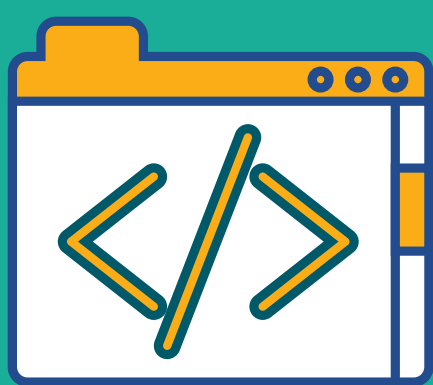


Work for Hire Agreement Case Study

A work for hire is work prepared by an employee within the scope of his or her employment. Such work is specially ordered or commissioned for use in specific contexts, in which a signed, written agreement is made contribution to a collective work, part of a motion picture, a translation, a supplementary work, a compilation, an instructional text, a test, answer material for a test, or an atlas.



Work For Hire Agreement Scenario

You start a software company and hire a freelance coder to help you code while you focus on business development. Your agreement is an exchange of text messages and you agree to pay his invoices. In this case, the freelance coder owns the copyright.

Who Owns the Work?

If you have a written agreement saying the coder is doing the work for you and you own it, the freelance coder still owns the copyright. Source code is not something for which you can have a work-for-hire agreement.



However,

If you can categorize that code as being part of a collective work, for an audiovisual work, or part of a compilation or translation, then you will own the copyright. Another way to own the code is to have the agreement contain an assignment, which transfers rights to another person.

When Should You Sign a Work For Hire Agreement?

Work for hire agreements should be signed in advance, and should have back-up assignment language. The assignment may not be necessary, but it's better to be safe than sorry!



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