Layers of rights

One of the more complicated aspects of copyright for researchers to grasp is that of the different layers of rights which can be found in a work. This short video will look at the concept of layers of rights and who these might belong to, why this is an important area to consider and the layers that can be found in some common works.

Although each copyright work can be treated as a single item, there may well be several different levels of rights in each work. Each of these rights may belong to different individuals or companies who contribute to the overall production of the item.

The recipe for copyright
It sometimes helps to think of each copyright work as a meal made up of many different ingredients. Each ingredient is a layer of rights which contributes towards the final meal – or the finished work.

Let’s have a look at some of the layers of copyright found in some of the most common copyright works.

Books
Books are probably the most common copyright material that researchers will want to use:

- The text is the main component of most books and will be protected by copyright as the intellectual copyright of the author
- If the book is illustrated then this represents another layer. As outputs in their own right then images are under the protection of copyright and using them could result in infringement
- Although it is an illustration, the cover art may be considered separately from the other illustrations in a book – especially if it is by a different illustrator
- The typography and layout of text is also protected under copyright and is a layer that most people forget about
- It’s also worth considering if the book contains any third party material where the copyright might be owned by others, for example images of artwork or long extracts of text

Recordings
Recording such as musical albums and audio books also contain many layers of copyright:

- The performance itself will be subject to copyright as each one is individual and unique to that particular recording
- The lyrics of a song or text of an audio book is protected by copyright
- If we’re dealing with a musical recording then the music or score will have its own layer
- As with books, the cover art will be considered as a work in its own right
• Finally the **production** of that recording will also be subject to copyright, most likely by the record label or production company

**Stage**
Researchers in the arts may find that they need to use elements of stage plays in their work:

• The **script** will be protected by copyright as it contains the story which the production follows
• If the production is a musical then the **lyrics** to any songs will be treated as separate works
• As will the **music** they’re set to
• If there are dance steps or other **choreography** then this will be protected by copyright
• The **direction** and **set design** may also be protected by copyright if it can be argued that there are enough original elements

**Film**
Films can be especially complicated when it comes to the layers of rights they contain:

• Like stage plays, the **screenplay** is a literary work and protected by copyright
• The **direction** is very specific to the individual film and is a large part of the experience so can potentially be copyrighted
• Likewise the **performance** and interpretation of the actor can be considered central to the film and they may exert their right over it
• The **soundtrack** of a film, even if it’s made up of previously released songs rather than original, can be copyrighted as a compilation where someone has put thought into selecting the tracks. Of course, original music also qualifies for copyright and this may belong to each individual artist or composer
• The **production** of the film might also qualify for copyright protection

Of course there may be many more layers of rights in each work but you can see how complicated it can become!

**Why is this important?**
So why is this important for researchers? They often have to clear the rights to third party copyright material that they want to use in their own work but they often leave this until the last minute. When work is being published – including putting an electronic copy of a thesis online – then not having the correct clearance can have serious consequences as the researcher will technically be in breach of copyright.

Since each work potentially contains multiple layers of rights, which could then belong to multiple people, it can be extremely complex to clear which might delay publication and will certainly cause a lot of stress. Identifying and clearing rights to third party material throughout their research will save the researcher a lot of problems when it comes time to publish.
Copyright audit

One of the best ways for researchers to manage these potentially complex rights issues is to carry out a copyright audit throughout their project. They can do this by making a record of all the materials they want to use and thinking about the different layers of rights in each one and who might own these. They can then start approaching people to ask for permission well in advance of any hand in or publication dates which will save a lot of hassle.

It’s also important that library staff understand the different layers of rights in copyrighted material so that they can help their research community. Getting into the habit of thinking about layers of copyright, even if you don’t run a formal audit, is a good introduction to thinking about copyright more generally and what the researcher might want others to do with their work in the future.

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