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Copyright and the internet

What is copyright?

Copyright is a form of intellectual property protection for a variety of literary and artistic endeavours. Australian law recognises that individuals have the right to protect the moral and economic interests arising from their creative works. It is not ideas but their expression that is protected by copyright law.

In Australia, copyright law is set out in the *Copyright Act 1968* (the Act), and in court decisions that have interpreted the provisions of the Act. The law gives owners of copyright exclusive rights to do certain things with their material.

From time to time the Act is amended to keep the law relevant and up to date. The most recent amendments were passed by parliament on 5 December 2006.

So copyright isn't just restricted to books?

Correct. All material found on the internet is generally protected under copyright law. Material that is protected includes:

- written material – including e-books, website text, newspaper articles, emails, computer programs and song lyrics;
- dramatic works – including plays, dance and mime;
- musical works – including musical scores;
- artistic works – paintings, drawings, photographs and computer graphics;
- films – including streaming video footage and television programmes; and
- sound recordings – including compact discs and MP3 files.

Therefore, a diagram or article (for example) is protected by copyright whether it is in a book, posted on the internet or on a CD-ROM.

How do I get copyright protection for my material on the internet?

Copyright is free and automatic. You don't have to pay for it, and you don't have to ask for it. The moment you create your work it is protected by copyright (provided it is sufficiently original). Copyright protection will usually last until 70 years after the death of the creator.

Can I copy material off the internet without seeking permission?

No. If you copy material off the internet without permission you may be infringing the rights of a copyright owner. It is a common misconception that once material is posted to the internet it can be freely copied: this is not the case.

The Act gives the copyright owners of material on the internet certain exclusive rights. These include:

- the right to reproduce the material eg: print the material or save it onto a disk; and
- the right to communicate the material to the public eg: post the material on a website.

This means that you may be infringing the rights of a copyright owner if you:

- print material from a website;
- cut and paste material from another site onto your website;
- save material from a website on your hard drive or on a disk; or
- make internet material available to other users via email or an Intranet system.

What can I do to avoid infringing copyright?

One of the best ways to avoid infringing copyright is to check for a copyright statement before printing, downloading, forwarding or re-posting material from any website you may visit. This statement should provide you with a guide to what the website owner will allow you to do with material on their site.

If there is no copyright statement you should not assume that you are free to print, download or re-post material from the site. Instead, you should email the webmaster and ask for permission to use material from the website.

In cases where the webmaster is not the copyright owner, you should ensure that:

- the material has been made available with the copyright owner's consent; and
- the copyright owner is happy for their material to be printed, downloaded or re-posted.

Can I forward emails containing copyright material?

If you forward an email containing copyright material to a third party you may be infringing copyright. This is because forwarding an email constitutes a communication to the public. So before forwarding any email that has been sent to you, you should check it for a copyright statement, or if none exists, it may be wise to seek permission from the owner of the copyright material contained in the email.

Can I provide links to other websites?

Linking raises a number of complex copyright issues. Therefore, before linking to other material on the internet there are a number of questions you should ask. These include:

- does the material I am linking to contain a copyright notice?
- have I asked the copyright owner for permission to link to their material?
- can I be sure that I am not linking to material that has been posted illegally?
- am I linking to material that is only available by subscription or payment?

Recent amendments to internet caching by educational institutions came into effect from 11 December 2006.

Now, passive caching by educational bodies involving the automatic reproduction of web pages to reduce bandwidth congestion and provide quicker access is not considered an infringement of copyright. This new provision is limited to educational institutions and does not allow for active caching where there is a deliberate selection of copyright works.

How can I protect my own material on the internet?

By posting your work to the internet you must accept the risk that your copyright may be infringed. There are however ways to minimise this risk. Some examples include:

- ensuring you prominently display a copyright notice on your site setting out what can and can't be done with your work; and
- using copy protection or digital rights management software such as digital watermarking.

Remember, under the Act you also have the right to pursue legal action against any individual that infringes your copyright.

Who is CAL?

Copyright Agency Limited (CAL) is an Australian copyright management company whose role is to provide a bridge between creators and users of copyright material. CAL represents authors, journalists, visual artists, photographers and newspaper, magazine and book publishers as their non-exclusive agent to license the copying of works to the general community.

CAL's mission is to secure fair payment for authors and publishers for the copying of their works, whilst providing users with a legal means of copying and communicating their works.

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