

WHAT IS COPYRIGHT?

Copyright is a collection of rights relating to the reproduction, distribution, performance and so forth or original literary, musical, dramatic or artistic works, films, sound recordings, broadcasts and other matter.

The owner of the Copyright will have the exclusive right to do, or allow others to do what he allows with the Copyright material.

HOW IS COPYRIGHT PROTECTED IN AUSTRALIA?

Copyright law is made up of both legislative protection (*The Copyright Act 1968*) and the common law, which are the decisions of precedents of Courts. The Copyright Act is a Federal Act and it applied throughout Australia.

It deals with all the rights in relation to Copyright and also deals with a performers rights and the moral (moral rights) or individual creators. The law in relation to Copyright has developed over many years and it specifically protects the following:

- Literary works
- Computer programs
- Compilations, such as data bases
- Artistic works
- Dramatic works
- Musical works
- Cinematography
- Sound recordings
- Broadcasts
- Published editions of written work

It does not protect the following:

- Ideas
- Concepts
- Styles
- Techniques
- Information
- Peoples images

DO I HAVE TO APPLY FOR COPYRIGHT PROTECTION?

In Australia you do not apply for protection of your Copyright as there is no system of registration as is in the case of trademarks etc.

The protection is free and automatic and you do not have to put a Copyright notice on any work that you publish to ensure protection. Often people will put their name and the symbol © following the material to indicate Copyright.

Whilst this is allowed it is not a requirement.

WHO OWNS COPYRIGHT?

The Copyright Act sets out the rules on who owns Copyright. People can agree when creating material who owns the Copyright and it is generally a good idea to have a written agreement in relation to the ownership.

At Ferguson Cannon Lawyers, we can provide you with advice on how to protect your Copyright and in particular in relation to drafting agreements and advising of breaches in relation to Copyright issues.

If you have any further questions, please do not hesitate to contact Glenn Ferguson.