

Lights! Camera! Piracy?



By [Nishan Singh](#)

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We at [Adams & Adams](#) are no strangers to protecting the rights of South Africa's entertainment industry. From filmmaking, music, graphic design, photography, to dance and choreography, our law firm is passionate about protecting creative rights, and the fruits thereof.

In this column, I take a look at the state of the film industry in South Africa, and why it's necessary to register creative work.

South Africa has a treasure trove of indigenous stories which has been passed down orally from generation to generation, and while this culture of storytelling remains, it is transforming and entering new mediums such as films. Local films, such as *Tsotsi*, received international acclaim and bears testament to the fact that South Africans are great storytellers. But success and popularity in the film industry also ultimately attracts unwanted attention in the form of piracy.

Copyright protection

Copyright subsists in films and like other forms of copyrighted works, copyright protection is automatically afforded to films in terms of the Copyright Act, provided certain basic requirements are met. However, unlike other forms of copyrighted works, the copyright that subsists in films can be registered. But why should you incur the cost to register the copyright in your film when it is already protected?

Copyright protects the rights of the creator of creative works, such as paintings, novels and logos. The copyright in a film is fairly complex due to the fact that there are various forms of copyright that subsist in a film, such as the script, soundtrack, photographs, performances and dramatic works. Furthermore, there is generally more than one author, such as the director, designer, composer, musician etc. involved in the creation of a film.

The purpose of registration of copyright in a film is to facilitate proof that copyright subsists in a film and that a particular person/company is the owner of such copyright. On registration, the owner is issued with a registration certificate from the Companies and Intellectual Property Office, which is the primary evidence that is used to pursue infringers or pirates. Registration of the copyright therefore negates the tedious task of collation of evidence and makes the enforcement of rights less costly.

Adams & Adams is the legal counsel and sponsor to the [Loeries](#) and [Design Indaba](#), and a partner to the [PICAs](#), South Africa's magazine publisher awards. Should you want more details about the application process, contact Adams & Adams or visit the stall at the Design Indaba Expo 2012. Let us help you protect your creativity!

ABOUT NISHAN SINGH

Nishan Singh is a partner: trademark litigation at internationally acclaimed intellectual property law firm Adams & Adams. Nishan specialises in litigation relating to trademarks, copyright, unlawful competition, domain names, counterfeit goods, close corporate name objections and advertising disputes. Contact him on +27 (0)12 432 6151, email him at nishan-s@adamsadams.co.za and follow @nishansingh on Twitter.

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