EMINEM SUES NEW ZEALAND'S GOVERNING PARTY FOR COPYRIGHT INFRINGEMENT: HERE'S A QUICK COPYRIGHT LAW REFRESHER

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Eminem is suing New Zealand's governing party for copyright infringement. He claims that they used his song "Lose Yourself" in one of their marketing campaign videos. They are not the first to sail close to the wind, and they will not be the last. Here's a quick guide on the main issues you should consider when faced with a similar situation.

Why protect copyright?

Copyright didn't always exist. It came into being in the middle ages to help minstrels and poets. Take a look at this video, and then this one to get an idea of how similar ideas can create problems. There are issues galore that affect copyright. So taking into account the two videos, it is clear that protecting copyright is necessary. We protect copyright so that:

- you can make money from your ideas – i.e. giving people a financial incentive to be creative; and
- other people cannot make money from your ideas without your permission – i.e. become rich at your expense

What is copyright infringement?

Generally speaking, copyright infringement occurs when the copyright materials of authors are used for commercial gain (without their permission), as opposed to private or personal use, for example:

- Copying tapes and CDs and selling them; OR
- Copying the artwork of a designer and using it to create an entire fashion show, at the designer's expense; OR
- Copying books for re-title and selling them; OR
- Copying the music to a song?

Are ideas copyrightable and how long does it last?

Only work in material format entitles one to copyright protection. It is important to not that:

- Ideas do not have copyright protection BUT the expression of those ideas may be protected.
- Facts OR news of the day OR political speeches, also do not have any copyright. However, authors have a right to make a collection of such facts, news or speeches.

Given the fact that there are different categories of works that are capable of being copyrighted, the time periods vary, but generally it is 50 years from a start date such as first publication or death of the author.

How to avoid copyright infringement or disputes over ownership

Generally, the following guidelines apply:

- Get permission to reproduce work.
- Insert reference details when referring to the work of another.
- Use the least amount of words / sentences if citing a small portion of work.
- If a “significant” section is reproduced, such as a chapter, then permission should be obtained.
- Always make sure that when you acquire/purchase copyright in a work, the seller assigns copyright to you in writing and signs the document.

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