

FAQ's

What is Copyright?

Copyright is a legal right generated by-law of a country that grants the originator of creative work exclusive rights for its use and distribution. This is for a limited time. The exclusive rights are not absolute but limited by limitations and exceptions to copyright law, including fair use.

Copyright is a form of intellectual property that is applicable to certain forms of creative work. An author is entitled to a set of rights to use or license the work which are generally known as the rights holders. These rights include reproduction, control over derivative works, distribution, public performance, and "moral rights" such as attribution.

Normally, the duration of a copyright exists over the author's life plus 50 years (that is, copyright expires 50 years after the death of the author). In South Africa, there is no formal requirement to establish copyright, it is recognized in any completed work, without the requirement of formal registration.

What can be protected by copyright?

Copyright is a form of intellectual property law that protects original work of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, Web sites, and architecture.

What is meant by the Copyright Law?

Copyright Law states that one cannot copy, print, download, give away, sell, perform, or display copyrighted work, or create a work based on another work, unless one has permission from the rights holder, or unless an exception regulated by law applies to you.

Fair Use is a statutory exception that allows the use of a copyrighted work for certain purposes without requiring permission. This concept allows use of material for example, reviews, news reporting, and scholarly research.

The distinction between "fair use" and infringement can be unclear and is not easily defined. There is no right number of words, lines or notes that qualify as a fair use. It is commonly understood as not more than 10% of the totality of work for personal consumption (1 copy only).

What is public domain?

Public domain refers to work that are not regulated by copyright law which are publicly available. This type of work may be used by anyone, anywhere, anytime without permission, license or royalty payment.

Does the Copyright Law apply to material on the Internet?

Yes, the internet is a form of publishing or dissemination of information; to which copyright applies, eg. Web sites, e-mail messages, Web-based music, etc. The Internet provides easy access to the information which should not be miss-understood as information in the public domain or is available without limitations. Copyrighted work found on the internet should be treated similar to all other types of published work.

Does fair use apply to the Internet?

Yes, fair use applies to materials and use of work found or placed on the Internet. The same factors will be considered as for fair use in the print medium.

Marking of copyright work is not a requirement in terms of the Copyright Act. However, certain advantages can be achieved by marking a copyright work with the internationally recognized copyright sign, namely ©. This sign should essentially contain 3 elements:

- The symbol © or the word “copyright”.
- The year when the work was 1st created.
- The name of the rights holder