

Copyright and related rights

Manual

You want to have your artistic work copyright protected. Or you want to use material that is protected by copyright. Then a number of things have to be taken into account. This tool defines the most important terms and guides you through the regulations on copyright and related rights.

1 You want to have your artistic work copyright protected

1.1 Which works are eligible?

Works of literature and art can be protected by copyright. There are two conditions for this. The first condition for protection is that it must concern a **specific** work. This can be a text, an image, a composition, a photo, a film, applied art or a choreography. But a building, a piece of furniture, a computer program and a database can also be protected. Abstract ideas, concepts, styles, methods, etc. cannot be protected.

A second condition is **originality**. This means that the author has made creative choices in the creation of his or her work.

1.2 What are related rights?

These rights protect the efforts and achievements of performing artists, music producers, film producers and broadcasters. The protection is similar to that of copyright, which is why we call them “related”. Performing artists include not only singers and musicians, but also theatre and film actors, (ballet) dancers, cabaret performers, variety and circus artists, and puppet and mime artists, in short: anyone who presents, sings, reads or otherwise ‘performs’ a work of literature or art. If a musician improvises or performs his own composition, then he owns both the copyright and related rights.

1.3 What should you do to protect your work?

In principle, no formalities are required to protect your work. Various documents can serve as evidence, such as a publication with attribution (©), invoice, correspondence, witnesses, ...

In addition, you can also deposit your copyrights via the [I-depot](#), the online depot of Belgian collective management company [Sabam](#) or, if you are a member of a management company

such as deAuteurs, Sofam, SACD..., they also organise the collection and payment of royalties for copyrights and related rights.

1.4 Income from copyrights or related rights?

In order to use protected works, performances or recordings, the permission of the person who owns the rights is required. The fee he can ask for this represents his copyrights or related rights.

In principle, you do not pay any social security contributions for copyrights or related rights. You therefore also do not accrue any social security rights. In practice, however, things are a bit more complicated. In principle, self-employed persons do not pay social security contributions. But from a legal perspective, employees do, according to a 2014 judgement by the Belgian Court of Cassation. In practice, however, these contributions are usually not collected by the social security office. More info can be found [here](#). More info on taxation can be found [here](#).

2 You want to publish, perform, record, distribute via the internet or otherwise make use of texts, music, images or other material

2.1 Check whether the work is protected by copyright

Is Marcel Broodthaers' *Pot of Mussels* protected by copyright? May you, inspired by *The Twelve*, make a play about the experiences of jury members in a jury trial? Is that photo you want to use protected? And what about design? Asking the question is easier than answering it. We described the conditions for copyright protection above.

Art should not be confused with copyright protection. It is not because something is art that it is protected. And it is not because something is not art that it is not protected. You can find more information about conditions for protection [here](#).

2.2 Is the answer to 2.1 yes? Then check whether the work is *still* protected by copyright

May you make a stage version of *The Jungle Book*? Perform the *Bolero*? Use *Christ's Entry Into Brussels* in your programme? Adapt *Chapel Road*?

A copyright expires 70 years after the author's death, to be exact on 1 January of the following year. From then on, the author's work is in the public domain and you are free to

use it. If there are multiple authors, the term starts upon the death of the last surviving co-author.

Watch out for adaptations (film adaptations, arrangements, translations, etc.). If the adapter has made creative choices, his adaptation is protected for 70 years after his death.

You can find more information about the length of the period of protection [here](#).

2.3 Is the answer to 2.2 yes? Then check whether you need permission for the use you have in mind

You are organising a performance at someone's home. Your film contains a five-second fragment of *Yesterday*. You are going to perform at a school. You will be using a painting to promote an exhibition. You have ordered the text for a play and you want to adapt a number of dialogues. Is permission required in these cases?

An explanation of the rights of authors can be found [here](#). There are many exceptions to these rights. More about this can be found [here](#).

2.4 Is the answer to 2.3 yes? Then find out where you can obtain a license

It looks like you need a license to use the work. With whom should you make arrangements to license the rights: the author, publisher, producer, Unisono, deAuteurs? Information on this can be found [here](#).