

Copyright



Defining the law

The Copyright, Designs and Patents Act 1988, is the current UK copyright law. It gives the creator the right to control the way in which their materials are used. These can include literary, artistic, dramatic and musical rights. In many cases, the creator will also have the right to be identified as the author and to object to distortions of his work.

Usually, things such as names, titles, short phrases and colours are not considered to be unique, but something like a logo can claim exclusive rights.

Another example is the idea for a book, which can not be copyrighted, but the content of it can be. Someone else can still write their own book around your idea, provided they do not directly adapt or copy your version.

Differences between copyright and intellectual property theft

Intellectual property is protected by laws specific to the expression of an idea. Copyright is the law specific to the expression of ideas in visual or audio form. Anyone or business that infringes copyright can face legal action. Infringement is usually treated as civil offence but can, in certain circumstances, be deemed a criminal offence, with damages awarded by a court. Depending on the severity of the infringement, the result can be a fine.

Which parts of the law could impact web design specifically

The law of copyright could impact web design as photos or videos that could be needed for a website could not be used due to the copyright law. This can stop websites as they cannot use specific tools that will help the website improve. The minimum punishment for copyright could be six months depending on the case. The law in the U.K. is the [Copyright, Designs and Patents Act 1988](#). It is similar to the U.S. law in that it protects original creations involving literary work, music, art, film, and sound.

Case studies

Case

Famous street artist Shepard Fairey created the Hope poster during President Obama's first run for presidential election in 2008. The design rapidly became a symbol for Obama's campaign, technically independent of the campaign but with its approval.

In January 2009, the photograph on which Fairey allegedly based the design was revealed by the Associated Press as one shot by AP freelancer Mannie Garcia — with the AP demanding compensation for its use in Fairey's work. Fairey responded with the defense of fair use, claiming his work didn't reduce the value of the original photograph.

Outcome

The artist and the AP press came to a private settlement in January 2011, part of which included a split in the profits for the work.



Case studies

Case

Vanilla Ice had a hit, in 1991, with *Ice Ice Baby* — it sampled but did not credit the song *Under Pressure* by David Bowie and Queen. Though at first denying it, Vanilla Ice later retracted the statement saying it was “a joke”. Facing a lawsuit by the duo, Vanilla Ice ‘fessed to sampling the work.

Outcome

The case was settled privately out of court with Ice paying an undeclared sum of money and crediting Bowie/Queen on the track.

