COPYRIGHTAGENCY

Copyright Governance

A Risk and Compliance Guide
2026 Edition

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The **Copyright Agency** is an Australian not-for-profit organisation that represents over 40,000 members across the publishing, media, visual arts, education and surveying sectors.

We license copyright material, so companies can legally reuse content created by others, and be confident that creators are being compensated fairly for their work – thus practising Good Copyright Governance. Licensing revenue is distributed to our members, ensuring the Australian creative economy remains strong.

copyright.com.au

Introduction

Copyright governance

The values, governance practices and ethical behaviour of organisations are under increasing scrutiny as businesses rapidly adopt generative AI, automation and digital collaboration tools. Regulators, shareholders, customers and the public increasingly expect organisations to demonstrate strong governance over how information, data and third-party content are accessed, used, shared and stored.

As part of broader governance and responsible AI obligations, organisations should consider copyright compliance when reviewing their risk management frameworks, operational practices and corporate culture.

Good copyright governance is an important component of building a strong culture of ethical behaviour, compliance and responsible information use. As businesses increasingly rely on digital content, collaboration platforms and AI-enabled tools, understanding copyright obligations becomes an essential component of effective governance and risk management. This document outlines the regulatory framework governing the use of copyright material, provides risk modelling to help assess potential compliance gaps, and identifies practical approaches for managing and reducing copyright risk.

Legislative framework

Copyright Act 1968 (Cth)

31 Nature of copyright in original works

(1) For the purposes of this Act, unless the contrary intention appears, copyright, in relation to a work, is the exclusive right:

(a) in the case of a literary, dramatic or musical work, to do all or any of the following acts:

(i) to reproduce the work in a material form;

(ii) to publish the work;

(iii) to perform the work in public;

(iv) to communicate the work to the public;

(vi) to make an adaptation of the work;

(vii) to do, in relation to a work that is an adaptation of the first mentioned work, any of the acts specified in relation to the first mentioned work in subparagraphs (i) to (iv), inclusive; and

(b) in the case of an artistic work, to do all or any of the following acts:

(i) to reproduce the work in a material form;

(ii) to publish the work;

(iii) to communicate the work to the public; and

36 Infringement by doing acts comprised in the copyright

(1) Subject to this Act, the copyright in a literary, dramatic, musical or artistic work is infringed by a person who, not being the owner of the copyright, and without the licence of the owner of the copyright, does in Australia, or authorizes the doing in Australia of, any act comprised in the copyright.

Corporations Act 2001 (Cth)
Division 1 – General duties

180 Care and diligence – civil obligation only

Care and diligence – directors and other officers

(1) A director or other officer of a corporation must exercise their powers and discharge their duties with the degree of care and diligence that a reasonable person would exercise if they:

(a) were a director or officer of a corporation in the corporation's circumstances; and

(b) occupied the office held by, and had the same responsibilities within the corporation as, the director or officer.

Note: This subsection is a civil penalty provision (see section 1317E).

Business judgment rule

(2) A director or other officer of a corporation who makes a business judgment is taken to meet the requirements of subsection (1), and their equivalent duties at common law and in equity, in respect of the judgment if they:

(a) make the judgment in good faith for a proper purpose; and

(b) do not have a material personal interest in the subject matter of the judgment; and

(c) inform themselves about the subject matter of the judgment to the extent they reasonably believe to be appropriate; and

(d) rationally believe that the judgment is in the best interests of the corporation.

The director's or officer's belief that the judgment is in the best interests of the corporation is a rational one unless the belief is one that no reasonable person in their position would hold.

Note: This subsection only operates in relation to duties under this section and their equivalent duties at common law or in equity (including the duty of care that arises under the common law principles governing liability for negligence) – it does not operate in relation to duties under any other provision of this Act or under any other laws.

(3) In this section:

Business judgment means any decision to take or not take action in respect of a matter relevant to the business operations of the corporation.

Australian copyright law in context

Copyright protection under the *Copyright Act 1968 (Cth)* extends to literary, artistic, dramatic and musical works, as well as broadcasts and performances, sound recordings, survey plans, compilations such as anthologies, and published editions. Copyright does not protect ideas, concepts, styles, techniques or pure information.

Under s36 of the *Copyright Act 1968 (Cth)*, copyright infringement occurs where someone who is not the rightsholder, exercises any of the exclusive rights (contained in s31) of the copyright holder without permission or a licence. Organisations may be held vicariously liable for their employees' or contractors' copyright infringement.

Permission or a licence is not required where a fair dealing exception applies. "Fair dealing" exceptions in Australian copyright law allow the use of copyright material for a narrowly defined set of purposes:

- research or study
- criticism or review
- parody or satire
- reporting the news
- access by a person with a disability or an organisation assisting a person with a disability
- giving professional advice by a lawyer, patent attorney or trademarks attorney

In considering whether the dealing with the work is fair, the courts will look at whether an objective person would consider:

- that the use of the work is genuinely for one of the fair dealing exceptions in the act, and
- the use of the work is fair in that context

Fairness considerations

Considerations would include whether there was a negative financial impact upon the rightsholder, including whether the work was being used for commercial purposes. However, even where an organisation's use of the work did not result in a profit, it would not necessarily make the use in question fair.

In a business context, this means regular day-to-day activities, such as the below, would usually require either a copyright licence or permission from the rightsholder:

- copying or downloading material from websites
- sharing articles, media clips or reports internally or externally
- copying text, images, graphs or tables into reports or presentations
- uploading third-party content into AI tools or AI prompts
- posting content on intranets, collaboration platforms or websites
- saving copyright material to shared drives or cloud platforms
- sharing content through Teams, Slack or social media
- scanning hardcopy material into digital formats
- printing or photocopying content

Copyright law and good corporate governance

Under s180 of the *Corporations Act 2001 (Cth)*, directors and other officers of an organisation have a responsibility to discharge their duties with a degree of care and diligence – which includes the duty to examine and comply with all laws, codes and practices which affect their organisation. This would include an organisation's obligations under the *Copyright Act 1968 (Cth)*. Alongside the statutory requirements, copyright and practising good copyright governance sits firmly within an organisation's corporate social responsibility.

The Australian Government's Corporations and Markets Advisory Committee examined the extent to which Australian companies should adopt corporate social responsibility. The report concluded that corporate social responsibility can be an important means for companies to manage non-financial risks and maximise their long-term financial value:

> "… a well-managed company will generally see it as being in its own commercial interests, in terms of enhancing corporate value or opportunity, or managing risks to its business, to assess and, where appropriate, respond to the impact of its activities on the environmental and social context in which it operates. Companies that fail to do so appropriately may jeopardise their commercial future.[1]"

Copyright governance should be assessed as part of an organisation's adherence to corporate social responsibility as there is an economic and social impact upon content creators, if they are continually not remunerated for the use of their works by organisations. This continual non-payment impacts upon the economy by driving down the reasonably expected return on investment for creators. A 2024 economic study of professional artists in Australia found that 63 per cent of writers received income from royalties and advances from their creative work, highlighting the importance of copyright licensing and royalty payments as a source of creator income.[2]

Core copyright industries (including press, literature, music, art and broadcast) contributed approximately $124.1 billion to the Australian economy in 2018 and employed over 1 million people.[3] The impact of continual non-payment of royalty or licensing fees on this industry will see a decline in the types and quality of content being created as revenue streams are eroded.

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[1] CAMAC, Corporations and Markets Advisory Committee 2006, The Social Responsibility of Companies, December, Sydney.p78

[2] David Throsby and Katya Petetskaya, *Artists as Workers: An Economic Study of Professional Artists in Australia*, Macquarie University and Creative Australia, May 2024, Table 9.2, p. 93.

[3] PwC 2020, *The Economic Contribution of Australia's Copyright Industries,* 2002 - 2018 p4.

Copyright works

Use in a business context

The notion that copyright works are only used within marketing and communications departments is a myth.

Copyright works are easily accessed by any employee who requires information that cannot be derived purely from an enterprise's own created works. Copyright protection is generally afforded to all literary works as well as photographs, illustrations and survey plans.

Which functions commonly interact with third-party content	
Business function	**Typical copyright use**
Executives	• Sharing news, market intelligence and industry analysis
Sales & Relationship Teams	• Using articles, reports and research in client communications and presentations
Marketing & Communications	• Reusing third-party articles, research, images and data in internal communications and business materials
Research, Product & Strategy Teams	• Using third-party research, reports, charts and analysis in internal decision-making
Risk, Legal & Regulatory Teams	• Sharing reports, media, market analysis and published material with regulators or advisers
HR & Learning	• Using external content in employee training, onboarding and capability development
IT & Digital Workplace	• Responsibility for enterprise platforms where third-party content may be uploaded, shared and retained by staff over time
All employees	• Using third-party content in AI tools, shared drives, and communication and collaboration platforms

Subscriptions, terms and conditions of use

Many enterprises will engage with copyright-protected works via subscriptions to services. But these subscriptions' terms of use are limited. These services may include:

- direct subscriptions to a publisher's website and/or publications
- subscriptions to a content aggregator or database
- agreements with a media monitoring organisation or a media analytics service.

The terms and conditions of use for these services will generally be restricted to a nominated number of internal users and may additionally provide rights for limited copying or sharing of content within an organisation. Generally, these subscriptions will not provide blanket copyright coverage, and will generally not allow for content to be shared with third parties outside of an organisation.

For example, media monitoring organisations in Australia (including Isentia, Medianet, Meltwater and Streem) are licensed by Copyright Agency to provide internal sharing rights to their Downstream Licence, requires an additional licence or permission.[4]

Where content is shared beyond the terms of use of a subscription or service agreement, alongside breaching the terms of the agreement, the organisation runs the risk of copyright infringement.

Use of copyright material

Research conducted in 2025 by an independent market research agency, Fiftyfive5 showed that 47% of staff who are using generative AI tools like ChatGPT use third-party materials in AI prompts weekly.

AI tools such as ChatGPT and Copilot have terms and conditions requiring you to hold a licence for any third-party material that is input whether by cutting and pasting or uploading documents. This means if staff upload material such as media coverage, research papers or other published information a licence will be required.

Data Storage

Digitally storing copyright works without a licence or permission on desktops, servers, storage devices, emails etc, is also a copyright risk as the copy is often created outside the terms of use and without an additional permission or licence. Any subsequent use of such copies in internal workflows could mean additional infringement takes place.

The following chart demonstrates how employees may share and reuse copyright content without awareness of copyright, or concern for the publisher/services terms and conditions.

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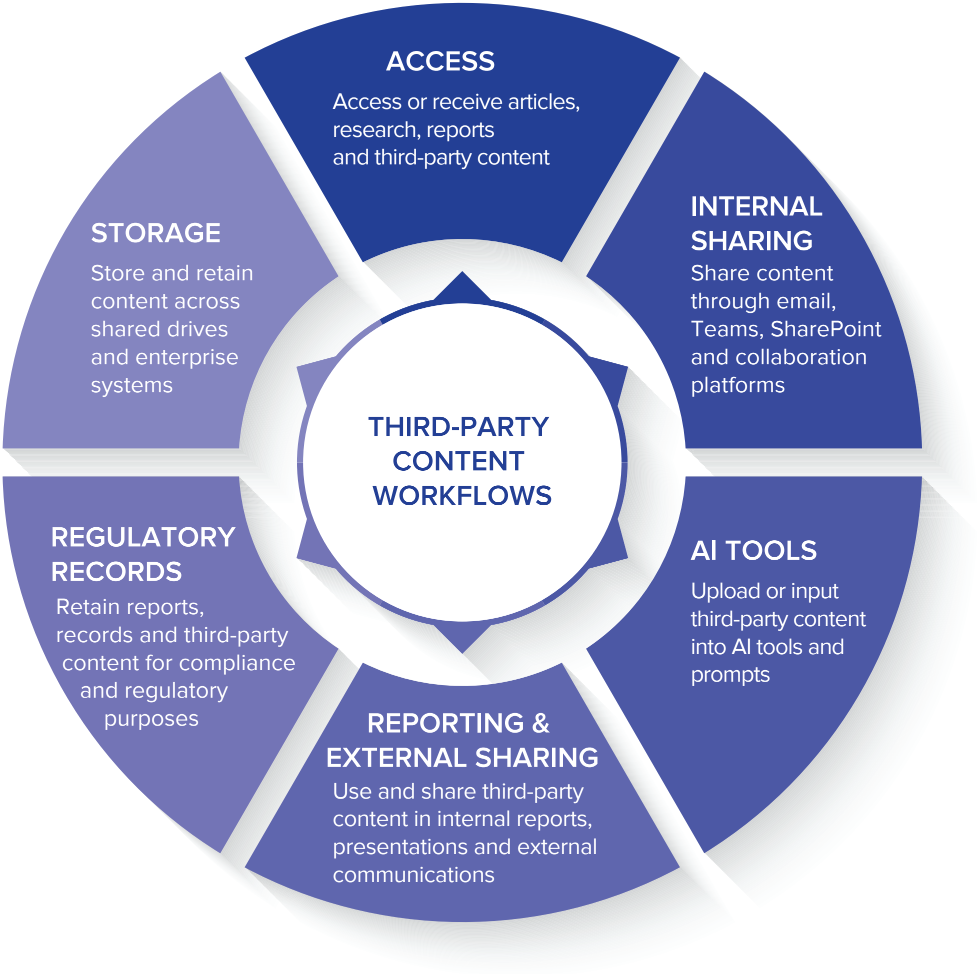
[4] Copyright Agency information for customers of Media Monitoring Organisations

How third-party content moves through organisations



Copyright and risk

Quantifying copyright risk

The increasing use of collaboration platforms, cloud storage and AI-enabled tools has accelerated how third-party content is accessed, shared, stored and reused across organisations. Where copyright material is used without appropriate permission or licensing, organisations may face operational, regulatory and reputational risk.

Organisations regularly use third-party content as part of day-to-day business activities including reporting, research, training, regulatory compliance, stakeholder communications and AI-enabled workflows. In many cases, this content may be copied, shared, stored or reused beyond the permissions provided under subscription agreements, platform terms or copyright law.

Risk exposure can increase over time where third-party content is widely distributed across collaboration platforms, shared drives, email systems, cloud storage and AI tools with limited visibility or oversight. What may begin as routine employee behaviour can develop into broader operational, compliance and reputational risks for an organisation.

Organisations may underestimate copyright risk for several reasons, including:

- low visibility of how third-party content moves across enterprise systems
- assumptions that internal sharing or AI use is low risk
- reliance on subscriptions, platforms or vendor agreements as providing blanket permission
- limited oversight of content stored across collaboration platforms and enterprise systems
- uncertainty around copyright obligations in AI-enabled workflows

The widespread use of AI tools and enterprise collaboration platforms may also increase the scale and speed at which copyright material is copied, retained and reused across organisations.

As examples of operational, regulatory and reputational risk, see the following case studies involving organisations that used third-party content without appropriate permission or licensing. Financial remediation and public apologies formed part of the resolution in both matters.

Case studies

Copyright Agency has settled hundreds of matters involving the unlicensed use of our members' content. The below case studies highlight the reputational and operational risk of copyright infringement in an organisation.

Case study 1 – Strathfield Council (NSW)

This recent case study on actions undertaken by an Australian local council highlights both the **operational** and **reputation risk** faced by an organisation that is not copyright compliant. An IT contractor for Strathfield Council inadvertently placed copyright works on an externally facing website without a licence or permission from the rightsholder. This was both a breach of copyright and a breach of the terms and conditions of the council's licence for the use of content supplied by a media monitoring organisation. Following discussions with the Copyright Agency, Strathfield Council agreed to pay for an annual copyright licence, and to make a payment for past use, as well as issuing a public statement of apology published in the Daily Telegraph, Sydney Morning Herald and the Inner West Courier.

Case study 2 – Australian Hotels Association (NSW)

This recent case of an association highlights the reputational and financial risk faced by organisations that are not copyright compliant. The association had posted newspaper articles to their website without permission or a licence from the relevant publishers. This was both a breach of copyright and a breach of the terms of their agreement with their media monitoring organisation. Following conversations with the Copyright Agency, Australian Hotels Association (NSW) obtained an ongoing annual copyright licence, made payment towards their past unlicensed use of content and published an apology in The Australian, Sydney Morning Herald and The Daily Telegraph.

Risk modelling

With most organisations' employees having access to printers, email, computers, internet, photocopiers and social media, the risk of copyright infringement is high.

Research[6] has shown that copyright infringement by employees is likely to be frequent given that:

- 61% of employees download newspaper or magazine content
- 42% are taking screenshots of text, images, graphs or charts
- 65% of employees share content via email or platforms like Slack, Teams etc
- 62% of employees are sharing content via shared drives or storage platforms like SharePoint
- On average, 69% of white collar workers download, copy or save journal or newspaper articles, 124 times per year.

The following examples demonstrate how copyright risk can accumulate through routine employee use of third-party content.

- In a company of 100 employees, 30 employees each download 132 newspaper articles over a 12 month period.
- 30 staff downloading 132 newspaper articles = 3,960 downloads per year

By using pay-per-use licensing rates for Australian newspaper content[7] we can quantify the operational risk in certain scenarios using this research:

- One staff member downloads 11 Sydney Morning Herald articles to a company laptop per month = **$67,188** in unpaid licence fees owed to rightsholders per year
- 30 staff members each download 11 Sydney Morning Herald articles to their company laptops per month = **over $2 million** in unpaid licence fees owed to rightsholders per year.

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[6] Risky Business, 2023, Fiftyfive5.

[7] RightsPortal: https://rightsportal.copyright.com.au/licensing/quote

Good copyright governance

Achieving good copyright governance

Practical steps can help organisations strengthen copyright governance, reduce risk and support responsible use of third-party content.

Understand the risk

- Review how third-party content is accessed, shared, stored and reused across the organisation
- Assess how collaboration platforms, cloud storage and AI tools are used within existing workflows
- Understand how content is shared internally and externally, including with regulators, advisers and business partners
- Identify gaps between current business practices and existing permissions, subscriptions or licensing arrangements

Follow best practice

- Ensure policies and processes support responsible use of third-party content
- Establish clear accountability for copyright governance and permissions management
- Provide employees with practical guidance on the use of third-party content, AI tools and collaboration platforms
- Regularly review systems and workflows where third-party content may be retained or shared

Support organisation-wide copyright compliance

Copyright can be complex, particularly in large organisations where third-party content moves across multiple systems, teams and workflows. Common misconceptions about internal sharing, digital storage and AI-enabled use can create significant compliance gaps.

An annual Copyright Agency licence helps organisations support compliant use of third-party content across day-to-day business activities. It enables employees to access, share and reuse content more efficiently while supporting governance, risk management and responsible business practices. Key benefits include:

Time

Reduce friction in day-to-day content and AI-enabled workflows

Ease of use

Simplify permissions management across the organisation

Peace of mind

Support governance, compliance and risk management objectives across digital and AI-enabled environments

Collaboration

Share material internally, email articles to clients, and publish news content on your website or social media[8]

Flexibility

Adapts to changing platforms, systems and business workflows

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[8] Terms, conditions, limits and exclusions apply. Refer to the licence agreement for full terms and conditions.

Summary

Copyright risk is manageable

Organisations cite in their governance statements their employees' commitment to operating within the regulatory and legislative environments that concern their businesses.

This must include the obligation, as set out in Australia's *Corporations Act 2001 (Cth)*, to evaluate codes of conduct against employee practices.

When employees are required to use information from a range of copyright sources, with little time to assess permission or licensing criteria for reuse, a corporate copyright licence is an easy way to provide enterprise-wide compliance.

A Copyright Agency copyright licence fosters a culture of trust and respect, as it exemplifies an organisation's willingness to provide fair compensation to the creators of the material it relies on.

Commercial Licensing
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