



## Filmmaking Copyright Basics in Australia

This document has been created for reference only, because the question of copyright and fair use laws within Australia comes up a lot in the freelance and student filmmaking world.

### Do I own copyright on video I create?

Yes, and No - It is dependent on the situation the video was made under.

You do **NOT** own copyright if:

- you're an employee of a company that asks you to shoot something on the job.
- you have signed a contract that assigns copyright to another party.
- a private person has commissioned the video for private use.
- you did the work for any government agency – even as a freelancer.

You **DO** own copyright if:

- you shot the video for your own personal use.
- you have created the work as a paid freelancer and there is no contract stating that copyright has been assigned to another party. \*

\* This doesn't necessarily mean you can use the footage elsewhere, for example, if the logo of a company is present in the footage, but it also means they cannot use the footage for other projects without your permission.

### Do I have to put the '©' copyright symbol on my work to own the copyright?

No.

If your work is copyrightable you own copyright with or without the symbol. It just lets people know who owns copyright.

### Do I own copyright on my great idea?

No.

You cannot copyright an idea. You only own copyright once that idea has been put into material form; for example, as a synopsis. Side note – you generally cannot copyright a title of a work.

### Do I need to register copyright?

No.

Copyright is automatically assigned as soon as the work comes into existence.

## **Can I use stuff I find on the internet?**

No.

Just because someone else already stole it and put it up on their site without saying who the copyright owner is, doesn't mean the original copyright doesn't still apply.

## **What does 'Royalty Free' mean?**

Firstly, it does NOT mean it's free to use. It basically means you can make a one off payment to use the work in your production. For example, if you pay \$20 on a website for a piece of royalty free music that you use in a short film, you could put that film on YouTube and not have to pay every time someone watches it. If you had to pay royalties, you would have to pay every time someone watched it.

## **What is 'Creative Commons'?**

Under creative commons you can agree to give someone else non-exclusive rights to use your stuff. For example, as royalty free stock footage.

## **Under 'Fair Use', can I use 10% or less of someone else's work without asking permission?**

No.

You MAY be able to use up to 10% under the following conditions only:

- research or study
- criticism or review
- reporting news
- giving professional legal advice
- parody or satire.

## **What's the number one rule?**

Create and sign a contract that is clear on assigning of copyright for every job you do! (even little jobs, as you never know where that footage may end up)

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This document is just a summary of material found on the websites listed below. This is not a legal document and cannot be used to argue copyright ownership.

References:

<https://www.artslaw.com.au/legal/frequently-asked-questions/>

<https://www.artslaw.com.au/info-sheets/info-sheet/moral-rights-infringement-and-letter-of-demand>

<http://www.sydneycriminallawyers.com.au/blog/do-i-need-permission-to-film-in-a-public-place/>