**Code of Practice for Copyright Work**

It is our policy to ensure that all users comply with the requirements of the law of copyright, as currently formulated in the Copyright and Related Rights Act 2000 (‘the Act’). The law imposes responsibilities and grants privileges to educational institutions and IADT will undertake its best endeavours to meet these obligations and not abuse the privileges granted by law.

The Act is a very extensive and complex piece of legislation. Specific advice should be sought by students in all cases where they wish to use copyright works.

Under the Act it is generally illegal to make, use, distribute or exploit a copy or copies of copyright work without the explicit permission of the copyright holder. Illegal acts can be subject to civil damages and to criminal penalties.

The Act provides that copyright subsists in original literary, dramatic, musical and artistic works; sound recordings, films, TV broadcasts or cable programmes; the typographical arrangement of published editions and original databases.

Copyright encompasses the expression of an idea intangible form only, and excludes the idea itself. The Act defines an artistic work as, ‘including work of any of the following descriptions, irrespective of their artistic quality – photographs, paintings, drawings, diagrams, maps, charts, plans, engravings, etchings, lithographs, woodcuts, prints or similar works, collages or sculptures (including any cast or model made for the purposes of a sculpture); works of architecture, being either buildings or models for buildings; and works of artistic craftsmanship’.

The Act defines a literary work as, ‘a work including a computer program, but does not include a dramatic or musical work or an original database, which is written, spoken or sung’.

The Act defines a film as, ‘a fixation on any medium from which a moving image may, by any means, be produced, perceived or communicated through a device’.

An original database can be loosely defined as ‘a collection of independent works, data or other materials in any form which by selection or arrangement is the author’s intellectual creation’. This concept is important because some electronically stored works or collections might be protected as databases rather than ‘moving’ audio visual works. Copyright in a work is infringed by a person, who without the licence of the copyright owner undertakes, or authorises to undertake, any of the acts restricted by the copyright.

Acts restricted by copyright include copying the work and this can include downloading; making the work available to the public, which can include uploading a work; making an adaptation of the work; or copying and / or making available to the public an adaptation of the work.

The Act specifies, amongst other matters, what the words ‘copying’ and ‘making available to the public’ mean in the context of copyright law. The Act also deals extensively with secondary infringement of copyright, i.e. dealing with materials which are infringing copies of

copyright works; providing the means for making infringing copies of copyright works; permitting the use of premises for infringing performances and permitting the use of apparatus for infringing performances.

The Act provides that copyright in a literary, dramatic, musical or artistic work or an original database shall expire 70 years after the death of the author, irrespective of the date on which the work is first lawfully made available to the public.

There are specific provisions in the Act in relation to the duration of copyright in literary, dramatic, musical or artistic works or in original databases which are authored by an anonymous or pseudonymous source. Subject to terms provided in the Act or by contract or by other legislation, the author of a copyright work is the first owner of the copyright in it. The Act provides for interpretation of the term ‘author’ in relation to many different media. In the case of film, the Act provides that the definition of author is to include the producer and the principal director and, in the case of a photograph, the photographer. Specific advice should always be taken in relation to issues concerning authorship, ownership, and duration of copyright.

The legislation allows copyrights to be transferred and it is IADT policy to acquire all copyrights from students in respect to projects completed as course work for fair remuneration if subsequently commercialised.

Certain acts are permitted in relation to works protected by copyright. These acts include the ‘fair dealing’ exemptions. In brief, the fair dealing exemption allows the copying of copyright works for the purpose of research or private study. Fair dealing of copyright works for the purposes of criticism or review, (whether of that work or another work), is permitted provided that the criticism or review is accompanied by sufficient acknowledgement.

The Act provides that fair dealing with a work (other than a photograph) for the purpose of reporting current events shall not infringe copyright in that work, where the report is accompanied by a sufficient acknowledgement.

The Act was amended in 2004 to make it clear that putting a literary or artistic work on public display or exhibit does not infringe literary or artistic copyright.

The Act brings into Irish law for the first time many new international copyright concepts including moral rights provisions. The moral rights include the paternity right, the integrity right, namely the right to be described as the author and the right to object a derogatory

treatment respectively. There is also a right to privacy on the part of people who, for private and domestic purposes, commission the taking of a photograph or the making of the film. In such instances, where copyright subsists in the resulting work, the commissioner has the right not to have the work or copies of the work made available to the public.

The provisions of the Act relating to moral rights and to the new right to privacy in photographs and films are extensive. Specific advice should be sought in all cases in relation to moral rights and in circumstances where students seek to use photographs and films which have been commissioned for private and domestic purposes.

All users of IADT photocopying, printing and scanning equipment are required to comply with the provisions of the Act when making photocopies, etc. from copyright material. Fair dealing defences do not sanction widespread copying. The ‘fair dealing’ and other defences are not to be abused by users. Failure to comply renders the person liable to potential civil liability and to IADT disciplinary procedures.

IADT currently subscribes to ICLA (Irish Copyright Licensing Association). Further information can be obtained in the Library.

Copyright is an area of central concern for IADT and for students. The law on copyright is evolving rapidly and it is our intention to update policy on copyright on a regular basis.