

COPYRIGHT BUSINESS



Aboriginal and Torres Strait Islander Artists

COPYRIGHTAGENCY | viscopy



Above: Artist and Viscopy Member Bibi Barba at work at Karlangu Aboriginal Art Centre.
Photo: © Byran Sun.

WHAT IS COPYRIGHT?

Copyright is a set of rights that protect an artist and their works from being copied without permission.

When you want to share your art and allow it to be copied to make new things, copyright is something that you can use to earn ongoing money.

You don't have to register your copyright. Once an original painting, sculpture, weaving or any other artwork is created, it is automatically protected by copyright.

WHO OWNS COPYRIGHT?

Copyright usually belongs to the person who made the artwork.

When you sell your artwork, the buyer gets to keep the work but you keep the copyright.

You can sell the copyright with your work, but it is not usual to do this. If you do give your copyright over to someone else, you will no longer receive any payments when your artwork is copied. You should think carefully about this and talk to someone you trust before giving over your copyright.



Judy Napangardi Watson, *Mina Mina*.
Image courtesy of Warlukurlangu Artists.
© Judy Napangardi Watson/Licensed by Viscopy



Judy Napangardi Watson's artwork, *Mina Mina*, was licensed through Viscopy for an Australia Post stamp.
© Judy Napangardi Watson

WHAT SHOULD I DO IF SOMEONE WANTS TO USE MY WORK?

If someone wants to use your work, you need to make an agreement. This is often called 'a licence'.

A licence should tell the person using the work:

- ⦿ How they can use the work
- ⦿ For how long they can use it
- ⦿ How much they need to pay to use it

For your own protection, it is better for a licence to be in writing.

You might need help and advice about writing a licence agreement. If you are an artist and join the Copyright Agency | Viscopy as a member, we can put an agreement in place for you.

Copyright Agency | Viscopy manages the rights to a wide variety of artworks and artwork reproductions, including for books, film and TV, websites, advertising, merchandise, exhibition catalogues and more.

THIS IS HOW OUR LICENSING AGREEMENTS WORK



*Copyright Agency | Viscopy are not-for-profit organisations. An administration fee to cover running costs is deducted from licensing fees, royalties and statutory payments collected for members. See our website for full details.



Above: Exclusive Nancybird merchandise commissioned by the National Gallery of Victoria for their 150th Anniversary featuring Margaret Preston's, *Stenocarpus - wheel flower (detail)*, © Margaret Preston Estate/Licensed by Viscopy.

GOOD COPYRIGHT BUSINESS

- ⦿ Document all work (e.g. take photos, keep all rough copies)
- ⦿ Mark work with a © symbol and your name and the year it was made
- ⦿ Never sign away your copyright or go into an arrangement that doesn't feel right
- ⦿ Make sure all agreements to use your work are in writing
- ⦿ Don't feel pressured or forced into anything that you aren't comfortable with
- ⦿ If you're unsure, ask for help

Remember, your copyright belongs to you and only you can decide how and for what purpose it can be used.

MORAL RIGHTS

As the artist, you have the right to be named when the artwork is used. You also have the right to have the artwork respected and not used in a way that would hurt your reputation as an artist. This applies even if you sell or give your copyright to someone else.

RESALE ROYALTY

Through the resale royalty scheme, artists can receive five per cent of the sale price when eligible works are resold. To be eligible, the artwork needs to have been acquired by the seller after 8 June 2010 and resold for \$1,000 or more. For other conditions go to www.resaleroyalty.org.au

THIS IS HOW ARTISTS CAN BE PAID A RESALE ROYALTY



To make sure we can contact you when you have an eligible resale, provide your contact details to us at www.resaleroyalty.org.au



Above: Artist Elton Wirri, from Ngurratjuta Many Hands Arts Centre in the Northern Territory, creates his artwork in watercolour. **Photo:** © Guy Louanglath. Artwork: © Elton Wirri

HOW LONG DOES COPYRIGHT AND THE RESALE ROYALTY RIGHT LAST?

Both copyright and resale royalty last for the lifetime of the artist plus 70 years.

If an artist wants a family member to benefit from these rights after they pass away, artists can make a written will. We encourage you to seek legal advice when putting together a will.

Ask us about will writing workshops or please contact **Arts Law** on **1800 221 457 (toll-free)**.



Our Country, 2015. © Ben Ward/Licensed by Viscopy.

Ben Ward was the first Aboriginal artist, and the first Western Australian, to take out the \$10,000 Copyright Agency | Viscopy John Fries Award in 2015 for his painting *Our Country*.

ABOUT US

Copyright Agency | Viscopy is Australia and New Zealand's licensing organisation for artists, photographers, authors and publishers. Viscopy specialises in licensing artworks for a range of uses such as catalogues and merchandise. Copyright Agency manages the education and government copying schemes and resale royalty schemes.

Through the services agreement which commenced in July 2012, the Copyright Agency provides membership and licensing services for Viscopy. For more information, go to **www.viscopy.org.au**

CONTACT US

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www.viscopy.org.au
www.resaleroyalty.org.au
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