

## What is copyright?

Copyright establishes rights and responsibilities of creators and consumers of original creative works.

There's no need to register - copyright applies as soon as a work is produced in a fixed form. So if you have an idea for an award winning screenplay, that's fantastic but it's only copyrightable once you've typed it up.

### Included



manuscripts, articles, documents, lyrics, code.



music and sound recordings, including musical scores.



photography, painting, graphic art, architecture, maps.



video footage, film, broadcasts, including cable and online.



plays, dance coreography, scrips, screenplays.

### Not included



Ideas, facts and some categories of legislative and administrative texts.

Copyright holders are entitled to control how a creative work is used. Copying, distribution, broadcast, public performance, and adaptation are all forms of use. This protects the integrity of the work and also any commercial value it may have for the copyright holder.

Where the copyright holder is also the creator (this is not always the case) there is also the value of being recognised for their achievements.

These copyright protections are intended to incentivise creation.

**GCU online copyright advisor:**

<https://edshare.gcu.ac.uk/4481/13/CARP/index.html>



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## How does copyright benefit society?

Copyright makes provision for society and not just copyright holders to benefit from creative works.



Copyright expires after a time and creative works pass into what's known as the **PUBLIC DOMAIN**.

Creators can also waive their interests using special licenses and dedicate their work to the public domain.

This creates a rich treasure trove of materials that anyone can use for any purpose they choose.

Check [here](#) for information on how long copyright lasts in the UK.

There are specific exceptions to the rules of copyright - sometimes referred to as **FAIR USE**. These enable limited use without the copyright holders permission.

Fair use exceptions cover things like accessibility, non-commercial research, private study, teaching and parody.

Check [here](#) for information on exceptions in the UK.

You may even be a copyright holder yourself. Often people think of themselves only as consumers of materials protected by copyright. Many of use are also creators, especially in the digital world. If you've ever taken a photograph, written a blog post, recorded a podcast, created a poster or a video then there is a good chance that you have created copyrightable material.

If this is the case, you are entitled to be credited for the work and to control how others use it.

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## Is everything that is created covered by copyright?

No - copyright is only one kind of intellectual property (IP). Intellectual property refers to creations borne out of human intellect. The human mind is a wondrous thing, constantly creating for all different purposes. Others kinds of IP include:



Good and services are typically protected by trademark.

Trademarks help suppliers to control their brand and help the public to identify their products.

They are so valuable you will often read about trademark battles in the news. McDonald's for example, have fought many of these over the years.

Inventions including technology, methods and devices are protected by patent enabling inventors to control how their creation is exploited.

Patents are published so anyone can see [Apple's patent for the original iPhone](#). This openness often inspires further research and innovation.

Other protections also exist for designs. Unlike copyright, these protections need to be applied / registered for and certain conditions must be met before they are granted.

You can find out more about copyright and other types of IP from the [UK Intellectual Property Office](#).

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## How can I make sure I'm copyright compliant?



If you intend to use someone else's work, always assume it is protected by copyright and check whether and how it can be used. GCU library can provide information on copyright (but not legal advice) to students, researchers and staff.



Look for materials that have a special license like those developed by **Creative Commons**. These do not replace copyright but allow creators to choose the rights they wish retain and those they are willing to forgo.



Check the **FAIR USE** exceptions in your country. In the UK the official guidance is available on the **UK Government copyright website**. There is no statutory definition of fair use - it's often a matter for interpretation.

### Quick Reference

A cut-to-the-chase summary for use in your discussions, or to cut out and stick up on a bulletin board!

#### Four factors

- Purpose** (of the use in question)
  - Commercial ← LESS FAIR MORE FAIR → Critical, Educational, Non-profit
- Nature** (of the source work)
  - Unpublished, More "creative" ← LESS FAIR MORE FAIR → Published, More "factual"
- Amount & Substantiality** (of the source work)
  - Larger amount (proportionately), Borrowing from the "heart of the work" ← LESS FAIR MORE FAIR → Smaller amount (proportionately), Borrowing from more peripheral elements
- Effect on the potential market** (for the source work)
  - Harm to the market for the work ← LESS FAIR MORE FAIR → No market harm

#### Transformativeness

- Are you doing something **really new** with the original work?
- Does it involve criticism or commentary, such as a parody?
- Does it provide significant value to the public?

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GCU's **online UK copyright advisor** can help with specific questions. Students, staff and researchers at GCU can also contact us [copyright@gcu.ac.uk](mailto:copyright@gcu.ac.uk)

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