

Copyright Infringement - Warning for Directors

A case in the Scottish Court of Session highlights the importance for directors of not having too close a personal involvement in a company's activities.

The court ruled that S (the sole director and shareholder of a company trading as a licensor of classical music recordings) was **jointly liable** for infringement of copyright in recordings of classical music issued through the company's website.

The court held that S was not only acting as a director of the company but also as an individual setting up the website and putting, or causing to be put, infringing material on it for sale.

This made him liable as a principal, not only for his own acts but also for those of the company on the basis both of procurement and of acting in concert with the company.

What is copyright?

- Copyright protects original artistic, musical, dramatic and literary works, including computer programs, sound recordings, films, broadcasts and typographical arrangements of published works.
- It arises automatically on the creation of the work and lasts for 70 years after the death of the author for artistic, musical, dramatic and literary works. Sound recordings and broadcasts are protected for 50 years from the date of publication (this limit is set to rise to 70 years within the next two years).
- Copyright does not protect against independent development of the same idea(s), only against the actual copying of another's work.
- Ownership of copyright in a work will allow the owner to prevent unauthorised use of the work, such as:
 - the making of copies of the work;
 - broadcasting the work; or

- making the work available on the internet.

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More information

If you have any questions, please visit our website at www.conybeare.com or feel free to contact Steven Conybeare via email steven@conybeare.com or call him on +44 (0) 870 753 0925.

About Conybeare Solicitors

Conybeare Solicitors is a boutique international law firm, built upon a solid foundation of business experience and legal expertise gained over 20 years, providing a premium service to sophisticated clients, wherever they may be. We offer our clients a better perspective.

Our philosophy is simple: to work with our clients to help them realise their objectives.

We do this by fully understanding your requirements, taking into account business parameters, developing and executing a strategy to minimise regulatory and legal risk and drawing together the full extent of our legal expertise and business experience. Ultimately, we provide you with solutions to achieve your ambitions.

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Offices

◆ London – United Kingdom



Conybeare Solicitors - 3rd Floor, Clearwater House
4-7 Manchester Street – London W1U 3AE

Tel: +44 (0) 870 753 0925
Fax: +44 (0) 870 762 7925

Email: law@conybeare.com