

# What's the Difference?

## Copyright

*Copyright is a type of property that is founded on a person's creative skill and labour.*

*Copyright protects the form or way an idea or information is expressed, not the idea or information itself.*

*Copyright is part of an area of law known as intellectual property.*

*Intellectual property law protects the property rights in creative and inventive endeavours and gives creators and inventors certain exclusive economic rights, generally for a limited time, to deal with their creative works or inventions.*<sup>[1]</sup>

Examples of expressions which are covered by intellectual property (copyright)

- Music
- Lyrics (including poetry and spoken word)
- Photos
- Videos
- Paintings
- Speeches
- Choreography

### Do I need to register?

You automatically hold the copyright (intellectual property) for any and every original work that you create. It does not need to be registered or have any payment made.

### How long does it last?

Copyright remains enforceable 70 years after the death of the creator, or 70 years after the first performance of a work if the creator has already died.

Performers are also part owners of copyright material as their interpretation is also part of the “expression” of the idea, so technically, recording someone singing something needs permission granted before you post it on Facebook.

In short: You Made It – You Own It, even if you're dead but you can give it away (mostly)

[1] <https://www.ag.gov.au/RightsAndProtections/Documents/ShortGuidetoCopyright-October2012.pdf>

# Licensing

A **licence** authorises the use, performance, or release of something i.e. a copyright holder would grant a person or organisation a license to allow them to use their intellectual property.

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**Rights** are a moral or legal entitlement to have or do something.

Even if you grant a license for unrestricted and unconditional use of your work, you still have the right to be acknowledged as the original creator of the work (Moral Rights). This is why the composer and artist names are included on sheet music and when you project lyrics on a screen.

Answers to common questions from *Australian Copyright Council Information Sheet Fees & Royalties for use of Copyright Material* [\[1\]](#)

## **If I use another person's work for a non-profit purpose, do I need to pay?**

There is no special exception that allows you to use a work without permission or payment just because it is used for a non-profit purpose. The copyright owner may give permission for a low fee, or no fee, if the use is non-profit, but you still need to get permission if you are using a substantial part of the work and no exceptions to infringement under the Copyright Act apply to your situation.

## **The licence fee offered by the copyright owner is very expensive. I still want to use the material. What can I do?**

Generally, copyright owners are free to set whatever licence terms and conditions they want. It then becomes a matter of trying to negotiate terms you are comfortable with. If the licence for the material you want to use is set by a collecting society, you may be able to challenge the licence conditions by applying to the Copyright Tribunal.

The Australian Copyright Council has

- Reputable information sheets
- Excellent guidance about where to find answers
- A free legal advice service

[www.copyright.org.au](http://www.copyright.org.au)

[\[1\]http://www.copyright.org.au/acc\\_prod/ACC/Information\\_Sheets/Fees\\_Royalties\\_for\\_use\\_of\\_Copyright\\_Material.aspx](http://www.copyright.org.au/acc_prod/ACC/Information_Sheets/Fees_Royalties_for_use_of_Copyright_Material.aspx)