

# COPYRIGHT

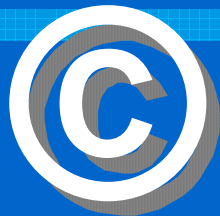


By

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Partner

**Adams & Adams**

# COPYRIGHT



# A few copyright basics:



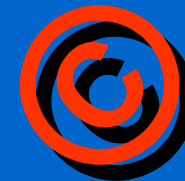
## • Automatic subsistence

- (NO REGISTRATION)



## • Subject to:

- Reduction to material form
- Originality
- Author being “qualified” (SA resident) OR work created or first published in RSA





## • International extension

- through the Berne Convention
- protection into and out of RSA
- foreign protection based on foreign law
- generally automatic



## Ownership

- author (defined) is usually the owner unless:
- under contract of employment
- certain commissioned works
- assignment (in writing) to another
- copyright in relation to state and international organisations
  - made under direction or control of state or prescribed international organisations

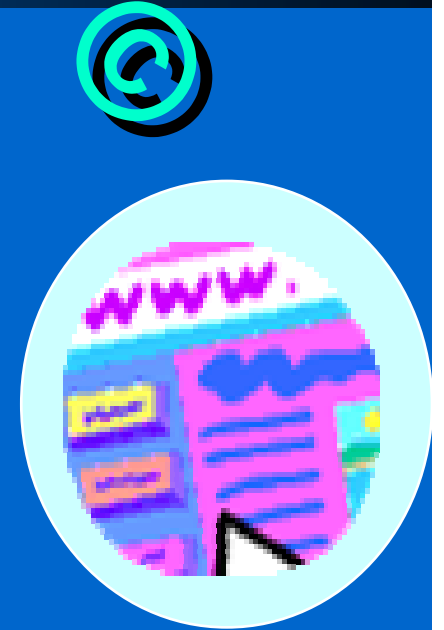
## • Categories

- **Several different categories of works**
  - artistic
  - literary (including data)
  - musical
  - sound recordings
  - cinematograph films
  - programme carrying signals
  - broadcasts
  - computer programs
  - Each has its own definitions

# Owner has exclusive rights

## Typically has right to:

- reproduce
- publish
- perform in public
- broadcast
- adapt
- include in a cinematograph film or television broadcast



# Duration of copyright

## ● Generally

- life of author plus 50 years from end of the year in which author dies
- 50 years from end of year in which work is published, performed, broadcasted, emitted etc.

## ● Each category has its own definition



# Infringement of copyright

## Two types of infringement:

- **Direct when any of the copyright owner's exclusive are performed**
- **Indirect, when any trade or dealing takes place in respect of articles which infringe copyright (knowledge is a requirement)**

# Remedies for infringement

- **interdict**
- **removal of offending mark/delivery-up of infringing goods**
- **damages**
- **in lieu of damages, reasonable royalty**



