

Copyright issues for charities

What should you do if you're accused of copyright infringement?

I'm not in a dispute and haven't been accused of copyright infringement so why do I want to think about it now?

Disputes can be unfortunate and unexpected. But they also provide a valuable opportunity to get your house in order and put you in a better position to bring or defend a claim in the future. A dispute may not be on the horizon yet, but you should think about what you can do to now to help protect yourself.

We're often asked to advise clients who've been accused of using someone else's work and those notifications come out of the blue.

It can feel like you're on the back foot if you didn't see it coming. The first thing to think about is that you are not infringing if you own the work or have been authorised to use it. So, can you show created it independently? Or that someone else did it for you, and assigned their ownership to you in writing or granted you a licence to use it.

What if I don't have the records or don't know where they are?

Good record keeping is essential.

This question often comes up in the context of images used online, for example on your website or social media. If you can't prove that you own the work or have a licence to use it, you may not be able to defend an infringement claim.

That means you'd need to take the image down, pay compensation and legal costs.

Is there anything I can do now to try and protect myself?

Yes. Now is the time to undertake a full review and audit the content you are publishing, especially images used online where they are easily accessible to the public. If you can't prove that you own the works or have a licence to use them the safest thing to do is to take them down.

Thinking about evidence of your rights now can help to protect you in the future if you find someone else using your works or if you're accused of using someone else's. Now is the time to get your house in order!



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