

COPYRIGHT LAW

A REFRESHER

IN AUSTRALIA, COPYRIGHT LAW IS SET OUT IN FEDERAL LEGISLATION (COPYRIGHT ACT 1968), AND IN COURT DECISIONS WHICH HAVE INTERPRETED THE ACT. COPYRIGHT IS A FORM OF INTELLECTUAL PROPERTY AND GIVES COPYRIGHT OWNERS EXCLUSIVE RIGHTS TO DEAL WITH THEIR WORKS IN CERTAIN WAYS.

KEY ELEMENTS

Reproduction and communication of an original work is not permitted unless rights are granted by the copyright owner or a statutory exception to infringement applies.

Copyright owners have economic rights – transferable by assignment or by exclusive or non-exclusive licence.

Copyright protects a range of material, including things such as text, images, maps, plans, music, recordings, broadcasts etc. It is the expression not the idea which is protected.

Copyright is a bundle of rights granted to the copyright owner of an original work.

Copyright protection is automatic – duration of copyright protection, in most cases, is life of creator plus 70 years.

Copyright liability is ‘strict’ and does not excuse good intentions or ignorance.

Statute of limitations in Australia is 6 years. This means that a copyright owner can bring action against infringement up to 6 years after the infringement occurred.

SOME COMMON COPYRIGHT TERMS

Reproduce – making any type of copy – including, for example, by hand copying, photocopying, recording, scanning and photographing

Communicate – either transmitting copyright material (for example, by email or fax) or by making it available online (for example, on the internet or on internal servers such as intranets)

Substantial part – copyright owners usually have rights not only when their complete work is used, but also over parts that are distinctive, important or essential – even if these parts are comparatively small, e.g. extracts, graphs and tables from articles

COPYRIGHT MYTHS	COPYRIGHT REALITY
Downloading and sharing material is OK, when it's for personal use or research.	If you are copying or downloading as part of your job, it is unlikely to be covered by fair dealing exceptions to infringement.
I only reused 10% of a work.	You'll usually need a clearance – copying 10% is likely to be a “substantial part”, enough to be an infringement.
I can email an article as long as it's to a colleague within my organisation.	Unless you have a licence or permission this may be a copyright infringement.
I did attribute the person who wrote it.	You may still need a licence or permission to reproduce a work.
It's OK because I'm not making a profit from it.	A copyright owner's rights apply whether or not you're using it for commercial purposes.
Just make five changes and you'll be OK.	You may still be using a “substantial part”, and may need a clearance to ensure you don't infringe copyright.
We paid for it, so we can reuse it.	You purchased a copy. You did not purchase the reproduction or communication rights of the copyright owner.