COPYRIGHT YOUR MUSIC

So how do you copyright your own songs and tunes? Send the CD in the post to yourself – WRONG! Here is a guide on all you need to know about making your song your own legally.

Copyrighting songs would generally fall under the legal category of Intellectual Property so, if you want to know more, look for law books under that title. The law on Copyright is provided by the copyright, Designs and Patents Act 1988. This Act is very readable and will give you the legal background to how copyright works. It's well worth knowing something about this – the fundamental legal framework.

The basics. Copyright in an artistic creation gives the copyright owner – you, once you have written a 'work' (a song or any piece of music) – a monopoly for copying the work. So, if you convert your song into MP3 format, then you have copied it and only you have the right to do so. Work does not have to be registered any way or with anyone in order to gain copyright protection. This arose as soon as the work was recorded because that's what the law says.

You own the copyright: the law regards it is capable of being owned as a form of (intellectual) property. This means you can deal with it any way at your own discretion. You could sell/gift someone a licence to use your material, ie sell/give them permission to use it, whilst you retain the copyright itself. Or you could sell/gift the copyright to someone else, thus ceding all control over the work to the new copyright owner.

Again, copyright in your work arises automatically, by operation of CDPA 1988. The law entitles you to copyright protection of your works as soon as they,or any part of them, is written or recorded in any fashion.

Crucially, the substantive material of the music – the melodies and harmony, the actual ideas making the work – does not attract copyright. Copyright cannot subsist in a pure idea, only in the recording of it. This seems counter-intuitive at first but, when you think about it, it would be impossible to protect, with copyright, an idea in someone's head. What's protected is the expression of the idea, its manifestation. That's just how it works.

Since copyright arises automatically by operation of CDPA 1988, there can be no dispute that when you write a song, you own it. Therefore the real question in a dispute, when you think someone has copied your work, is proving that it was yours and not theirs. Whoever can prove they wrote it first is the winner, so you have to able to show that it was your property in the first place. This is the same with most forms of property.

What you are saying is that this car, for example, is mine because I can prove my entitlement to use it as the absolute owner by producing a receipt or some other type of evidence. You can't tell by simply looking at it that it's really yours. So you have to have evidence that you had a relationship of entitlement to the car which precede's the opposing party's entitlement to it.

It follows that you need evidence that the work is yours. You definitely own it, but that will not do you any good if someone else lays claim to it, and you cannot prove that it's yours.

You've probably heard about people sending recordings to themselves through the post. This is not an effective way of proving copyright. So, have a look at this:**http://www.copyrightservice.co.uk/** This service holds a library of work registered so that the owners can prove the copyright is their property, should the need arise. It's all about the evidence you have that your work is actually yours.

Supporting this point, notice the vocabulary used by UK Copyright Service. They talk about proving ownership with evidence, not about registering your work so that it gains copyright: you already have the copyright, simply because you created and recorded the work (I would own the copyright on a doodle I scribble on the back of an envelope for exactly the same reason). But what you need is proof that it's yours. Focus on that point and you should have no problems at all.

Hope that helps. Good luck.