8. Specific Copyright Characteristics of Those Involved in the Making of a Film

The author

Copyright is always born to the author of a work, that is, a physical person, a human being. Copyright to a film work is, however, only born to those who contributed to its production with their creative and original contribution. A film work is, however, almost always created through the actions of several people working in cooperation. A prerequisite for copyright is, however, always the creative input of the author, not mere technical assistance as in, for example, operating the boom, clapper board, provided the catering, redirecting the traffic or typing out the script.

Copyright protects the work as a whole as well as parts of it, such as the music or costume design, which, when viewed separately from the entire piece, can be regarded as a result of the creative and original work of its author. The Copyright Act thus protects the entire film work, but also some parts therein, which can be regarded independent and original under the Copyright Act. Section 43 of the Copyright Act reveals that, in principle, at least the principal director of the film, the composer of the film's music, the script writers of the film and the dialogue, must be regarded as the film's authors. (Haarmann, Pirkko-Liisa: Copyright & Related rights, pgs. 81 to 83, the opinion of the Copyright Council 1989:15 and 1998:6). It is, however, impossible to give an exhaustive list of authors. Assessment always occurs on an individual case basis paying attention to whether the author's contribution is the result of their independent, creative and original work.

The participants of License to remix! workshop made their own videos using open audiovisual content. Photos: Kati Hyyppä.

A film, joint work, collective work or compilation

A work that is made of several creative contributions, such as a film, may either be a joint work or a collective work. A film is generally regarded as a joint work as intended in Section 6 of the Copyright Act. A joint work, where the contributions of the authors do not constitute independent works and cannot be separated from each other, create a joint copyright for the authors. The copyright to a joint work belongs jointly to the authors of the work. The consent of all of the authors is required for the distribution, public presentation and other copyright protected use of the work. However, each of the authors, has the right to independently claim infringement, if the film's copyright has been infringed.

In its opinion 1995:6, the Copyright Council stated that a film work is a joint work as intended in Section 6 of the Copyright Act. The authors have rights to their individual contributions to the film, however some authors may be granted additional copyrights to the entire work. The Copyright Council further commented that the publication and public use requires the consent of all parties.

A collective work is a work, where the contributions of authors are independent and separable from each other. The music, animation, text, maps,
illustrations and computer applications of a collective work may receive protection as individual works such as a literary work, the music as a separate composition, photographic works and other images as works of fine art, and moving images as a film work or other audiovisual or sound work as intended in Section 1 of the Copyright Act. The authors of a collective work exercise the copyright relating to individual works independently. Photographs that do not meet the prerequisites of originality still receive protection in accordance with Section 49 of the Copyright Act. Practically speaking, it is very possible that a film is to be regarded as a hybrid work, i.e. part of the film is to be considered a joint work, and another part a collective work, in terms of copyright.

If a film work or other audiovisual work has been created by combining various existing works, it is regarded a compilation. The copyright of the author of such a compilation does not restrict the rights of the aforementioned original works. The author of such a film work, which forms a compilation, must obtain the consent of the original works' authors for use of the works in a multimedia work.

**Collecting the copyrights into one hands**

The copyrights of a film are usually collected into one hand, usually the producer's, as early as possible. Authors transfer their economic rights either in full or in part, as well as some of their moral rights by a script agreement, director's or actor's agreement etc. A film's final cut film usually lies with the producer or director. Contractual management of copyright issues relating to film production is very important. Centralising copyrights to the producer facilitates the licensing of rights, and allows extensive exploitation of the film on a large scale. There are no specific requirements concerning the contents of the agreement, with which the rights are transferred; matters may be agreed upon freely in the agreement. To avoid ambiguous interpretation of the agreement, it is always advisable to make the agreement in writing. Agreements are discussed in the section Entrepreneur in the creative industries.

**Film screenplay and storyboard**

Copyright protects literary works such as a film script. Copyright is the protection of original literary form, therefore an idea or subject cannot be protected. A film script is protected as a literary work. In order to obtain copyright protection, a script must be the result of independent and original intellectual creative work. A drawn illustration of a script, or storyboard, where the images of a film are presented in cartoon-like drawn form, may receive protection as a work of fine art, provided that it is a result of creative and original intellectual work. A storyboard may also, reasonably, be regarded as an explanatory drawing, rather than a work of fine art. Whether a storyboard is regarded a work of fine art or an explanatory drawing is not necessarily crucial in terms of copyright, as the most important thing is, that the work meets the prerequisites of originality, i.e. that it is sufficiently independent and original and that no other artist or expert could independently end up presenting the same things by drawings that are similar in form. The above section on the theatre discussed the relationship of the different stages of scriptwriting - the logline, synopsis, step outline - to copyright. Also the script is discussed later in this section.