

Table of contents

1	Introduction	1
1.1	Introduction.....	1
1.2	Information, not legal advice.....	1
2	Government in Australia	2
2.1	Government in Australia.....	2
2.2	Who is government for the purposes of the Copyright Act?.....	2
2.3	Prerogative rights.....	5
2.4	The policy landscape.....	5
3	Government ownership of copyright	7
3.1	Introduction.....	7
3.2	When will the government own copyright?.....	7
3.3	Broadcasts and published editions.....	8
3.4	The importance of agreements.....	8
3.5	Things to consider when entering into agreements about copyright ownership.....	9
3.6	Your government's policy with regard to copyright ownership.....	9
3.7	Interdepartmental and intergovernmental projects.....	10
3.8	Public-private partnerships.....	11
3.9	Some scenarios.....	11
3.10	Owning the copyright is distinct from owning the work itself.....	12
3.11	Duration of government copyright.....	12
4	Managing copyright	14
4.1	Introduction.....	14
4.2	Managing government copyright.....	14
4.3	Licensing government copyright and open government.....	15
4.4	Key ways to deal with copyright.....	18
4.5	Some general tips for licensing copyright.....	18
4.6	Contracts.....	19
4.7	Protecting government copyright.....	21
4.8	Managing the use of copyright material.....	22
5	Using copyright material – the government statutory licensing scheme	24
5.1	Introduction.....	24
5.2	The government statutory licence.....	24
5.3	The declared collecting societies.....	25

5.4	Government copying administered by Copyright Agency	25
5.5	The Copyright Agency voluntary licence extension	26
5.6	Government copying administered by Screenrights	27
5.7	The notification process	28
5.8	What is 'for the services of the Commonwealth or State'	29
5.9	Relationship between the government provisions and other provisions in the Copyright Act	30
6	Using copyright material – obtaining licences	31
6.1	Introduction	31
6.2	Entering into licences with collecting societies	31
6.3	Licences as part of contractually binding agreements	32
6.4	Bare licences	33
6.5	Implied licences	33
6.6	Documenting the deal	34
7	Digital rights management	35
7.1	Introduction	35
7.2	Technological protection measures	35
7.3	Electronic rights management information	36
8	Moral rights and performers' rights	37
8.1	Introduction	37
8.2	The moral right of attribution	37
8.3	The moral right against false attribution	37
8.4	The moral right of integrity	37
8.5	Moral rights and material created by government employees	38
8.6	Performers' rights	39
9	Copyright basics	40
9.1	Introduction	40
9.2	What does copyright protect?	40
9.3	How do you get copyright protection?	40
9.4	Some things not protected by copyright	41
9.5	Who owns copyright?	42
9.6	What are the rights of the copyright owner?	42
9.7	How long does copyright last?	43
9.8	When is copyright infringed?	43
9.9	Exceptions to infringement	43

Glossary	46
Appendix A	47
Status of certain entities	47
Appendix B	49
Copyright Agency	49
Viscopy	49
Australasian Performing Right Association (APRA)	49
Australasian Mechanical Copyright Owners Society (AMCOS)	49
Phonographic Performance Company of Australia (PPCA)	50
Screenrights	50