

# Table of contents

<b>1</b>	<b>About this publication</b> .....	1
1.1	Who this guide is for .....	1
1.2	How this guide is set out.....	1
1.3	Information, not legal advice.....	1
1.4	Glossary .....	2
<b>2</b>	<b>Introduction</b> .....	3
2.1	Introduction.....	3
2.2	Copyright in copywriting .....	3
2.3	What does copyright protect? .....	3
2.4	Material not protected by copyright.....	4
2.5	How long does copyright last?.....	6
2.6	Ownership of copyright .....	6
2.7	Copyright is a type of property .....	7
2.8	The exclusive rights of the copyright owner .....	7
2.9	Accessing material online.....	8
2.10	When is copyright infringed?.....	8
2.11	Moral rights .....	8
2.12	Performers' rights.....	10
2.13	Orphan works .....	11
2.14	Character merchandising .....	11
<b>3</b>	<b>Exceptions</b> .....	13
3.1	Introduction.....	13
3.2	Contract and exceptions.....	13
3.3	Fair dealing .....	13
<b>4</b>	<b>Contracts: assignments and licences</b> .....	17
4.1	Ownership .....	17
4.2	Assignments.....	18
4.3	Exclusive licences.....	18
4.4	Non-exclusive licences .....	19
4.5	Contractual licences .....	19
4.6	“Bare” licences.....	20
4.7	Express & implied licences .....	21
4.8	What to cover in a licence .....	22
4.9	Moral rights in advertising .....	23
<b>5</b>	<b>Practical pointers</b> .....	24
5.1	Start early and consider choosing content you can readily clear .....	24
5.2	Work out your budget.....	24
5.3	Learn when a clearance will be needed .....	24
5.4	Learn where there are hidden risks.....	25
5.5	Don't assume you'll get a clearance.....	25

5.6	Is the licence yours or your client's?.....	25
5.7	Collecting societies and pre-licensed content.....	25
5.8	Content available under “open” licences such as Creative Commons.....	26
5.9	Build up your knowledge of sources and providers.....	27
5.10	Set up a copyright register.....	27
5.11	Manage your risks.....	27
<b>6</b>	<b>Managing the clearance process.....</b>	<b>29</b>
6.1	Identify what material is being used.....	29
6.2	Develop alternative options for when you can't get a clearance.....	29
6.3	Have guidelines & pro forma documents available.....	29
6.4	Watch for “embedded” material.....	30
6.5	Be wary of paraphrasing.....	30
6.6	Identify how the material is going to be used.....	31
6.7	Identify the extent to which a permission may be needed.....	32
6.8	Who is the contracting party?.....	32
6.9	Ownership.....	32
6.10	Request the clearance.....	33
6.11	Document the clearance.....	34
<b>7</b>	<b>The digital space.....</b>	<b>36</b>
7.1	Digital is different.....	36
7.2	Protecting the integrity of your content.....	36
7.3	Ad placement.....	38
7.4	Online risk management.....	40
7.5	Other areas of the law.....	41
<b>8</b>	<b>Commercial products and clothing.....</b>	<b>42</b>
8.1	Filming & broadcasting artworks, clothing & products.....	42
8.2	Photographing clothing & products.....	42
8.3	Clothing packaging/logos.....	43
8.4	Trains, planes & automobiles.....	43
8.5	Making copies or replicas.....	44
8.6	Sydney Opera House.....	44
<b>9</b>	<b>Building compliance.....</b>	<b>45</b>
9.1	Building a copyright profile: step 1.....	45
9.2	Building a compliance profile: step 2.....	45
9.3	Building compliance procedures.....	46
9.4	Assist colleagues & contractors to assist you.....	47
<b>10</b>	<b>Managing infringements.....</b>	<b>50</b>
10.1	Introduction.....	50
10.2	Liability.....	50
10.3	Dealing with infringement.....	50
	<b>Appendix A: Duration of copyright.....</b>	<b>52</b>
	<b>Appendix B: Copyright collecting societies.....</b>	<b>61</b>
	<b>Appendix C: Other useful organisations.....</b>	<b>63</b>