**Fact sheet 2k:**

Intellectual property and copyright

Intellectual property, as the term relates to volunteers, means intellectual or technical work created for an organisation in the course of their volunteering work.

Examples include:

* Blogging and posting on social media platforms
* Designing databases for the organisation’s use
* Design work, e.g. posters, leaflets, annual reports.

It is important to establish a mutual understanding of who owns this material; while employment law gives ownership of employees’ intellectual property to the company, it does not apply to volunteers. Perhaps this might seem trivial, but situations have arisen where volunteers have withdrawn permission to use their intellectual property following a dispute with the organisation. This has meant the organisation has not been able to use annual reports, websites, recordings and other important publications prepared by volunteers. There is a simple way to manage this risk however, by adding a clause into the volunteer agreement covering ownership of intellectual property and copyright.

Types of intellectual property protected by copyright

Copyright allows people who create certain types of work to control how it is used. There is no registration process; copyright exists as soon as the work is created or recorded.

The type of works that copyright protects are:

* Original literary works - that is, anything that is written, spoken or sung, such as articles, leaflets, computer programs and databases, as well as novels and lyrics for songs
* Original dramatic works, including works of dance or mime
* Original musical works
* Original artistic works, such as paintings, graphic design, photographs, collages, technical drawings, diagrams, maps, logos
* Published editions of works - i.e., the layout of a publication
* Sound recordings in whatever form
* Films, including videos
* Broadcasts.

Copyright material cannot in most cases be:

* Copied
* Distributed
* Publicly performed or shown
* Broadcast
* Adapted without the permission of the copyright holder.

Managing copyright with volunteers

Copyright normally belongs to the person or persons who created the work. The [Copyright, Designs and Patents Act 1988](http://www.legislation.gov.uk/ukpga/1988/48/contents) states that material produced by employees belongs to their employer, but makes no mention of volunteers, so the copyright of their work remains with the volunteer, not the organisation.

This can be managed by creating a written agreement with volunteers that proposes either of the following two options:

1. Volunteers assign (transfer) copyright to the organisation
2. Volunteers agree a licence whereby the organisation can use the work within agreed limits but copyright stays with the volunteer.

The assignment (transfer) of ownership must be in writing. Organisations should therefore draw up an agreement that asks volunteers to assign copyright to them. There are no statutory guidelines for licensing copyright, although it would be advisable to make it clear that the assignment is intended to be a legal contract. The agreement should set out:

* The parties involved
* The work the licence covers
* The terms of the licence (how the work can be used)
* The duration of the licence.

**Guaranteeing legality of the document**

One way is to pay a nominal amount - say £1 - for the assignment and refer to this in the document. If a payment is being made, then the licence should be clear about the form this will take a one-off fee, an annual fee etc. Agreeing a payment to license work from a volunteer may be seen as a payment for work, creating a contract. It also goes against the concept of volunteering as being an activity without financial reward. Hence the recommendation that it is a one off payment of £1.

For more information:

* [Intellectual Property Office Information Centre](https://www.gov.uk/government/organisations/intellectual-property-office)

www.gov.uk/government/organisations/intellectual-property-office

E: information@ipo.gov.uk

T: 0300 300 2000

[National Council for Voluntary Organisations (NCVO)](http://www.ncvo.org.uk)

NCVO champions the voluntary sector and volunteering across Britain by connecting, representing and supporting voluntary organisations. It has a reputation as an authoritative voice for the sector.

* [www.ncvo.org.uk](https://www.ncvo.org.uk/) Phone: 020 7713 6161 Email: ncvo@ncvo.org.uk

NCVO Knowhow Nonprofit

Knowledge and e-learning for charities, social enterprises and community groups. Learn from experts and peers, and share your experiences.

* [www.knowhownonprofit.org](https://knowhownonprofit.org/)

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