



## Protecting Your Rights

How do you protect that idea / format / script / proposal you have developed? If you don't tell anyone about it, it will never become anything more than an idea in your mind, but if you do tell someone, they might steal your idea!

Andrew Baker from Rights.TV outlines the key steps you need to take to protect your Rights:

1. **Write it Down** – there is no protection in law for an 'idea' but there is protection (copyright) for anything that you write down. So, write down your idea in as much detail as you can manage – be specific and include all the elements or features that make your idea unique or different. This could include running orders and specifics of how the show would be made – the more specific detail the better. If you have a pitch document then this is perfect – you need to ensure someone who knows nothing about your idea will be able to read this and know everything about it.
2. **What makes it unique?** - it is amazing that people who have no contact with each other can come up with similar ideas at the same time – but it does happen. So, check the title or unique elements – has someone registered a trade mark or domain name that is the same as your title? Google key terms and see what comes up and check IMDB. If someone has the name/idea first then you might not be able to use it – so check before you sign off on your idea.
3. **Protect it** - Protect the elements that can be protected – think about the title, character names, unique game mechanics or other things that make your idea different. Domain names are a cheap and easy way to protect a title or catch phrase or name, a trade mark is a more expensive way of protecting these but much more effective, and for some projects a company registration may also be appropriate. Also think about registration (see below). If you have a specific contributor/ talent/ organization that is key to the project then get them to sign an exclusivity agreement so no-one can cut you out of the deal. It also makes sense to ensure that you can deliver what you are pitching – no point promising Stephen Fry if he hasn't actually agreed in writing to take part in your project.
4. **Keep a copy** –make sure you keep a full log of what you have created and when. Ideally, write down now (while it is still fresh) how you came up with the idea and when – dates are important. Every variation should be kept and dated to show the evolution of the idea. If you ever have to prove



you created the idea then showing how it was developed, and having written evidence created at the time the idea was developed is very compelling.

5. **Register it** – to be able to prove that you created something it is not enough to simply assert this – you have to prove it. The traditional way is to post a copy to yourself, but this is no longer considered a very reliable way of keeping track of your development – and the whole exercise is pointless if the envelope gets lost on the post, or you can't then find that specific envelope (still unopened and legibly date stamped!) at a later date, or if you run out of space! The best way now is to file a digital copy as soon as the idea is created with an independent third party – there are several sites that offer this service and for a fee they will log your project and also provide evidence that you have submitted this to them on a specific date. Registration is not required in the UK for copyright to exist, but it does provide a quick and easy way of proving that you created an idea (see links below).
6. **Put your name on it** – make sure you clearly mark your idea as belonging to you – for this you need to write your name, the year and the copyright symbol (technically you don't actually need this for UK projects unless they are pitched outside the UK, but it doesn't hurt). E.g. © Copyright 2011 Andrew Baker. If you have logged your project then say this as well e.g. A copy of this pitch has been logged with Rights TV. I would also recommend stating the version and date of the version somewhere so you are clear about what you have submitted e.g. Version 1.1 Created 1<sup>st</sup> January 2011. It is also worth asserting your moral rights as this provides you with additional protection should you need this. E.g. Andrew Baker has asserted his moral rights as Author of this Article.
7. **Log who you send it to** – if you can't prove who you sent an idea to, then you can't normally show how they could have copied it. Some broadcasters have a digital submission service – use it as this logs your idea in their system and keep the email confirmation as evidence of this. Also think about who you are sending your idea to – a scattergun approach is not normally the best way to maximize your chances and unless you think there will be a bidding war between potential partners, it makes sense to talk directly to one potential partner at a time.
8. **Think about who you send it to** – it makes sense to send your project to someone who will a) have an interest in it and b) have the ability to do something about it. Look at projects they have already done that are in the same area as your idea – if they have the skills and experience to



make something that you like, then they have more chance of doing something with your idea.

9. **Email?** – One of the joys of email is that you can send your idea around the world with the touch of a button – but that is also a disadvantage if you want to protect your idea. Think about whether you want to email your full pitch or just a summary, or even hand over a hard copy in person. If the idea is not for them, then ask for it back – a pitch that is just lying around can be seen by anyone, and the less people who see it the better for you.
10. **Get someone to sign for it** – in an ideal world, everyone you send your pitch to would be overjoyed to sign a confidentiality agreement (or Non Disclosure Agreement – NDA). However, the larger broadcasters and producers are very much aware that ideas come from all kinds of sources and it may genuinely be the case that your idea has already been discussed internally. It is therefore often impossible in reality to get a signature on an NDA in advance of showing someone your idea – indeed you may find yourself in fact asked to sign a disclaimer that actually allows the broadcaster to use your idea – read carefully to make sure you understand what you are being asked to sign - if in doubt ask!
11. **Keep notes** – after every meeting keep a detailed note of who was there, what was said and what the result was – and date it. If that same person later develops a /similar’ idea then you can argue that they had the opportunity to copy your project.
12. **Further development** – after successfully attracting the interest of a producer or broadcaster, the next stage is often more development – as no matter how much work you have done on your idea, it will always need further work to make it fit the specific needs of the broadcaster or producer in question. This is fine – but a broadcaster will normally agree a development deal with you that sets out who owns the rights to this and what they will pay to you for the extra work involved, and what happens if they decide not to proceed. With producers there is a danger that they will undertake this development internally – and neglect the issue of ownership until a commission is on the table. If a producer wants to develop your idea then agree a deal now – before the idea starts to change. The last thing you want to hear is that the producer feels the idea has moved so far away from your pitch that they don’t feel you are entitled to anything! Deal terms will vary, but make sure you have something at this stage to protect yourself!



13. **If you get unlucky – Complain!** – if you have done all you can, and you feel that someone has genuinely copied your idea without your permission, then you need to do something about it. In the first place it makes sense to talk to the party you sent it to and ask for an explanation of the circumstances of the idea being developed. If you have followed the points set out above then you will be able to clearly prove when you created the idea and how it came into the possession of the organization (and when). Be aware however, that people do genuinely come up with the same idea sometimes – the key is to make your idea so specific that there is no other reasonable explanation for this.

For more advice on how to protect your ideas and the deals that you can agree if a third party wants to develop your idea further please contact us at : [rights@rights.tv](mailto:rights@rights.tv) . Please also visit our resources page for more articles and information about your rights.

#### **Useful Links:**

Online (free) Trade Mark Search for UK and EU: <http://www.ipo.gov.uk/tm/t-find/t-find-text/>

Domain Name Search/Registration: [www.names.co.uk](http://www.names.co.uk); [www.godaddy.com](http://www.godaddy.com)

Company registration: [www.companiesmadesimple.co.uk](http://www.companiesmadesimple.co.uk)

Internet Movie Database: [www.imdb.com](http://www.imdb.com)

Copyright Registration: [www.rights.tv](http://www.rights.tv); [www.myideasvault.com](http://www.myideasvault.com)

Example project log (free): [www.rights.tv](http://www.rights.tv)

Please note that the links above are examples only and many other sites may offer similar services.

#### **Documents:**

For a small fee we are happy to provide you with template documents which you can use for all your projects, including:

Exclusivity agreements for contributors

Options for existing third party projects (books, screenplay etc.)

Non Disclosure Agreement

Format / Idea Option Agreement

Joint Development Agreement



If you would like any specific advice on your project then do feel free to contact us at: [rights@rights.tv](mailto:rights@rights.tv)

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