

Q&A

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Q Our company has hired an independent contractor to create a logo, content and code for our website and other related works. We own these works, correct?

A In the absence of a work for hire agreement, it is unclear whether or not your company would own these works. Pursuant to the 1976 Copyright Act (the "Act"), a copyright is established in its creator once a work is created in a fixed medium. Original literary, dramatic, musical and artistic works are all protectable under the Act, including computer software, architecture designs, writings, artwork and photographs. Accordingly, when utilizing a non-employee to create any work for your company, it is critical to confirm in writing that the work was commissioned by your company in order to avoid confusion regarding with whom ownership vests. It is also important to confirm in your agreement with the contractor that they will only provide original works and will indemnify your company if any claim of infringement arises with regard to the work that they provided to your company.



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