



Brochure Copyright

Vriesendorp & Gaade has specific know-how in the field of protecting intellectual property. An important part of intellectual property law is copyright.

What is copyright?

Literary, scientific and artistic works

Copyright is the exclusive right of the creator of a literary, scientific or artistic work to publish and reproduce it. To be eligible for protection a work has to meet two requirements:

- the work has to be sufficiently creative, that means the work has to have an original and individual character;

- the work has to be expressed in such a manner so as to be perceptible by the senses, that means the work has to be visible, audible or tangible.

Eligible for copyright protection are for instance books, sketches, scale models, photos, appliances and computer software.

Where copyright begins and where it ends

Copyright arises automatically as a result of the creation, the “making” of the work. There is no registration requirement, as is for instance the case with trademarks and it is not required to state that “copyright is reserved”, etc.

From an evidential point of view it would be wise to date the work and have it authenticated by the Tax and Customs Administration or a civil-law notary.

Copyright ends 70 years after the death of the maker/creator.

Copyright owner

Entitled to copyright according to the Copyright Act, first of all is the “maker” of a work; the creator of the work, that means the person whose brain produced the work (for instance the author, photographer, architect).

In a few special cases the actual maker is not entitled to copyright but someone else is, such as for instance the employer regarding works that an employee produced in connection with their employment (for instance a copywriter employed by an advertising agency). Different things may have been agreed to and the person originally entitled to copyright (the actual maker or the person the law (fictitiously) regards the maker (among others the employer)) may (wholly or in part) have transferred the copyright to someone else (the successor in title).

Rights of the copyright owner

Exploitation monopoly

The copyright owner owns a kind of exploitation monopoly; only the person entitled to the copyright decides whether, when and how, to what extent and by whom they want to have their work exploited (published and reproduced).

Due to the exclusive nature of copyright the owner is able to forbid anyone else to do what is explicitly and exclusively their right and is enabled to gain financial profit from their work. The copyright owner may for instance sell (transfer copyright) their rights to someone else (wholly or in part) or license it (giving someone else permission to publish the work in some way or another or to reproduce it in exchange for a financial remuneration).

Vriesendorp & Gaade Attorneys

The specialists of Vriesendorp & Gaade's give advice on and litigate about all legal aspects of copyright. We can among others advise you on what protection copyright may and may not afford you and assist you in the negotiations regarding transfer and licensing. When your copyright is at stake or in case you are accused of infringing someone else's copyright, we can, if necessary, represent you in court and conduct (quick) interlocutory proceedings or (regular) civil proceedings on the merits on your behalf.

Vriesendorp & Gaade will gladly advise and/or help you.