

The OPRI's services

The Belgian Intellectual Property Office

Copyright

What is protected by copyright?

A copyright protects **literary and artistic works in a very broad sense**. This means all creations of the human mind, insofar as they are expressed in a **concrete form**.

It offers protection to authors of books, poems, texts and songs, painters, draftsmen and photographers, filmmakers, game developers and much more.

Attention: NOT ALL works of art or literary works are protected by copyright. After all, the work must be the **concrete and original result** of a **creative** activity. Consequently, there are **CONDITIONS FOR PROTECTION**:

- **The work must be expressed in a CONCRETE FORM:** An idea, a method or a concept that can form the basis of a work is not protected by copyright. As soon as that idea is expressed in a **concrete form**, it can be protected. However, **no material medium is required**. *For example, it is sufficient for someone to sing an improvised song in front of an audience.*
- **The creation must be ORIGINAL:** It is sufficient that a work reflects **the personality of its author** and that the author has made **personal creative choices** when creating this work. It must therefore not necessarily be a spectacular, innovative or rarely seen work. *So, two photographers can take a photo of the same subject, but each obtain the copyright on their own photo, provided that they have made choices independently of each other, for example in terms of lighting or positioning.*

How to obtain a copyright?

The author acquires certain rights merely through the creation of a work that is the concrete and original result of a creative activity. The work is actually protected in an automatic way and without any formality. As an author, you don't need to take any additional measures to benefit from the copyright protection of your work. Copyright is granted automatically as soon as the conditions of protection are fulfilled!

However, it may be appropriate to **deposit** the work or have it **registered for reasons of proof**. By registering the work, you give it a fixed date, with which you can prove to others that you were the first to realize the idea.

Common law provides several possibilities for obtaining a fixed date:

- by registering the work in a **legal security office of the FPS Finances**;
- by depositing the work with a **notary**, who will **assign a date to the work**.

In addition to these two common law methods, there is also the possibility to prove the date of creation of a work via the (online) **i-DEPOT** envelope. This envelope is available on the website of the Benelux Office for Intellectual Property (BOIP) or at the Contact Point of the Intellectual Property Office.

Go to: economie.fgov.be/en/opri
or contact the Belgian Intellectual Property Office directly:
Tel.: +32 800 120 33 (free)
Email: piie.contact@economie.fgov.be

MORE INFO?

