

Key legislation.

Copyright in industrially created artistic works

If you have clients that work within the creative industry, awareness of the laws of copyright is essential, as is an overview of its legislative system. The duration of copyright in industrially created artistic works changed on 28 July 2016. Before this date it lasted for 25 years; from this date, copyright in industrially created artistic works lasts for the life of the creator plus 70 years.

C What is copyright

Just very briefly – copyright is one form of intellectual property right. It enables authors, artists and other creative people to prevent others from copying the fruits of their intellectual labour. Without copyright, it would be very difficult to make a financial profit from spending time and resources on artistic endeavours.

Copyright covers numerous types of works: from literary works and fine art to computer programs, databases and mass produced artistic works – such as artistic furniture.

What is an 'artistic work'?

For these purposes, it includes artistic things like paintings and sculptures, and other works of artistic craftsmanship.

However, 'works of artistic craftsmanship' usually require some artistic quality and merit to elevate it to more than just a functional design.



Abbey Legal Protection

20 Fenchurch Street, London EC3M 3AZ Tel: 0345 350 1099
sales@abbeylegal.com
www.abbeylegal.com



Duration of copyright

As you are probably aware, different types of copyright have different durations. The most common duration of copyright is the life of the creator plus 70 years; that applies to literary, dramatic, musical or artistic works.

Up to July 2016, copyright in artistic works that were created through an industrial process, generally lasted for 25 years from the date when 50 or more copies of the work were manufactured and placed on the market.

From 28 July 2016, copyright in these artistic works is the same as for other artistic copyright: life of the creator plus 70 years. If you have been benefitting from the early expiration of others' copyrights, make sure you understand these changes.



A final word

Is this change good for your business? Well obviously it depends on what your business does. If you use others' artistic works, this may be a difficult time. However, if you are a designer then you will probably welcome this change and should be getting ready to reap the benefits of extended exploitation of your copyrights.

More information

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