



Engravings

Engravings are defined as including any etching, lithograph, woodcut, print or similar work not being a photograph.

Engravings do attract copyright protection as artistic works but there are some special provisions relating to the duration of copyright and ownership of copyright in engravings made before 1 August 1989.

Duration of Copyright - Protection in Engravings

Since the 1911 Act engravings have been entitled to copyright protection originally for the life of the author plus 50 years. This period has now been extended under the Duration of Copyright and Rights in Performances Regulations 1995 to the life of the author plus 70 years.

However, unlike many artistic works (other than specific rules relating to photographs (see Fact Sheet 14) if an engraving had not been published at the time of the author's death, under the 1956 Act copyright would continue to subsist indefinitely until the end of the period of 50 years from the calendar year in which it was first published. Thus in theory, copyright in unpublished engravings could continue indefinitely. When the Copyright, Design and Patents Act 1988 came into force and where that final 50 year period had begun to run, it was allowed to continue and copyright protection would then expire 50 years from the end of the calendar year of publication.

However for engravings which remained unpublished as at 1 August 1989, the 1988 Act introduced a final fixed term of protection of 50 years from 1 January 1990 so that such protection would expire and come what may on 31 December 2039. With the extension of the term of copyright protection to life plus 70 years, such engravings will attract that extended period but if, in any event, the period of life plus 70 years expires before 2039, such unpublished engravings will continue to be protected until at least 2039 (see Fact Sheet 17).

The term "published" for these purposes means the issue to the public of copies in quantities and is intended to satisfy the reasonable requirements of the public including making it available by means of an electronic retrievable system. The exhibition of the original works however did not constitute publication nor does the making of an edition of screen prints.

Ownership

Certain types of artistic works were subject to specific rules concerning the first ownership of copyright. Normally the first owner of copyright would be the author subject to any general employment provisions, but in respect of engravings that were made prior to 1 August 1989 and where a third party commissioned the making of an engraving and paid or agreed to pay for the work with money or money's worth then copyright in that engraving first vested in the commissioning party. (see Fact Sheet 18) The duration of copyright protection for commissioned engravings made before 1 August 1989 is calculated as detailed above, that is either on the life of the author plus 70 years, or in relation to some unpublished works, until 31 December 2039.

The content of this fact sheet is of benefit interest only and is not an exhaustive explanation of copyright protection and remedies for infringement. This fact sheet is not intended to apply to specific circumstances. The contents of this fact sheet should not therefore be regarded as constituting legal or other advice and should not be relied upon as such. In relation to any particular problem that you may have, you are advised to seek specific and specialist advice.