

COPYRIGHT QUICK GUIDE

PUBLISHED EDITIONS AND ARTISTIC WORKS

COMMERCIAL PUBLISHED EDITIONS AND ARTISTIC WORKS

Exclusive rights of ownership provide the author/creator or owner of the copyright work with the means to make an economic return from their creations. Exclusive rights of ownership are defined as a set of rights awarded to the author/creator.

EXCLUSIVE RIGHTS ARTISTIC WORKS

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

Any commercial dealings with copyright works will always require the permission of the copyright holder. A commercial dealing of a work without the authors/creators consent is an exercise of any one of the exclusive rights of ownership awarded to an author/creator. In undertaking a commercial dealing of a work without the permission of the copyright holder could amount to an infringement of the exclusive rights listed above.

The *Copyright Act (1968)* contains exceptions where permission may not necessarily be needed. Such as where an artistic work that is filmed incidentally as part the shooting of a film may not require the permission of the creator/author of the artistic work. This is due to the fact that the artistic work is not the focus of the film, and has only appeared incidentally as part of the filming process. This rule should not be relied upon as the golden rule for not obtaining permission, in this instance incidental is the key. The artistic work must have been filmed incidentally.

There are very few if any exceptions within the *Copyright Act (1968)* for the use of artistic images as part of commercial published editions. **The permission of the copyright holder is required before the work is to be included into the published edition.**

The few exceptions that could apply are:

- Public Domain artistic works
- Copyright duration on the work has expired

For more information on the exceptions above please refer to the Information Guide [Public Domain / Copyright Expired](#).

GETTING ADVICE

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