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# How to protect and offer your work in the digital environment

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## More information

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Before you market, license or sell the use of your works in the digital environment there are a number of things you need to consider.

## Is your work protected?

Copyright is a free and automatic right. The moment you create your work in material form it is protected by copyright (provided it is sufficiently original). In Australia, copyright protection will usually last until 70 years after the death of the creator.

This protection extends to almost all material found on the internet. Material that is copyright 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** - including paintings, drawings, photographs and computer graphics;

**Films** - including streaming video footage and television programs; and

**Sound recordings** - including compact discs and MP3 files.

For example, an illustration or article (for example) is protected by copyright whether it is in a book, posted on the internet, included within an e-book, e-journal or on a CD-ROM.

## What are my rights?

The *Copyright Act 1968* (the Act) gives copyright owners certain exclusive rights for the electronic use of their materials. These include:

- the right to reproduce the material e.g. print the material or save it onto a disk; and
- the right to communicate the material to the public e.g. post the material on a website, or email the material to other parties.

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

## The copyright notice

An important step in protecting your work in the digital environment is to ensure your work displays a copyright notice or statement.

A copyright notice is not actually required by law but we recommend it. It reminds users that your work is protected by copyright. It also allows users to easily identify who the copyright owner is, should they want to ask for permission to use the content.

Remember, material on the internet is available worldwide, so you should word the statement in a way that can be understood and applied globally.

At a minimum, you should include the international copyright symbol, the name of the copyright owner and the year of first publication (or the year of creation, if not published). For example, © Jane Brown 2005.

If you want to let some groups use your works without payment or permission, you should specify this in your copyright notice. However, you need to carefully consider which groups may use the work for free, and make sure you communicate this



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clearly. For this purpose you should outline the:

- different types of electronic uses permitted e.g. copy, print, save, network; and
- different types of users – personal use, educational use, commercial use etc.

Please note fair dealing exceptions and educational and government copying licences contained in the Act may override any conditions set within a copyright notice.

If you permit certain uses you may not be entitled to a CAL distribution. For example, you will not receive a distribution payment for a copied work identified in a CAL university survey if the work states in its copyright notice that it may be used 'for educational purposes'.

### Sample website notice:

"The Australian *Copyright Act 1968* (the Act) allows 10% of the number of words on this website to be reproduced and/or communicated by any educational institution for its educational purposes provided that the educational institution (or the body that administers it) has given a Notice to Copyright Agency Limited (CAL) under Part VB of the Act.

For details of the CAL licence for educational institutions contact:

Copyright Agency Limited  
Level 15, 233 Castlereagh Street  
Sydney NSW 2000  
Telephone: (02) 9394 7600  
Facsimile: (02) 9394 7601  
E-mail: [info@copyright.com.au](mailto:info@copyright.com.au)

**Except as permitted under the Act (for example for the services of the Crown or in reliance on one of the fair dealing exceptions i.e. a fair dealing for the purposes of research or study) no part of this website may be reproduced, stored in a retrieval system, communicated or transmitted in any form or by any means without prior written permission. All inquiries should be made to the copyright owner at \_\_\_\_\_."**

### Digital Rights Management

The copyright notice or statement is the first step for protecting your work but you may also use copy protection, or digital rights management (DRM) software.

There are two types of DRM technologies:

- access and copy controls – which may include password protection or encryption; and
- rights management information – this can range from a copyright notice or statement, a digital watermark or be as sophisticated as a digital rights management tag in the form of metadata.

Most internet service providers and digital licence schemes will use and/or offer these services.

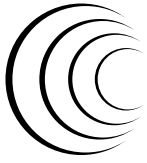
### Valuing your electronic work

You can license or assign the copyright and exclusive rights in your work to other parties. This can be through an outright sale or a licence agreement with a publisher, aggregator service or e-library.

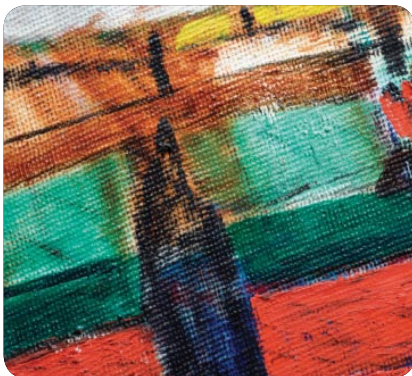
However, when choosing how you wish to offer your work digitally you should consider the current and potential value and uses of your material. Keep in mind digital publishing, revenue models and channels are still under development. So be careful not to cut yourself out of this potentially large market before the business models are fully established.

In valuing your work, you should consider:

- whether to license the use of your works for specific requests or to sell outright;
- incorporating any copyright royalties into the sale or licence price;
- how many rights to assign or license, whether to include the right of reproduction only or also communication;
- whether different values are attached to different rights and usages; and



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- packaging your work – you may want to offer some form or use of your work for free and charge for others (e.g. charge for the CD-ROM but provide a free accompanying booklet).

## Put it in writing – the agreement

In any agreement for the use of your materials such as a licence or sale agreement, make sure you cover:

- whether the rights are granted by assignment (similar to a sale), or by an exclusive or non-exclusive licence (similar to a lease). If you want to offer your work with more than one digital scheme or aggregator you need to ensure you grant rights by a non-exclusive licence;
- how the work can be used (for publication, reproduction and communication electronically and/or in hard copy form);
- how secondary income is to be dealt with e.g. CAL payments and other royalties;
- the amount and manner of payment;
- period of time the rights are granted e.g. the full copyright term or one year etc;
- the territory or territories in which the rights are granted;
- attribution of the copyright owner and approval process for alterations (whether to seek the copyright owners' consent); and
- terms for termination of the agreement and the reversion of rights.

## CAL's role in the digital environment

CAL has been working with creators, publishers, policy makers and users to develop ways to distribute digital copyright material which provides efficient access for users and protection and payment for creators.

CAL is also the Australian registration agency for the digital rights management technology known as Digital Object Identifier (DOI). DOI acts as a digital identifier that allows anyone with access to the internet to locate and identify DOI tagged content which may be an article, graphic or photo.

## Who is CAL?

Copyright Agency Limited (CAL) is a not-for-profit company set up by Australian authors, journalists, visual artists, photographers and publishers to manage part of their copying and communication rights. CAL is owned by its members, membership is free and members give CAL a non-exclusive licence in respect of their works.

## Code of Conduct

CAL is a signatory to the Code of Conduct for Copyright Collecting Societies (the Code). It is designed to ensure that the rights of all members and licensees are clearly stated, and that the operations of collecting societies are transparent and accessible.

The Code includes requirements for the Complaints Handling and Dispute Resolution procedures that collecting societies must follow. The Code and these procedures are available from CAL's website and on request.