

FAST FACTS 7: COPYRIGHT

This information sheet gives general information about copyright, including how to ensure that your business complies with copyright obligations when using material created by other people.

What is copyright?

Copyright law is part of an area of law often referred to as 'intellectual property' law. Other intellectual property laws include designs, patents, trademarks and trade secrets. Copyright protects specific types of material. It gives the copyright owner specific rights.

What is protected by copyright?

Copyright protects:

- works made up of words (such as training manuals, business plans, pamphlets and brochures)
- compilations of information (such as tables, graphs, charts and business directories)
- software (including both object and source code of computer programs)
- artistic works (such as logos, photos, drawings, prototypes, of manufactured items and engineering drawings)
- musical works and sounds
- dramatic works (such as scripts and ballet)

What rights do copyright owners have?

There are different rights for different types of material. In all cases, copyright owners have the exclusive right to authorise the copying or reproduction of their material in any form. Other rights can include rights to perform, screen or play the material in public, to broadcast or cable it, to translate it and, for a computer program and sound recording, to rent it.

How do I protect my copyright interests?

Copyright is automatic. There is no registration procedure or any formal steps to follow before copyright material is protected. Rather, copyright comes into existence at the same time as the material is created (for example, as a drawing is drawn, or a report or brochure is typed, saved to disc or the hard drive, or recorded). If you think your copyright has been infringed, you will usually need advice from a lawyer.

How long does copyright last?

Generally, copyright lasts until 50 years after the death of the person who created the material.

Who owns copyright?

Generally, the person who creates something owns copyright first. However, if you commission something like a logo or a report or a photo for your business, you will be able to use it for the purposes for which it was commissioned. It is best to have a written agreement with people creating copyright material for your business so it is clear how you can use the material.

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How can my business comply with copyright obligations?

Often, copyright rights are administered on behalf of the copyright owner by centralised licensing bodies. The following chart provides an overview of the various collecting societies, which can generally license various uses of different types of copyright material on behalf of copyright owners.

Frequently asked questions

| What are you doing? | What to do | Contact |
|---|--|--|
| We're photocopying from newspapers, books and journals | Contact Copyright Agency Limited (CAL) | T: (02) 9394 7600 E: enquiry@copyright.com.au |
| We're playing the radio or TV for our customers | Contact the Australasian Performing Rights Association (APRA) | T: (02) 9935 7900 E: apra@apra.com.au |
| We're playing CDs or tapes for our customers and/or staff | Contact both APRA and the Phonographic Performance Company of Australia (PPCA) | APRA T: (02) 9935 7900 PPCA T: (02) 8569 1100 |
| We're playing the radio solely for our staff | Contact APRA (if you have fewer than 20 staff you may qualify for a complimentary licence) | T: (02) 9935 7900 E: apra@apra.com.au |
| We're using software | Check that you're using each piece of software according to the End User Agreement. | |

Need further information?

The Australian Copyright Council publishes a range of relevant information sheets, which you can print from its web site. It also has more detailed publications relevant to different types of industries and businesses. For further information, visit www.copyright.org.au

Legal advice

This information sheet gives you general introductory information about copyright. If you need to know how the law applies in a particular situation, you may need to get advice from a lawyer.

In some cases, if your question relates to copyright, the Australian Copyright Council's staff lawyers may be able to give free legal advice.

A staff lawyer gives telephone advice from Monday to Thursday, 9 am to midday and 2 pm to 5 pm (Sydney time). You can also post or fax your question (please include your telephone number).

This sheet prepared with the assistance of the Australian Copyright Council.

For more information refer to other Fast Facts in this series or contact:

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