Flowchart 1: Who will benefit from my copyright after my death?

Q.1 Did the owner of the copyright leave a Will?
   - Yes: Go to Q.2
   - No: Was the artist domiciled in the UK or overseas at the date of death?
     - OVERSEAS: Seek advice in the country concerned.

Q.2 Did the Will bequeath the copyright in the work to a named beneficiary?
   - Yes: Right to receive copyright royalties passes to that beneficiary
   - No: Go to Q.3

Q.3 Was the Work published?
   - Yes: Go to Q.4
   - No: Did the Artist* leave the physical unpublished Work to a named beneficiary or does it form part of the residuary estate?
     - Yes: Copyright passes to named beneficiary or residuary beneficiary/ies.
     - No: Go to Q.4

Q.4 Is it reasonable to construe the Will as bequeathing copyright (or the work) to a named beneficiary?
   - Yes: Copyright passes to that person
   - No: Copyright forms part of the residuary estate and passes to residuary beneficiary/ies

* Provided the Artist died after 1 June 1957

Please note that this flowchart should be read in conjunction with the attached DACS fact sheet 'Protecting copyright and Artist’s Resale Right after death’. This flowchart has been reproduced for DACS by Farrer & Co LLP. This flowchart is provided for guidance only and is based on the law as it stands in September 2011. You are advised to seek specific and specialist advice in relation to your own specific circumstances.