

COPYRIGHT QUICK GUIDE

ARTISTIC WORKS

ARTISTIC WORKS: WHAT ARE THEY?

Artistic works are defined within the *Copyright Act 1968* as being works that are significantly graphical in nature. Such as drawings, paintings, sculptures, mosaics, murals, photographs, logos, architectural drawings and models, and subsequently buildings, figures and diagrams.

In Australia an artistic work is protected by copyright as soon as it is created into a material form, such as a drawing, painting, or sculpture etc. There is no formal registration process required, or the need to place a copyright statement or symbol on the work. Once the work has been created it is protected by copyright under *the Australian Copyright Act 1968*. Most artistic works do carry the artist's signature or mark, the signature or mark can help to determine ownership in the work.

Creators of artistic works are provided with the following exclusive rights of ownership in the works they create.

- (i) to reproduce the work in a material form;
- (ii) to publish the work;
- (iii) to communicate the work [online] to the public;

Creators of artistic works also have moral rights in the works they create:

The right to be attributed as the creator of the work
The right against false attribution of their works
The right of integrity in their works

A more detailed explanation of moral rights can be found in the [Moral Rights Information Guide](#).

The creator is usually the sole copyright owner of the artistic work, unless the creator has transferred by way of agreement the exclusive rights in the work to another party.

When an artistic work is sold or purchased by a gallery or individual, the exclusive rights of copyright **do not transfer** with the sale. When an artistic work is purchased, the purchaser is only obtaining the right to hang/exhibit the work. The purchase of the work does not include the right to reproduce [copy, photography or photocopy] the artistic work, nor does the purchase include the right to place the work into a publication or onto the internet. If you have purchased an original artistic work you have only purchased the right to hang the work.

Before an artistic work can be used for any purpose outside of exhibiting the work, a contract or agreement must be initiated. A transfer of rights in the work by way of agreement or contract is a binding legal agreement between the artist and the purchaser. The agreement will clearly state what exclusive rights are being assigned by way of the agreement, such as right to publish the work or right to communicate the work [online].

Once the agreement has been signed by both parties the purchaser now obtains certain reproduction and communication rights detailed within the agreement. Moral Rights in the work will always reside with the creator of the work

In order to use artistic works you must first establish what your purpose in using the works is, is your purpose an educational purpose or is your purpose a fair dealing. If your purpose is an educational purpose you need to refer to the educational use guides for artistic works. If you are a student using artistic works you need to refer to the student guides section, specifically the guides on Fair Dealing / Fair Use, and/or Students and Copyright. The guides can be found within the [Information Guides](#) section of the [copyright website](#).

If your purpose is to use artistic works as part of non-commercial or commercial publications, you will more than likely be required to obtain the permission of the copyright holder of the work. For further information on publishing using artistic work please refer to the [non-commercial or commercial publications guide](#).

ARTISTIC WORKS COLLECTION SOCIETIES

[The Arts Law Centre of Australia](#)

[Viscopy - The Visual Arts Collecting Society](#)

GUIDES:

The [Australia Copyright Council](#) Information Sheets:

[Artworks G033](#)

[Artworks: Getting permission G086](#)

[Craft workers \(hobby\) G021](#)

[Craft workers \(professional\) G073](#)

[Galleries & museums G068](#)

[Maps and charts G090](#)

[Assigning & licensing rights G024](#)

GETTING ADVICE

The [Copyright Management Service](#) is a University Wide advice and permissions service for RMIT Staff. The Service provides copyright advice and permission seeking services to all RMIT Staff. copyright@rmit.edu.au