

Copyright and Assignment of Ownership

Overview

Copyright is the proprietary right subsisting to original designs, logos, graphics, drawings, plans, illustrations, photographs, video, sketches, drafts, concepts, renders, written copy or other work we commission or create. Gardiner Design Associates (GDA) ownership of copyright in a work comprises the exclusive right to do certain 'restricted acts' in respect of that work, and GDA, as copyright owner, may authorise others to do those acts by licence. We may also transfer the ownership of our copyright to others. This is known as assignment.

Under UK law, the restricted acts are:

- a). Copying the work
- b). Issuing copies of the work to the public
- c). Renting or lending the work to the public
- d). Performing, showing or playing the work in public
- e). Communicating the work to the public
- f). Making an adaptation of the work

It is an infringement of copyright to do any of these things without the permission of GDA, so if you wish to do any of these acts you must seek permission, unless your proposed use falls within one of the exceptions to copyright. Usually this permission will take the form of a licence permitting the desired act, but sometimes GDA will assign our rights to a third party altogether. Any copyright infringements will be pursued seriously.

Presumption of first ownership

UK law presumes the author, GDA, of any copyright work to be the first owner. The law also recognises that copyright works may be the product of joint authors and co-authors. This means that as soon as the work is created, copyright in the work belongs to GDA who created it. This is true even if GDA was hired to make the copyright work under a contract for services, such as a agency. In the absence of an assignment of copyright via contract, GDA, the designer, retains copyright in the designs, and the customer merely gains physical output of the design, and a right to privacy preventing the issue, communication or exhibition of copies of the design to the public.

Transfer of Copyright - (Effective Assignment)

Where GDA, copyright owner, chooses to transfer ownership of copyright, we will only do so when a). our fees and any costs for services due are paid in full and b). a Transfer of Copyright notice has been made in writing or by email and signed or replied by or on behalf of the assignor. Transfer can happen at any time before or after the copyright work is created. Alternatively, consideration may be in the form of future royalties.

Moral rights

GDA has certain moral rights over our work regardless of the copyright having been assigned to a new copyright owner. These include:

1. The right to be identified as the author of the work.
2. The right to object to derogatory treatment of the work.
3. The right to use the work for our own press, public relations and marketing use.

These rights cannot be assigned, but they can be waived by contract, however they form the copyright of our designs.

