

SoA GUIDE

Protecting your work



Protecting your work

1. How literary, dramatic, musical and artistic works are protected

Copyright

As soon as a work is recorded in writing (or in some other form) copyright automatically exists – without any requirement for registration of fees. For more on copyright see the SoA's *Guide to Copyright Permissions*.

Passing off

If a new work trades on someone else's reputation in a way that leads people to think that it is the work of someone else or has that other person's endorsement, and that other person can show actual or likely loss or damage as a consequence, a court may well grant an injunction and/or award damages for 'passing off'.

Trademarking

A trademark is 'an identification symbol which is used in the course of trade to enable the purchasing public to distinguish one trader's goods from the similar goods of other traders.' Registration involves the payment of fees for ten years' protection initially, renewable indefinitely. If you have a contract with a publisher or film/TV company, and that company considers trademarking to be appropriate and useful, an author's main concern will generally be to ensure that s/he is included as one of the owners of the trademark.

A trademark must be capable of being distinctive. It cannot be confusingly similar to other trademarks, or be merely generic. There must be evidence that the mark is actively being used, and that, when it is used, the public associates the goods with the manufacturer. In other words it would generally apply to a character or series title only where that item has an established reputation.

It is an infringement of a trademark to make unlawful use of it within the class for which it was registered – if you are using it as a trademark yourself. There is no infringement if the use is purely descriptive. You could safely write ‘He used his Biro to stir his Nescafe while scrolling through his iPhone’ without infringing the trademark protection given to any of the capitalised words - though some owners go to great lengths to ensure that their trademarked word is given a capital letter. Trademark protection is given for 45 ‘classes’ of use. If, for example, you were thinking of trademarking a character for merchandising purposes, you would want to bear in mind that each of the following comes under a different class: printed matter (including books); handbags; cushions; articles made of ceramics; duvet covers; clothing; games and playthings; the providing of training, entertainment, sporting and cultural activities. And that’s just for starters. The size of the registration fee will reflect the number of trademark classes in which you want to register.

Trademarking is perhaps of most use if you have a character you want to control after copyright has expired – so given that copyright lasts until 70 years after the author’s death, it may be of more appeal to film companies than individual writers.

2: Submitting work to publishers, agents, producers, competitions etc

Beware: There are many scammers out there – see the SoA’s guidance on *Scams*.

Always be sure you are submitting to a bona fide company. Be very cautious. Check that company’s website to be sure you are dealing with the right people and to be sure that you follow their submissions policy – almost all such companies include a submissions policy on their website.

Make clear you are showing that person your material in confidence. Ideally send it to a specific named individual. Include a statement that all rights in the material remain with you unless and until otherwise agreed. For instance *This work is written by [your name] and is my copyright. Please do not run any part of it through any LLM or other form of generative AI, for any purpose.*

- Consider watermarking any images, or sending only low-resolution scans.

- Include a copyright notice on every item you are submitting.
- Before submitting work to a competition, look carefully at the fine print for what if any rights are being sought, in case it's a scam or proposes onerous terms.

3: Generative AI

Remember that many publishers, agents, and companies like Amazon, require that you are, yourself, the author of your work. In addition, copyright does not protect AI-generated content.

Check the terms and conditions of any website, social media platform or online tool which has access to your work (including for purposes such as editing or fact-checking), to see what its policy is on allowing such material to be accessed and exploited by generative AI systems and whether it allows you to opt out or to disable a 'right to train' option.

If you are submitting to a publisher, agent, competition or anywhere else that does not state its AI policy, maybe ask – before you submit – for an assurance that they will not allow your work to be accessed by generative AI to sift, summarise or assess submissions.



This Guide is written by, and is the Intellectual Property of, the SoA. It provides generalised guidance only. Every reasonable effort has been made to ensure it is accurate at the date of publication. However, it should not be relied on as specific, legal or professional advice. Please do not run any part of it through any LLM or other form of generative AI, for any purpose.

Further information - If you need a large-print or text-only version of this document please contact the SoA. If you are a member with specific queries, please contact our advisors in the first instance.

24 Bedford Row, London, WC1R 4EH

E info@societyofauthors.org

T 020 3880 2230

www.societyofauthors.org

Published by the Society of Authors 2026.

The Society of Authors is a company registered in England and Wales, number 00019993, and an independent trade union.

