

The Heathrow Video Library guide to copyright

This guide is just that; a guide only. The below does not substitute legal advice which should be obtained from a qualified person.

General copyright information

What is copyright?

Copyright is an unregistered form of rights management. It can be applied to any original work and is deemed to exist once the work has been commissioned or produced. It is an automatic right, not a formality and does not protect ideas or titles.

If you own the copyright for a piece of collateral, this grants you economic rights to the piece: it is a "right to copy". Aside from the moral right to be recognised as the owner of the work, copyright also grants you the following exclusive rights:

- produce and sell copies of the work
- import or export the work
- create derivative works
- perform or display the work publicly
- sell or assign these rights to others

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I've heard about copyright and Intellectual Property Rights (IPR). What is the difference?

IPR is a broader, legal term for the protection of ideas. Copyright, patent, design and trademark are the four main types of IPR but it extends to include other intangibles such as trade secrets, performance rights etc. Copyright is the least formal of these as it is an unregistered form of IPR.

Does copyright always give you full usage rights?

Usually, yes. However, it does depend on how it is acquired and what was bought. Ensure you understand exactly what has been bought.

Does copyright need to be a written agreement?

No. Copyright is deemed to exist from the time of production. However, it is recommended that as a part of the commissioning process, you state in the contract agreement that all IPR remain the exclusive domain of your company.

How does music copyright work?

Music is typically covered by Mechanical Copyright Protection Society (MCPS) rights. Use of rights-managed audio (just about anything you will have heard of, or something by someone famous) incurs a usage fee which is typically calculated by the rights owners in accordance to the proposed use, corporate or public, fee-paying or non-fee paying audience, audience size, location and frequency of use. There is a huge library of royalty-free music available to choose from and if you commission a bespoke piece of music then you would own the rights to it. It can contain literary or performance rights and therefore you need to check all origins.

How long does copyright last?

For literary, dramatic, musical or artistic copyright lasts for life of author plus 70 years from the last day of the year of his death. Ranges from 50 (for broadcast) -25 (published edition) years for other forms. Photo ownership is more complex, however is usually 70 years after death.

I'm from Heathrow

We have been told that we can use content for internal usage only. What type of thing does this include?

The nature of some of the material may be for Heathrow's internal use only, containing trade secrets, personal information, company strategies etc that are not be for public disclosure. The Heathrow Video Library is equipped to get approval for your chosen video through the appropriate channels as sometimes there are restrictions on usage including music, model rights, actors, stock footage, LOCOG approval etc.

We have provided copyrighted footage to a production company to create a video for us. Do we own copyright or does the production company?

Any footage you provide to a production company is used only in accordance to the rights you grant them. For example, if you allow a production company to produce an edited master from your own rushes for Heathrow use, you still own the copyright (again, you should make this known in your standard terms and conditions to avoid any confusion). This is covered by the right to produce derivative works. Always explicitly state what will be owned or assigned/sold by both parties, don't assume.

Is there an issue of commercially selling footage showing another companies brand?

Potentially; whilst Heathrow own the copyright to any material they produce, company brands are often registered trade marks and, as a registered form of IPR, any rights pertaining to the use of the company brand will need to be explored with the rights owners before distribution. this must be agreed. You need permission of sale if you have commercial gain from the footage.

If I commission a video does this give the company full copyright?

Generally speaking the copyright of any work belongs to the original author. In the case of film and video production, the principal director and producer are joint authors of the original copyright. The main exception to this is when the work was produced in the course of employment, in which case the employer owns the copyright.

Please note: the default clause on many creative agencies' terms and conditions is that copyright remains the exclusive domain of the agency. If you agree to these terms you are effectively handing over the rights. Make sure the terms and conditions are amended to grant copyright to Heathrow for any and all video material commissioned by Heathrow. See below example of wording on filming permit:

Intellectual Property

Any intellectual property invested in the filming, photography and / or sound production shall be owned by you. However, in accepting this condition you hereby grant Heathrow a non-exclusive, royalty free, perpetual, irrevocable licence to use any and all collateral, including original material and edited masters, associated with the filming, photography and sound production, for the purposes of any Heathrow publication or internal communication, including but not limited to, internal broadcasts and annual reports.

We currently record daily news items from the TV. Are we legally entitled to use this material internally?

This depends upon the proposed use. If it is for reference purpose or personal viewing only, then yes. Copyright for broadcast material prohibits the redistribution, sale or public performance of the material in question. You must acknowledge its origin, ie BBC, Reuters etc. Can be used internally for: non-commercial research, private use, criticism or review.

We have a number of programmes that we have commissioned historically but have no proof of the original commission. Can we use this footage?

Yes. Copyright is deemed to exist from the moment the piece is produced. Any Heathrow branded content contains a set of implied rights. Whilst it may be difficult to prove the origin of the piece, it would be harder still to prove it was not owned by Heathrow.