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LET'S BE UPFRONT & INFORMED!

A. DESIGN/LAYOUT

Copyright remains with the original creator/designer unless copyright ownership has been officially 'assigned' to someone else. Included content such as logos, photography, illustrations and copy-writing, still remain the copyrighted property of the original creator/designer of those individual elements unless formerly 'assigned', in-writing to someone else. You must have permission to include such elements.



Brand development for
big thinking small business.



Australian Copyright Law - let's be upfront and informed.

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G. ILLUSTRATIONS

Copyright ownership remains with the original creator/designer of the artwork/illustration unless copyright ownership has been formerly 'assigned', in writing, to someone else. You must have permission to include such copyrighted elements.

B. THE LOGO

Copyright remains with the original creator/designer of the logo unless copyright ownership has been formerly 'assigned', in writing, to someone else. You must have permission to include such elements.

C. BRAND STATEMENTS/SLOGANS

Copyright remains with the original author unless copyright ownership has been formerly 'assigned', in writing, to someone else. Such an element may also be covered by an IP trademark registration. You must have permission to include such elements.

D. PHOTOGRAPHY

A COMMON MISTAKE: CLIENTS FREQUENTLY THINK THEY OWN THE COPYRIGHT TO PHOTOS THAT THEY HAVE COMMISSIONED BECAUSE THEY PAID FOR THEM - they do not. Copyright remains with the photographer unless copyright ownership has been formerly 'assigned', in writing, to someone else. You must have permission to include copyrighted photography. A PROFESSIONAL PHOTOGRAPHER USUALLY ONLY EXTENDS A LICENSE OF RIGHTS TO USE THE IMAGES FOR THE EXACT PURPOSE FOR WHICH THE PHOTOGRAPHY WAS ORIGINALLY COMMISSIONED AND PAID FOR. Ditto any talent (model)/agency fees. They have the right to charge additional fees if the images are used outside of the scope of the original brief. It is very important to clarify this before the photo-shoot (or before using the images). **NOTE: Beware of photographing copyrighted/IP registered products without written permission too!**

E. COPY-WRITING/TEXT

If you appoint someone to write text/copy on behalf of you/your company, copyright remains with the author unless copyright ownership has been formerly 'assigned', in writing.

F. FONTS/TYEFACES

Fonts/Typefaces are subject to copyright. In general, unless the font is officially specified as 'open-source', a commercial usage license must be purchased. Fonts cannot be transferred or distributed; each user must obtain a license. Some offer 'multiple seat' licences (within one organisation). Licenses vary. Some fonts can not be used in logos that will be registered trade-marks.

MORAL RIGHTS

Moral Rights are personal legal rights belonging to the creators of copyright works. They cannot be transferred, assigned or sold; they are separate from copyright ownership. The creator of a work holds the moral rights but is not necessarily the copyright owner. With Moral Rights, creators have the right to be attributed /credited for their work; not to have their work falsely attributed; and not to have their work treated in a derogatory manner.

HOW LONG DOES COPYRIGHT LAST?

Copyright protection continues for 70 years after from the author/creator's death.

IT'S OK, MY EMPLOYEE DID IT! **NOT NECESSARILY!**

As a general rule, an employer will own the intellectual property created by its employees in the course of their employment. However, intellectual property that is created by an employee, other than in the course of employment, is owned by the employee, not the employer. MORE: <https://www.business.qld.gov.au/business/support-tools-grants/tools/intellectual-property-info-kit/browse/employees-contractors/ownership>

MATERIALS SUPPLIED BY A CLIENT, FROM ANOTHER/PREVIOUS DESIGNER

To use any other designer's work, the client must have legal documentation proving that the original designer has transferred ownership to the client. Verbal confirmation is not acceptable; written 'assignment' is compulsory under copyright law.

This is a general, very simple overview of copyright and moral rights in Australia for clients of McCoy Design. It is not an authoritative statement. The law is subject to change. You are advised to appoint a registered IP professional. Clients - please refer to McCoy Design Terms of Trade and Service. REFERENCES: www.copyright.com.au & www.copyright.com.au/get-information/other-rights/moral-rights <https://www.business.qld.gov.au/business/support-tools-grants/tools/intellectual-property-info-kit/browse/employees-contractors/ownership>

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