

Australian Copyright Council

Table of contents for book title

Following is the table of contents for one of our book titles. To order a book:

- go to www.copyright.org.au and click “Order Form” to download an order form
- email, fax or post us your contact details, payment details and the book title or number:
 - sales@copyright.org.au
 - fax to +61 2 9698 3536
 - post to PO Box 1986 Strawberry Hills 2012 Australia
- contact Customer Service on sales@copyright.org.au or tel +61 2 9699 3247

Australian Copyright Council
245 Chalmers Street Redfern, NSW 2016 Australia ACN 001 228 780
Telephone: 61 2 9318 1788 Fax: 61 2 9698 3536 Email: info@copyright.org.au
www.copyright.org.au

B115v1 *Local Governments & Copyright*

March 2003

ISBN 1 875833 83 9

Written by *Libby Baulch* and *Ian McDonald*. Particular thanks is given to those people who drew issues to our attention during or as a result of our seminars for local governments, which we ran in 2002 as part of our seminar series.

Cover design by Heidi Reiderer of Organised Design, with assistance from Leanne Barnett.

© Australian Copyright Council 2003

For enquiries about reproduction or other uses of this publication, please contact the Australian Copyright Council.

Australian Copyright Council: role and objectives

The Australian Copyright Council is a non-profit organisation, founded in 1968.

Copyright is the legal basis on which most creators earn their income. It provides reward and stimulus for creative activity, and encourages respect for the economic and cultural value of creative work. Without copyright, writers, composers and many other creators could not work professionally.

The Copyright Council's objectives are to:

- assist creators and other copyright owners to exercise their rights effectively;
- raise awareness in the community about the importance of copyright;
- identify and research areas of copyright law which are inadequate or unfair;
- seek changes to law and practice to enhance the effectiveness and fairness of copyright; and
- foster co-operation amongst bodies representing creators and owners of copyright.



The Australian Copyright Council has been assisted by the Commonwealth Government through the Australia Council, its arts funding and advisory body, through its Policy, Communication and Planning Division.

Australian Copyright Council

PO Box 1986 Strawberry Hills NSW 2012, Australia ACN 001 228 780

Tel: 61 2 9318 1788 (copyright enquiries); 61 2 9699 3247 (administration and sales)

Fax: 61 2 9698 3536; Email: info@copyright.org.au

www.copyright.org.au

B115v1 Local Governments & Copyright

TABLE OF CONTENTS

PART 1:	INTRODUCTION.....	1
1.1	Who this book is for.....	1
1.2	Sources of copyright law, and references to legislation and cases.....	1
1.3	Revisions of this publication	1
PART 2:	OVERVIEW OF COPYRIGHT	2
2.1	Copyright is one form of “intellectual property”	2
2.2	The types of things that are protected by copyright.....	2
2.3	How do you get copyright protection?.....	3
2.4	Who is the owner of copyright?	3
2.5	What copyright protection means	4
2.6	How long does copyright last?.....	4
2.7	When do you need permission?	5
2.8	What exceptions are there to the need to get permission?.....	5
2.9	When is copyright infringed?.....	5
2.10	Consequences of infringing copyright.....	5
2.11	Buying, selling and licensing copyright	6
2.12	Moral rights: attribution and integrity	8
2.13	Special issues for Indigenous material	9
PART 3:	COPYING FOR STAFF AND COUNCILLORS.....	10
3.1	When can permissions be implied?.....	10
3.2	The CAL licence for councils.....	11
PART 4:	LICENSED ELECTRONIC RESOURCES.....	15
4.1	Computer software.....	15
4.2	CD-ROMs.....	16
4.3	Online subscription services.....	16
4.4	Use of material from the Internet.....	16
4.5	Purchasing and managing licensed electronic resources.....	17
PART 5:	MUSIC ON HOLD AND LIVE AND RECORDED MUSIC.....	20
5.1	Music on hold.....	20
5.2	Playing music.....	20
PART 6:	PUBLIC ACCESS TO DOCUMENTS HELD BY A COUNCIL.....	23
6.1	Is there an implied permission to copy for the public?	23
6.2	Copyright and legal obligations to provide access	23
6.3	Providing access while meeting copyright obligations.....	24

PART 7:	COUNCIL LIBRARIES.....	26
7.1	An overview of the library provisions.....	26
7.2	Making back-up copies of material in a library’s collection	27
7.3	Charging for library services	27
7.4	Inspection of the library’s records.....	27
7.5	Notices about copyright obligations.....	27
PART 8:	PUBLIC ART PROJECTS	29
8.1	Different types of public art.....	29
8.2	Is it a copyright work?.....	29
8.3	Identifying the “author” of the work and the owner of the copyright.....	30
8.4	The use of commissioned copyright material.....	31
8.5	Managing copyright and moral rights issues.....	31
8.6	Exceptions in the Copyright Act for public art.....	32
8.7	Commissioning site-specific artworks	33
8.8	Integrated design projects	35
8.9	Projects involving volunteers	36
8.10	Other artworks owned or acquired by a council	38
PART 9:	MANAGING COPYRIGHT OWNED BY OR LICENSED TO COUNCILS.....	39
9.1	When will a council own copyright?.....	39
9.2	Managing existing copyright.....	40
9.3	Protecting copyright assets.....	41
9.4	Licensing the use of copyright materials.....	42
APPENDIX 1:	NOTICES ON OR NEAR COPYING EQUIPMENT.....	44
APPENDIX 2:	DURATION OF COPYRIGHT.....	46
COPYRIGHT COUNCIL PUBLICATIONS AND TRAINING.....		47