**COPYRIGHT?**

The law gives the creators of literary, dramatic, musical, artistic works, sound recordings, broadcasts, films and typographical arrangement of published editions, rights to control the ways in which their material may be used.

The rights cover; broadcast and public performance, copying, adapting, issuing, renting and lending copies to the public.

In many cases, the creator will also have the right to be identified as the author and to object to distortions of his work.

International conventions give protection in most countries, subject to national laws.Throughout the world **copyright** exists. National laws cover different countries. Always check before using **copyright** material.

The English writer **Jonathan Swift**, who wrote **Gulliver’s Travels**, got the first **Copyright Act** passed in 1709 with published books protected for 21 years.

In the UK **copyright law** is enshrined in the 1988 **Copyright, Designs & Patents Act**.

The aim of this act is to protect creative work from unfair exploitation.

 **Can an idea be copyrighted?**

Ideas cannot be **copyrighted**, but the expression of an idea in a tangible form can be **copyrighted**. This includes your own creative work. **Copyright** protects you from the piracy and copying of your original work.

Types of work protected

1. Literary - song lyrics, manuscripts, manuals, computer programs, commercial documents, leaflets, newsletters & articles etc.
2. Dramatic - plays, dance, etc.
3. Musical - recordings and score.
4. Artistic - photography, painting, sculptures, architecture, technical drawings/diagrams, maps, logos.
5. Typographical arrangement of published editions - magazines, periodicals, etc.
6. Sound recording - may be recordings of other copyright works, e.g. musical and literary.
7. Film - video footage, films, broadcasts and cable programmes.

The Copyright (Computer Programs) Regulations 1992 extended the rules covering literary works to include computer programs.



As the UK’s independent regulator for advertising across all media, our work includes acting on complaints and proactively checking the media to take action against misleading, harmful or offensive advertisements, sales promotions and direct marketing.

If we judge an ad to be in breach of the UK Advertising Codes, it must be withdrawn or amended and the advertiser must not use the approach again. In 2012 we considered 31,298 complaints about 18,990 cases and we actively checked thousands of ads. Our work led to 3,700 ads being changed or withdrawn.

What you see here are a list of most of the areas they deal with, as taken from ‘The CAP Code’ (Committee of Advertising Practice).

Below are some examples of the codes that are to be adhered to and enforced.

3.41 Marketing communications must not mislead the consumer about who manufactures the product.

4.4 Marketing communications must contain nothing that is likely to condone or encourage violence or anti-social behaviour.

8.4 Alcoholic drinks must not feature in promotions directed at people under 18. Alcohol must not be available on promotion to anyone under 18.

9.7 Marketers should take particular care when packaging products that might fall into the hands of children.

10.1 Personal information must always be held securely and must be safeguarded against unauthorised use, disclosure, alteration or destruction.

12.6 Marketers should not falsely claim that a product is able to cure illness, dysfunction or malformations.

18.2 Marketing communications must not claim or imply that alcohol can enhance confidence or popularity.



**Ofcom**

**Ofcom** was established by the **Office of Communications Act 2002** and is the **UK TV censor** who regulates UK commercial TV **via broadcast, cable** and **satellite**.  It has responsibilities across **television, radio, telecommunications** and **wireless communications services**.

**Ofcom Areas of Control**

**Ofcom’s** specific duties fall under 6 categories:

**1.** Ensuring the optimal use of the **electro-magnetic spectrum**
**2.** Ensuring that a wide range of **electronic communications services** - including **high speed data services** - is available throughout the UK
**3.** Ensuring a wide range of TV and radio services of high quality and wide appeal
**4.** Maintaining plurality in the provision of broadcasting
**5.** Applying adequate protection for audiences against offensive or harmful material
**6.** Applying adequate protection for audiences against unfairness or the infringement of privacy

**Ofcom and Regulation**

With hundreds of channels now available in the UK, many of them running 24/7, it obviously would be impossible for **Ofcom** to review all material before being shown to the public.  On the whole, it investigates only when complaints have been received.  **Broadcasters** are encouraged to consider its advisory code and it has the power to penalise organisations which go against its code.

**Ofcom Broadcasting Codes**

In setting the code, **Ofcom** has taken into account the following:

* the degree of harm and offence likely to be caused;
* the likely size and composition of the potential audience
* the likely expectation of the audience as to the nature of a programme’s content
* the likelihood of people being unintentionally exposed to material;
* the desirability of maintaining the independence of editorial control over programme content.

**Ofcom’s Regulatory Principles**

* **Ofcom** will regulate with a clearly articulated and publicly reviewed annual plan, with stated policy objectives.
* **Ofcom** will intervene where there is a specific statutory duty to work towards a public policy goal which markets alone cannot achieve.
* **Ofcom** will operate with a bias against intervention, but with a willingness to intervene firmly, promptly and effectively where required.
* **Ofcom** will strive to ensure its interventions will be evidence-based, proportionate, consistent, accountable and transparent in both deliberation and outcome.
* **Ofcom** will always seek the least intrusive regulatory mechanisms to achieve its policy objectives.
* **Ofcom** will research markets constantly and will aim to remain at the forefront of technological understanding.
* **Ofcom** will consult widely with all relevant stakeholders and assess the impact of regulatory action before imposing regulation upon a market.

As the highlighted areas demonstrate, Ofcom’s principle is to avoid intervention where possible, allowing producers of media texts to self-regulate wherever possible.

**The British Board of Film Classification (BBFC)**

Examiners view the submitted works, write detailed reports and recommend a category decision, cuts or other actions. They also do internal policy work, draft responses to letters from the public and give talks about classification at educational institutions, film festivals and other events. Examiners are drawn from a wide range of backgrounds including social work, teaching, journalism, research, law and marketing.

In order to protect children from unsuitable and even harmful content in films and videos and to give consumers information they might need about a particular film or video before deciding whether or not to view it, the BBFC examines and age rates films and videos before they are released. This independent scrutiny prior to release ensures the highest possible level of protection and empowerment.

We look at issues such as discrimination, drugs, horror, dangerous and easily imitable behaviour, language, nudity, sex, and violence when making decisions. The theme of the work is also an important consideration. We also consider context, the tone and likely impact of a work on the potential audience.

The release format of a work has an impact on classification. Our decisions on the age rating of DVDs and Blu-rays can occasionally be stricter than at the cinema because there is a higher risk of underage viewing in the home and a greater potential for watching scenes out of context.

**Example:**

**BBFCinsight publication date** 04/12/2012

**Note:** The following text may contain spoilers

THE HOBBIT - AN UNEXPECTED JOURNEY is part one of Peter Jackson's three part prequel to the LORD OF THE RINGS trilogy, based on the J.R.R. Tolkien novel. A young hobbit, Bilbo Baggins, is enlisted by the wizard Gandalf to go on an adventure with dwarves. It is rated 12A for moderate violence.

In many respects the feature is very similar to the three films in the LORD OF THE RINGS trilogy.

Scenes of moderate violence include the storming of a dwarf city by a dragon, and battles between the band of dwarves and both orcs and goblins. In one battle there is reference to a dwarf king being beheaded, with sight of a head being held by an orc before it is thrown to the ground. It is neither bloody nor gory. An orc also has his arm severed with a sword, with brief sight of black blood dripping from the stump. In another scene the dwarves are attacked by large creatures resembling wolves and ridden by orcs. Orcs are shot with arrows and at one point an arrow is pulled from an orc's neck. However, while arrows are seen hitting the creatures, these moments are not bloody. At one point the dwarves are captured by goblins and must fight to escape. The battle includes decapitations and stabbings, and a large goblin's stomach being slashed open. While there is a lot of violence involving bladed weapons, the context is clearly fantastical and there is no emphasis on injuries or blood.

There are also scenes of threat, including Bilbo and the dwarves being caught by trolls who plan to eat them. But they are saved before they come to any harm. When Bilbo encounters Gollum, the creature considers eating Bilbo, having previously been seen hitting a goblin with a rock while singing about eating that too. But Bilbo is able to outwit the creature.

THE HOBBIT - AN UNEXPECTED JOURNEY also features scenes in which characters smoke pipes and drink alcohol. However, this reflect the habits of the fantasy characters and does not condone smoking or excessive drinking.

No-one younger than 12 may see a 12A film in a cinema unless accompanied by an adult. No-one younger than 12 may rent or buy a 12 rated video or DVD.

**Independent Press Standards Organisation (IPSO)**

IPSO is the new independent regulator for the newspaper and magazine industry in the UK. We uphold the highest standards of journalism by monitoring and maintaining the standards set out in the Editors' Code of Practice, and provide support and redress for individuals seeking to complain about breaches of the Code. IPSO is committed to working with the newspaper and magazine industry to maintain and enhance the freedom and authority of the press through effective, independent regulation.

All members of the press have a duty to maintain the highest professional standards. It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications.

The Code has 16 clauses and includes notes on “Public Interest”. Below you will find some highlights that will show the kind of ways in which IPSO regulate the newspaper and magazine industry.

**Clause 1 Accuracy**

i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.

ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published.

iii) The Press, whilst free to be partisan, must distinguish clearly between comment, speculation and fact.

**Clause 3 Privacy**

i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.

ii) Editors will be expected to justify intrusions into any individual's private life without consent.

iii) It is unacceptable to photograph individuals in private places without their consent. Note - Private places are public or private property where there is a reasonable expectation of privacy.

**Clause 4 Harassment**

i) Journalists must not engage in intimidation, harassment or persistent pursuit.

ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

**Clause 6 Children**

i) Young people should be free to complete their time at school without unnecessary intrusion.

ii) A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.

**Clause 8 Hospitals**

i) Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.

ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

**Clause 9 Reporting of crime**

(i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.

(ii) Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

**Clause 10 Clandestine devices and subterfuge**

i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held private information without consent.

ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

**Clause 12 Discrimination**

i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.

ii) Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.