

What is copyright?

The term “copyright” refers to a bundle of exclusive rights given to owners of original works like prototype drawings, films and sound recordings. In New Zealand, copyright is an automatic unregistered right that comes into existence every time an original work is created, published and performed.

What does copyright protect?

To qualify, the work has to be original and fall into one or more of the following categories:

- literary works including text like emails, training manuals, novels and song lyrics; tables and compilations including multimedia works, and computer programs
- dramatic works including dance, mime and film scenarios or scripts
- musical works including the score and sheet music
- artistic works including paintings, drawings, diagrams, maps, models, photographs and sculptures
- sound recordings separate to the actual music or story
- films for any genre or format, separate from the underlying script, music or broadcast
- communication works including radio and television broadcasts and internet webcasts
- typographical arrangements of published editions covering the layout of the edition derived from a complete or partial literary, dramatic or musical work.

Copyright layers in a final product

A creative product can have several copyright works and IP owners. Take these album covers which have copyright protection for images and layout. The cover backs could contain more copyright works like song lyrics and artist profiles. Contracts exist clarifying who owns copyright in the final product.



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What rights do owners get?

Copyright owners have exclusive rights in relation to their work to:

- copy - reproduce, scan, record, download and store
- issue copies to the public – publish or distribute
- perform, play or show the work in public
- communicate their work to the public including radio and television broadcasts and internet webcasts
- adapt including translating the work from one language to another

Who owns copyright?

The creator will usually be the owner of any copyright in that work. There are two exceptions:

- where the work is created in the course of employment, the employer will be the owner
- where someone commissions and agrees to pay for, a photograph, painting, drawing, diagram, map, chart, plan, engraving, model, sculpture, film, sound recording or computer program, the commissioner will be the owner.

These positions can be varied by agreement.

It's best practice to sort out copyright ownership before the work is started. You can include copyright and other IP asset ownership information in an employment contract or execute a specific IP transfer document ([see glossary](#), key word 'assignment'). The terms and conditions of any contract that you enter into can impact on your ownership of copyright work and how you can use it.

