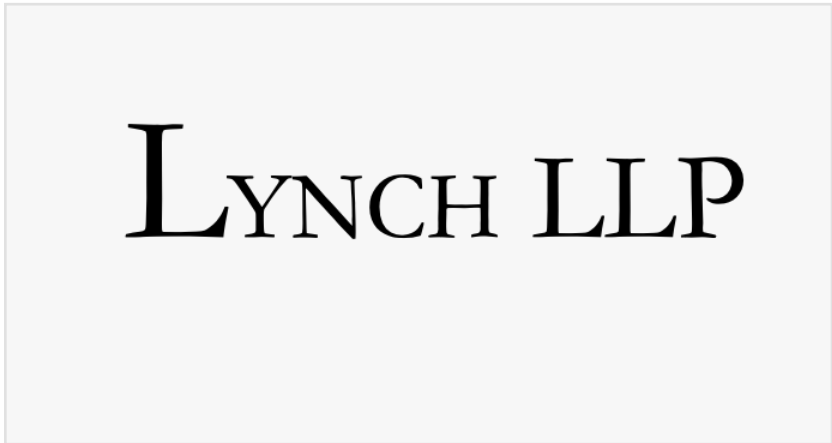


Lynch LLP Deciphers IP Ownership for Independent Contractors

You're an independent contractor. Who owns the work you create?

SOUTHERN CALIFORNIA, CALIFORNIA, UNITED STATES, June 10, 2021 /EINPresswire.com/ -- Owning a [copyright](#) can be as simple as creating something new. But as with any area of law, the details can be complex—especially for independent contractors. [Lynch LLP](#) helps independent contractors register their rights so they'll be able to enforce those rights when the time comes.



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Whether you've been unfairly targeted and need to assert a fair use defense or you've identified a person or business stealing your work, we can help.”

Sean Lynch

“Registering a copyright can be a small task,” said Sean Lynch, partner at Lynch LLP. “But what you do when someone steals your work is anything but. We represent both plaintiffs and defendants in copyright disputes, acting as fierce advocates for our clients’ interests. Whether you’ve been unfairly targeted and need to assert a fair use defense or you’ve identified a person or business stealing your work, we can help.”

For independent contractors, copyright “authorship” and “ownership” are determined by a variety of points. The author of the creative work owns the work by default. Ordinarily, the author is the person who created the work. In some situations, the author may be an employer or a person who “specially ordered or commissioned” a work for use:

- as a contribution to a collective work,
- as a part of a motion picture or other audiovisual work,
- as a translation,
- as a supplementary work,
- as a compilation,

- as an instructional text,
- as a test,
- as answer material for a test, or
- as an atlas.

In these situations, the author (and owner by default) of the work is the person who specially commissioned it, as long as there's an express written agreement that the work is made for hire.

That tells the story of authorship, but it doesn't tell the whole story of ownership. By default, the author is the owner. But you can agree (in writing) to transfer ownership to someone else. 17 U.S.C. § 204 requires that any transfers be in writing, so an oral agreement to transfer a copyright interest won't be effective.

Why should independent contractors care about the difference between transfer and work-made-for-hire? With

a transfer of ownership, the author has a more or less inalienable right to terminate the transfer 35 years after the grant. A company that is an author of a work-made-for-hire is in a better position than a company that owns a copyright by transfer.

"If a written agreement is never signed, ownership does not change hands," said Lynch. "Even so, if you create a work specifically for another party, it's likely they will have acquired an implied license to use the work in the manner contemplated when you were contracted, even if the company fails to own the work outright. If you shoot photographs for a textbook publisher, don't be surprised if they want to use them in a textbook after they pay you—even if they fail to get a written agreement from you."

"We've handled every version of copyright ownership," said Lynch. "And we've successfully settled on behalf of independent contractors who truly do own their creations."

About Lynch LLP

Lynch LLP helps clients large and small protect their inventions across a wide range of practice areas. We have specialized expertise in a wide range of technical fields and focus our practice on



Lynch LLP Partners



providing strategic guidance and services including [patent](#) prosecution as well as strategic patent counseling. We also have experience with clearance searching, prior art searching, product licensing, as well as litigation and enforcement of patent and other intellectual property rights.

Patent attorneys at Lynch LLP have focused technical backgrounds that give us the breadth of scientific knowledge to write patent applications that not only capture a new and novel invention, but that also creates an umbrella of coverage extending beyond the exact confines of the invention. We combine our experience as patent attorneys with our experience with patent litigation to prepare and file patent applications of all types that are created to withstand scrutiny and maximize enforceability. Our expertise extends into negotiating and drafting licensing agreements.

We have experience representing plaintiffs and defendants in a wide variety of proceedings before courts and the USPTO, crafting patent strategies that complement and further our clients' business interests.

We have experience filing utility patents and design patents to protect all aspects of your invention. Visit Lynch LLP at www.lynchllp.com to set up a free consultation.

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