History Of Copyright In The UK

The modern understanding of an author is, according to Jaszi & Woodmansee (1994), a “relatively recent invention”, but the history of copyright in the United Kingdom can be dated back to the 15th and 16th centuries where governments were attempting to regulate the output of printers after the introduction of the printing press by William Caxton in 1476. Caxton was heavily influenced by German printing and, after setting up a printing press in Bruges, produced the first book to be printed in the English language – Recuyell of the Histories of Troye – which he translated from French himself. In the epilogue of this book, Caxton spoke of how his “pen became worn, his hand weary, his eye dimmed” with copying the book out by hand, so instead he “practised and learnt” how to print the book. Returning to England in 1476, Caxton established his own press in Westminster and produced the country’s first printed book – an edition of Chaucer’s The Canterbury Tales.

The excerpt from Caxton’s epilogue in Recuyell of the Histories of Troye reflected the realities of the time before printing technology was introduced: writings, once created, “could only be physically multiplied by the highly laborious and error-prone process of manual copying out” and so the establishment of printing presses finally allowed for numerous identical duplicates of writings to be produced to match the demand from those who wanted and could afford them. While such a rise in the dissemination of writings and ideas was generally supported by the state and the church due to the increase in circulation of government information and Bibles, it brought along with it a quicker distribution of unwanted and troublesome content such as criticism towards these establishments. As a result of this, printers were required to have official licences in order to be in business and these afforded them “exclusive rights to print and distribute” for a fixed number of years, enabling them to “prevent others from doing so during that period” – these rights were given solely to the printers and not the authors of the works in question.

It was not until after the English and Scottish Parliaments were united into a single body – known as the Anglo-Scottish Union of 1707 – that the author of a work gained “the exclusive ‘right and liberty’ of printing books” with the implementation of the Statute of Anne, which is “often held as the first modern recognition of copyright as we think of it today”. The Act confined the right to a 14-year term renewable once and allowed authors to transfer rights to ‘assigns’ – typically a printer – “without whom the author would be unable to disseminate and profit from his creation”. Rhodes (2002) noted that there was a “shift from publishers’ copyright to authors’ copyright [...] gradually over the century, as more people learned to read and write, and as ‘professional writer’ became a more respectable profession”, and similarly, Woodmansee (1984) argued that the modern perception of an author was a “product of the rise in the eighteenth century of a new group of individuals: writers who sought to earn their livelihood from the sale of their writings to [...] the rapidly expanding reading public”.

Throughout the 18th and 19th century multiple Acts were put into effect that broadened the scope of copyright law in Britain to include engravings, sculptures, plays, public lectures, and paintings, drawings and photographs, all of which fell under the collective title of The Copyright Acts 1734 to 1888. In 1886, inspired by the growing international market for creative products, a multinational agreement called the Berne Convention was established with the aim of protecting

an author’s rights in both their home country and internationally with regards to “every production in the literary, scientific and artistic domain, whatever the mode or form of its expression”, including films. Member states are required to adhere to the minimum requirements set by the Convention but have the discretion to implement higher protection, of which the UK took advantage when transposing the Berne Convention into UK law through the Copyright Act 1911, by also introducing a new subject matter for copyright: sound recordings. Protection was extended in 1956 to films and broadcasts and typographical arrangements of published editions of works with the Copyright Act 1956, and then once again for computer software and programs, cable, and satellite broadcasting with the Copyright, Designs and Patents Act 1988, which brings us to current legislation governing copyright law in the UK, and we will now discuss this in the context of authorship and ownership. Deciding at what point an individual becomes an author is predominantly left to the discretion of the Berne Convention’s member states, due to there being “different national interpretations as to what is required for ‘authorship’ and as to who is an author”, and in the UK, for literary, dramatic, musical or artistic works, the author is the person who created the work under s9(1) of the CDPA 1988.