership of the copyright to the work.



WHO IS THE RIGHTSHOLDER?

The rightsholder is the individual or organisation that holds the rights according to copyright law. The rightsholder can be the original creator of the work, such as a writer, textbook author, artist, lyricist, composer, or director.

The rightsholder can also be someone to whom the creator has transferred their copyright, such as a publisher, a producer, a company, or an educational institution. Often, copyright is held by both the author and the publisher. The creator can transfer their economic rights only; their moral rights to be identified as the creator of the work cannot be transferred.

WHAT DOES COPYRIGHT NOT PROTECT?

Copyright does not protect information, ideas, themes, plots, or the structure of the work. These can be freely used as long as the new work is sufficiently original and independent in its expression.



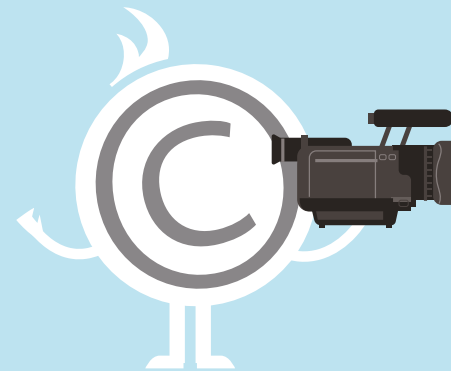
How long does copyright last?

Copyright lasts for the lifetime of the creator plus 70 years after the year in which they died. When a work has multiple creators, such as a film, the protection period is calculated from the end of the year when the last creator died.

What are related rights?

In copyright law, certain rights that are similar to copyright are also protected. These are known as related rights. Examples include performers' rights, rights of sound and film producers, database and catalogue protection, rights of radio and TV companies. Performances, sound recordings, and film recordings are protected by related rights, and permission from the rightsholder is required to use and copy them.

The main difference between related rights and copyright is the duration of protection. Nor do related rights require the same level of independence and originality as copyright. Protection for related rights arises automatically when a performance, recording, or other production is created. The protection period for related rights is usually 50 years from the year of recording, performance, production, or broadcast.



What rights does the creator have?

Copyright consists of economic and moral rights. Economic rights mean the creator has the exclusive right to decide whether copies of their work can be made, whether the work can be made available to the public and at what price. Making available to the public includes activities such as selling, lending, renting, and online distribution of copies of the work. The creator also has the right to decide whether the work can be adapted, modified, translated into another language, performed, or reproduced in a different literary genre or art form, or in any other way.

Moral rights give the creator the right to be identified as the creator of the work and not to be discredited by the way the work is used.

A creator can transfer their economic rights wholly or partially. Their moral rights cannot be transferred and remain with the creator even if the economic rights have been fully transferred.

Usage licences for works intended for education

It is mandatory for any educational establishment wishing to make multiple digital or print copies of copyright-protected text and still-image-based works to have a licence to do so. The ICLA schools copying licence grants students and teachers the right to copy and share extracts from copyright material from Irish and foreign works, both paper and digital, for educational purposes. The purpose of copying must not be to replace the purchase of commercially published educational materials.

All schools in the Department of Education's Free Education Scheme are covered by a central licence agreement. Independent schools are licensed individually.

The creator may have allowed the use of their works with a licence, such as a Creative Commons licence or some other equivalent open licence. Such material can be used in accordance with the licence terms.



Copyright

ECONOMIC RIGHTS

safeguards the creator's financial opportunities.

MORAL RIGHTS

protect the creator's reputation.

MAKING A COPY

includes, for example, printing, digitising, photocopying, or otherwise duplicating copies of a work. Both transcribing and scanning materials are considered making copies of works.

MAKING A WORK AVAILABLE TO THE PUBLIC

means, for example, performing a musical work at a concert, showing a film in a cinema, publishing a photograph on a website, or offering a copy of a book for sale in a bookshop.

PATERNITY RIGHT

means that the creator has the right to be identified when a work is used publicly or distributed to the public. For example, their name must be mentioned when the work is performed publicly or otherwise made available to the public.

INTEGRITY RIGHT

means that a work may not be altered in a way that violates the creator's literary or artistic reputation or originality. The work may not be made available to the public in a context or manner that is offensive.

PUBLIC TRANSMISSION

Public transmission includes distributing a work on TV or radio, distributing it on demand or to order, and distributing it on a data network, such as uploading an image online or displaying it for public view.

DISTRIBUTION OF COPIES OF WORKS

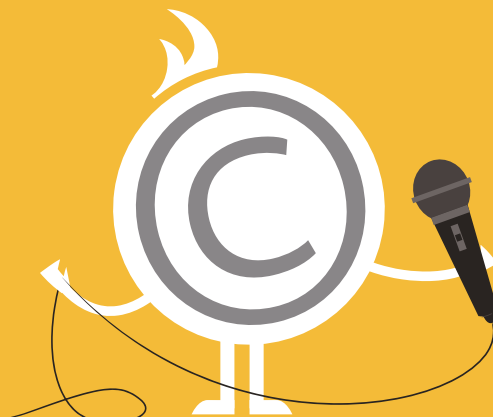
Distributing copies of works to the public includes offering physical or digital copies, such as a book or a DVD, for sale, rental, or lending, or otherwise distributing copies to the public.

PUBLIC PERFORMANCES

Public performance means that a work is performed for a live audience, such as at a concert, in a theatre, or at some other event to which the public has access, either freely or by ticket.

PUBLIC DISPLAY

Public display is showing a work publicly without technical aids, for example, during an art exhibition.



What kind of use does not require permission?

Fair dealing

'Fair dealing' is a copyright exception that allows anyone to copy limited extracts of a work, without the permission of the creator, provided the use is for non-commercial purposes.

One such purpose is personal research or private study; however, the results cannot be communicated to the public. A work may also be used for the purposes of education, criticism and review, news reporting and caricature, parody and pastiche.

Public performance in education

In a classroom, you may present or show a copy of a published work, as long as the work is used for educational purposes only. For example, you can play recorded music or perform a piece on musical instruments during lessons, as well as read aloud from books or listen to audiobooks, or show a film. Performance is allowed for a live classroom audience, meaning the audience should be in the same room as the work being performed or part of a closed online group for the particular course of study.

Use of works to illustrate teaching

- As a teacher, you may make a work (still image) or part of a work (text) available to your students and produce copies to illustrate a point in education under your school/college's ICLA copying licence.
- For audiovisual and musical recordings you can copy extracts for educational purposes under the copyright exception for education.
- The condition is that the use of the work occurs in a situation, or a protected digital environment, intended for a specific limited group of students, and that the work is accompanied by sufficient acknowledgement.





More information about
copyright and licences for
educational institutions can be
found on the Copyright
Classroom website
www.copyrightclassroom.ie

On the Copyright Classroom website,
you can also find games and other
resources for learning and teaching
copyright, as well as checklists for your
own project work.

Welcome to Copyright Classroom!

If you have any questions about copyright, you can contact us at info@icla.ie