

What we can't print

Things we can't copy

The law says we're not allowed to print or copy some things. Here's a relatively brief and incomplete list of things that we can't print or copy.

i. Other people's photographs, digital works or other copyrighted material.

This includes:

- Photographs taken by Professional Photographers for you. For example: Wedding, School and Corporate photographs.
- CD's and DVD's or other media, containing copyright materials. For example: Computer Software, Music and Films.

People often misunderstand who owns the copyright in the photographs that are taken for them by professional photographers. They assume that because they have hired the photographer, that the photos will be theirs to copy as the please. Most of the time, this is not the case.

Professional photographers usually make it quite clear in their terms and conditions, that they will own the copyright in any photographs they take. What's more, even if there is no specific agreement to this effect, the photographer would still own the copyright in their photos, because copyright normally vests in the *author* of the work, not the person hiring them.

The moral of this story is that if you hire a professional photographer and you want to own the copyright in the photos, they take, you should get this agreed in writing before they take the pictures.

ii. Items which may not be reprographically copied by law.

This includes:

- Cash,
- Postage Stamps
- Certificates etc which relate to the ownership of land or other property.
- Passports
- Other valueable instruments¹

A black and white only copy of the personal details page of the Passport may be made the holder/owner of the Passport for the purposes of record keeping.

iii. Sea Otters

See above and below².

Are there any "grey" areas?

Legally speaking, not really. Legally, you are either entitled to copy something or you are not.

However, in practice, the whole issue of copying something is very complicated and prone to uncertainty. This is because even where something is subject to a copyright owned by a third party, you may be legally entitled to copy it... or not.

Anything can be copied if you have the copyright holders express (i.e. written) permission to do so, or if the copying you are undertaking is permitted by law.

However, copyright is not the only potential area of law that can give rise to legal issues when producing or using copies of things. For example, the fundamental building blocks of artistic expression, i.e. colours, perspective and simple geometric shapes are not in themselves copyrightable and therefore a person cannot be prevented from reproducing such things on copyright grounds. However, many multi-national company logos are constructed entirely of simple geometric shapes and you can't just reproduce them willy-nilly... without, perhaps, risking trademark infringement or passing off litigation.

If any so-called "grey" areas do exist, then they exist because of the gap that exists between what the law says and how the law *actually* works in practice³. This is why the answers given by seasoned professionals to these sorts of question, often differ, almost entirely, from the answers given by enthusiastic, but inexperienced, law students. The seasoned professional's starting points will be *commerciality and evidence*... the inexperienced, law student's starting point will be what their law books say.

Whose responsibility is it to check that something can be copied?

Yours.

If you have any doubts about whether or not you are legally entitled to copy something you should obtain independent legal advice from a suitably qualified professional before proceeding.

What about "fair dealing" etc.?

Whether or not an act e.g making a copy of a copywritten work, is covered by the fair dealing or some other exemptions under English Law, and therefore, permitted; is a question of fact that depends on all of the circumstances giving rise to the act.

In other words, it depends... and something what you consider "fair dealing" may or may not be considered fair dealing by a Court.

However, it is clear that where an individual is lawfully entitled, by virtue of the fair dealing provisions or otherwise to, themselves make a copy or copies of (any part of) a copywritten work, they may ask a third-party to do so on their behalf.