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# Take the law in your own hands

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The UK does not have an official system for registering copyright for work. Any artistic work created is automatically the intellectual property of the business and copyright is valid within the UK – not necessarily worldwide. This is what we discovered, to our horror, when Peppercorn's website was copied in its entirety by a rival company based outside the UK. The only thing that looked different was the logo!

After much heated legal wrangling, their site was finally taken down. While we successfully persuaded them to remove the site, others in the industry find battling copyright infringement and proving authorship an uphill struggle. This is mainly because most are unaware of how they can protect themselves from plagiarists.

The Statute of Anne, which came into effect in 1710, is believed to be the first copyright law in the world. The UK was considered to be the first country to recognise the rights of the author rather than the publisher. It also limited the duration of such exclusive rights to 28 years, after which all work would pass into the public domain. Countries such as the US used the Statute of Anne and adopted the fundamental principles of the British copyright law to develop their own version. One crucial feature of the US law, which is noticeably absent and desperately needed in the British law, is the concept of copyright registration.

To prove authorship and to protect intellectual property, registering the work's date of birth is paramount. But substantiating this is easier said than done. Today, most design work is IT-based and dates on computer files can be amended simply by changing the system date on your computer and re-saving the file. Some have suggested that paper and pen is the best way to tackle the issue of registration. Their argument presents a 'simple' solution to protecting work and proposes that intellectual property owners and a third party both sign a printed version of the material, verifying that the information belongs to the author. Others have proposed the 'sealed envelope' method, which involves the author posting their work back to themselves. Both approaches pose questions rather than provide us with answers.

What happens if the documents are misplaced or damaged? What if a third party is holding on to the original documents and your relationship goes sour or you lose touch? If you produce numerous design samples for pitches, you are likely to be left with hundreds of envelopes – not to mention the storage space and admin you'll need.

So, are such methods workable in today's business industry? Probably not. Michael

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Coyle, director of Lawdit Solicitors, a law firm specialising in patents and copyright law, argues that while pen and paper is acceptable, in a legal dispute, the technique could be seen as amateurish. He recommends an independent 'tamper-proof' IT system to register the work. This will provide both evidence of IP ownership and peace of mind to the owner.

An Internet-based solution provides a convenient hi-tech medium to validate the authenticity of someone's work. By using an advanced solution that is user-friendly, instant and affordable, design managers can register their work before pitching the idea or e-mailing the prototype to their client. Designers can e-mail files in all sorts of packages to register date and authorship. Websites such as Protectmywork.com and Creativerights.com record details such as the sender, recipient and date the work was submitted. It ensures that all work is logged and credited to its rightful owner, while backing up and securing all data. Once an author has submitted his or her work, the date of submission cannot be altered and is therefore an extremely reliable source of evidence to prove ownership.

The danger of not being able to prove IP ownership can be catastrophic to any business, not just to us in the creative business industry. The risk to us is not just losing time and money, but the right to use your own work. This can ruin a business and Peppercorn had a very close shave. It took us more than six years and endless hours to perfect our code to get to the top of the listings on Google. Losing all this would have been fatal.

Rather than trying to runaway from the Internet, it's important to use this powerful medium to your advantage.

The legislation has to change if we are to be protected. Interestingly, it's not just the US that has copyright registration. Other countries with similar registration systems include Canada, Spain, India, the Philippines and Denmark.

We may have had the first copyright law but we now lag behind in terms of protecting creative ideas. Until the UK Government takes proactive steps to protect the creative business industry, we'll have to do the job ourselves. Protecting your work means protecting your business.

Jonty Balcombe is a director of Peppercorn

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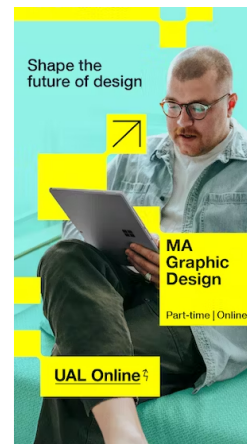
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