



INFORMATION SHEET Artists & copyright

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This information sheet is for visual artists.

Before reading this information sheet, see Copyright Basics at www.copyright.org.au/basics.

Check our website to make sure this is the most recent version, and for related information and Q&As on this topic. See our webpage "Artists, designers & photographers" at www.copyright.org.au/art.

The purpose of this information sheet is to give general introductory information about copyright. If you need to know about how the law applies in a particular situation, please get advice from a lawyer.

Most artistic works are automatically protected by copyright

Copyright automatically protects most artistic works that:

- have resulted from some skill and effort;
- are not simply copied from something else; and
- are "fixed" in some way (for example, as a painting or photograph, or saved as a digital file).

Artistic works covered by copyright include:

- drawings
- paintings
- sculptures
- photographs, and
- craftworks (such as mosaics, tapestries, jewellery and woven art).

There is no registration procedure for copyright protection in Australia. You do not have to register your work or go through any other procedure.

Artistic works based on, or incorporating other people's work, can be protected by copyright

A work that is based on, or incorporates, other people's work can be protected by copyright if something new has been added. The artist may, however, need to get permission from the owners of copyright whose works have been included.

Freelance artists usually own copyright in work they produce

If you are a freelance artist, you will usually own copyright in work you produce. If the work is produced for a client, the client may own copyright if:

- you agreed, in writing, that the client would own copyright, or
- the client is a Commonwealth, State or Territory government department or agency.

If you are a salaried employee, copyrights in artworks produced as part of your job are likely to be owned by your employer.

Owning copyright means that others need your permission to do certain things with your work

If you own copyright, others who do the following with your work usually need your permission to:

- reproduce it (for example, in a book, poster or film),
- include it in a webpage,
- show it on television, and
- email it to the public.

People do not need your permission to exhibit the original version of your work (for example, in a gallery), but they usually need to credit you if they do so.

There are many special exceptions in the Copyright Act that allow people to use other people's work without permission. These include special exceptions relating to research and education.

People who use your work usually need to attribute you, and not treat your work in offensive ways

Even if you do not own copyright, people who use your work usually need to attribute you, and to avoid treating your work in offensive ways. This is because of obligations in the Copyright Act relating to "moral rights".

If your work is used as a design for the shape of a functional object, you might need to register the design

There are provisions in the Copyright Act that limit copyright protection for artistic works, such as drawings or sculptures, used as designs for the three-dimensional features of functional objects (such as the shape of a jug or chair). Because of this, you may need to consider registering the design under the Designs Act, administered by IP Australia.

Viscopy and Copyright Agency Limited collect royalties for artists

Viscopy is a non-profit organisation, known as a copyright collecting society, which licenses certain uses of artistic work on behalf of its members, who are artists. Copyright Agency Limited (CAL) administers special provisions in the Copyright Act that allow uses of copyright material, including artistic works, by educational institutions and by governments, subject to payment. CAL also licenses other types of organisations to make certain uses of its members' works, including local governments and non-profit organisations, and corporations. For more, see our webpage "Copyright collecting societies" at www.copyright.org.au/wp0080.

More information

- more information on this topic, including links to Q&As, at: www.copyright.org.au/art
- general information about copyright: www.copyright.org.au/information
- information from Arts Law Centre of Australia: www.artslaw.com.au

The Australian Copyright Council is a non-profit organisation, partly funded by the Australia Council for the Arts. The Council's services include information about copyright via its website, training and publications, research, and submissions on copyright policy.



Australian Government



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.