

Copyright Law: A refresher

Good copyright governance helps organisations build a strong culture of ethical content use and compliance.

It is not only about assessing legal risk, but also about understanding how third-party content is used across the organisation and ensuring the appropriate permissions are in place. Decisions should be based on a clear understanding of what can and cannot be done without permission, rather than myths or assumptions.

Having the right permissions in place helps organisations use content responsibly, support good governance and fairly compensate the creators and publishers whose work they rely on.

Copyright 101 – key concepts

In Australia, copyright law is set out in federal legislation (Copyright Act 1968), and in court decisions which have interpreted the Act.

Copyright is a form of intellectual property that gives copyright owners a **bundle of exclusive rights** to deal with their works in certain ways. These rights may be assigned or licensed on an exclusive or non-exclusive basis.

Copyright protects a range of material, including text, photos, illustrations, artworks, maps, plans and music. It is the expression, not the idea, which is protected.

Reproduction and communication of an original work is not permitted unless rights are granted by the copyright owner or where a specific copyright 'exception' applies.

Copyright protection is automatic – registration is not required in Australia and duration of copyright protection, in most cases, is the life of the creator plus 70 years.

Copyright infringement can expose an organisation to legal action and financial damages. In some circumstances, punitive damages for flagrant conduct may also be awarded. Claims can be brought by the copyright owner up to six years after the infringement occurred.

Common copyright terms

Reproduce

Making a copy in any form, including downloading or saving material to a device, shared drive or document management system; copying and pasting text or images into presentations, reports and other business documents; uploading or entering material into AI tools; scanning, photographing or photocopying.

Communicate

Making copyright material available online for others to access or electronically sending it to them, including through shared drives, workplace collaboration platforms, document management systems, client portals, websites, social media, messaging services and email.

Substantial part

Copyright can apply not only to a complete work, but also to a part that is distinctive, important or recognisable, even where that part is relatively small.

Moral rights

Creators have personal rights in relation to their work, including the right to be credited, not to have their work falsely attributed, and not to have it treated in a derogatory way.

Copyright myths	Copyright reality
If it's on the internet, anyone can use it.	Copyright still applies to material available online. A website may contain a copyright notice or terms of use, but copyright protection does not depend on whether these are displayed.
I don't need permission if I make changes to it.	Making changes does not remove the need for permission. If you use an important or distinctive part of someone else's work, permission may still be required.
I can use other people's work as long as I credit them.	Crediting the creator may satisfy attribution requirements, but it does not replace the need to obtain permission to reproduce or communicate the work.
I don't need permission if I copy less than 10% of a work.	There is no general rule allowing up to 10% of a work to be copied without permission. Even a small part may require permission if it is an important, distinctive or recognisable part of the work.
Copyright does not apply if I am only doing it for internal purposes.	Copyright law does not distinguish between a copy being made and shared within a business or externally.
We paid for it, so we can reuse it.	Paying for access to read content does not automatically give you the right to copy, share or reuse it. Those rights depend on the applicable terms and often require an additional licence.
It's fair use.	"Fair use" is a term used in United States copyright law and does not apply in Australia. Australian law provides narrower "fair dealing" exceptions for specific purposes and circumstances.