**The different types of works protected by copyright**

The Copyright Designs and Patents Act 1988 is the UK Act that deals with copyright. Under this Act the following are protected by copyright:

• original literary, dramatic, musical, and artistic works – note that a dramatic work includes a work of dance.

• films;

• sound recordings;

• broadcasts;

• the typographical arrangement of published editions of literary, dramatic, or musical works.

**Literary Work**

A literary work is any work other than a dramatic or musical work which is written, spoken or sung, and includes a table or compilation

Standard examples of literary works protected by copyright would include novels, short stories, poetry, song lyrics, non-fiction books, and articles. A literary work does not need aesthetic merit and so includes trade catalogues, examination papers, a grid containing 25 letters and two separate rows of five letters each. A knitting guide consisting of ‘various words and numerals . . . which constitute detailed instructions intelligible to anyone who understands the production of knitwear’ would also be a literary work. On the other hand, the courts usually had great difficulty in according copyright to single words and phrases as literary works, and so the word Exxon was not a literary work because it did not ‘afford either information and instruction or pleasure in the form of literary enjoyment’.

**Question**

Would a dance recorded using the labanotation system be a literary work?

**Dramatic works**

The 1988 Act defines ‘dramatic work’ as including a work of dance or mime. It has been said that a dramatic work must be such that ‘for its proper representation, acting, and possibly scenery, formed a necessary ingredient’. In a UK case, it was said that ‘a dramatic work is a work of action, with or without words or music, which is capable of being performed before an audience.’ Thus a scene created to be part of the cover for an album by the pop group Oasis was held not to be a dramatic work, since it involved no action.

**Question**

How may a dance work be defined within the parameters of a dramatic work for copyright purposes?

**Musical works**

A musical work is a work consisting of music, exclusive of any words or action intended to be sung, spoken or performed with the music. Words, written to be sung to music, do not form part of any musical work but have their own literary or dramatic copyright. Music goes beyond the notes on a score to include the combination of melodies and harmonies, the figuring of the bass, ornamentation, and performance directions. Music also covers the sampling and scratching of tracks by DJs of works composed by other artists, which create a new work.

**Question**

Can you define music?

**Artistic works**

An artistic work is defined as:

• a graphic work, photograph, sculpture, or collage, irrespective of artistic quality;

• a work of architecture, being either a building or a model for a building;

• works of artistic craftsmanship.

**Multiple copyrights**

A work may have more than one copyright in it. A book will have literary copyright and may include pictures, which would be protected by artistic copyright. A sound recording of a piece of music will involve copyrights, not only in the sound recording, but also, separately, in the music. And if the work recorded is a song, there will be a further copyright in the song lyrics. With the advent of digital technology, a multimedia product (e.g. a computer game, a film on a DVD, the BBC website), which consists of digitised material combining audio, video, text, and images, still and moving, played through a computer, and with which the user may interact, has become commonplace, raising difficult questions about the mixture of copyrights which such a product may have.

**Questions**

Explain what it means to say that a product may have more than one copyright, and give some examples.

If you have a digital recording of a contemporary dance which is accompanied by music and by pictures on the stage, can you name the various copyrights that would subsist in the recorded work?

How should a ballet, which contains a musical element but is intended for stage performance or to be made as a film, be characterised for the purposes of copyright?

**Duration of copyright and moral rights**

All literary, dramatic, musical, and artistic works, published or unpublished, enjoy the economic rights conferred by copyright—that is, the rights of reproduction, distribution, rental and lending, public performance, communication to the public, and adaptation which last until the end of the 70-year period after the author’s death

Moral rights last as long as the other rights conferred by copyright. Moral rights cannot be transferred to a third party, but can be waived (given up) in writing.

**Question**

If the author of a dance made available in May 2017 was born in 1960, when will the copyright in the dance expire?