



HOW MUCH DO YOU KNOW ABOUT COPYRIGHT BUYOUT?



A Creator's Survival Guide



WHAT IS COPYRIGHT? WHO OWNS COPYRIGHT?



A TV producer approached me and asked whether I could give them all the rights of the song I wrote. What should I do?



What, give the rights to them? You own the copyright in your song!

Copyright is the right to use your work, which includes the right to perform it, the right to make it available online, etc. Your song enjoys copyright protection because it is an original work.



I see. Is it always the case that I own copyright in my work?



Not always. If you are an employee or a freelancer, depending on the laws of your country / territory, you, your employer or the person who pays you (known as the “commissioner”) may be the copyright owner of your work.

Of course, in some cases, you and your employer / commissioner can determine who shall own the copyright in your work by negotiating and setting out the terms in a formal agreement.

WHAT IS COPYRIGHT BUYOUT?

? Hey! I told the TV producer that I wouldn't just give them the rights of my song. They then explain they want to buy the copyright in my song and offered me some money.

☞ Oh, so they're now asking whether you would like to transfer your copyright to them in return for a one-off fee. This is known as a "copyright buyout". After the buyout is completed, you will no longer own and control the copyright in your work, and you won't be able to earn money (royalties) from your own creation.

? Wait, I won't be able to earn money from my creation anymore? Perhaps I should discuss the details of the deal with the person in charge.

☞ You definitely should talk to that person. Make sure that you get what you want and deserve! Here, read this checklist, it lists out items that you have to pay attention to when you come across a copyright buyout deal.

COPYRIGHT BUYOUT CHECKLIST

If you are an employee or a freelancer:

- ◆ Check the employment contract or freelance agreement to see who owns the copyright of your work.
- ◆ You may also check the law of your country / territory on employee works or freelance works (legally known as “commissioned works”)

Check the law to see if there is any right that you, as the creator, cannot give up.

Example: Republic of Korea

Authors generally own moral rights (including right to make public, right of attribution and right of integrity) of their works. The author's Author's moral rights shall belong exclusively to the author.

Check the deal agreement to see if you will receive a fair payout of the deal.

Check the deal agreement or local law to see whether and when you can get back your copyright if it was transferred.

Example: Indonesia

If the copyright of a work has been assigned / transferred in the form of a buyout agreement and/or transferred for an indefinite period, by law, the copyright ownership would automatically be reverted to the original author after 25 years.

Check carefully the terms in the deal agreement (you should consider seeking independent legal advice!)

If there are any unfair terms, you should propose changes to the agreement to the other party of the deal.

At the end of the day, you are free to decide whether or not to sign the agreement!

If you are made to sign the agreement against your will, or later discover that you have signed the agreement mistakenly, seek legal advice.



Björn Ulvaeus
CISAC President

"In the post-COVID world, the issue of copyright buyouts matters more to creators than ever before. Artists, composers and authors have to be aware of their rights, understand their options and make informed choices on the way they are paid. Their future livelihoods depend on it."



Shunichi Tokura
Chairman of Asia-Pacific Music Creators Alliance (APMA)

"Understanding about copyright buyout is important for all creators in the world, especially for those who want music creation to be their profession. That is exactly what APMA is actively working on, working together with fellow music creators of the region, sharing experiences that differ in each country / territory."

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