



## Section E: The Law

Outline. Contacts. Handouts.

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## Session Guide

Each Section is three hours long, with a short break in the middle.

### **Section E: THE LAW**

The Law is basically all about your common sense and gut instincts, and it's also the place where creative freelancers get stuffed around the most. Arm yourself with knowledge and they'll think twice before messing with you again. These sessions cover the 3 biggies – Copyright (also known as the Creative Person's Superannuation), Contracts (it'd astonishing how many of you don't do it!), and Defamation (Freedom of Speech is a myth).

#### **Beginning: Copyright Law**

- Copyright Basics: The essential elements that copyright protects.
- Copyright Ownership: For employees, government workers and sole traders.
- Automatic Protection: How copyright protects, and the copyright notice.
- Length and Exceptions: How long copyright lasts.
- Infringement: What to do if your work is stolen.

#### **Middle: Making Money from your Legal Rights**

- Assigning and Licensing Rights: Making money from your copyright over your lifetime.
- The Basics of licensing: Things to work through when making a licensing agreement.
- Moral Rights: Asserting your moral rights to a work.
- Pitching: Protecting yourself with confidentiality law.

#### **End: Contracts**

- The Basics of Contract Law: including what a contract actually is.
- Signing A Contract: What to do when your contract was written by someone else.
- Creating a Written Contract: Including a step-by-step example of a working contract.
- Contractual Breaches: What to do if you are done over.
- Finding a Lawyer: A few tips.



## Legal Organisations and Books

### **ARTS LAW CENTRE OF AUSTRALIA**

**Contact Details:** [www.artslaw.com.au](http://www.artslaw.com.au), email: [artslaw@artslaw.com.au](mailto:artslaw@artslaw.com.au), Telephone 02 9356 2566

The Arts Law Centre of Australia is the national community legal centre for the arts. Subscribing to Arts Law costs \$99 per year for individuals and entitles you to advice and information about arts law, plus –

- free quarterly newsletter *Art+law* which includes updates on recent issues affecting creators
- discounts on publications including guides, checklists, sample contracts, seminar papers and books.
- discounts on admission to our seminars
- ongoing legal advice, assistance and information
- access to Arts Law's Legal Advice Night (LAN) consultation service
- exclusive access to mediation services
- referral to Arts Law's national referral panels of arts and entertainment lawyers
- invitation to subscriber only events

### **Books (All available for purchase on the Arts Law website)**

- *The Arts Insurance Handbook* (1993) by Catherine Fargher. 2<sup>nd</sup> ed, published by Arts Law Centre.
- *Earning A Living in the Visual Arts & Crafts* (1997) by James Stokes. 3<sup>rd</sup> ed.
- *Where There's A Will....* Published with the National Association of Visual Arts. Free.
- *Film Business* (1995) edited by Tom Jeffrey
- *Music Business* (1994) by Shane Simpson and Colin Seeger.

### **AUSTRALIAN COPYRIGHT COUNCIL**

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

The **Australian Copyright Council** is an independent not for profit organisation. They provide information, advice and training about copyright in Australia, including a huge number of downloadable information sheets. Some are free, and some cost a small fee. Some of the publications include.

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| <ul style="list-style-type: none"> <li>• A User's Guide to Copyright</li> <li>• Advertising</li> <li>• Architects: Copyright &amp; Moral Rights</li> <li>• Artists</li> <li>• Australia–US Free Trade Agreement</li> <li>• Book Publishers</li> <li>• Broadband Content</li> <li>• Community Arts</li> <li>• Computer Software</li> <li>• Copyright Rights</li> <li>• Current Issues in Copyright 2002</li> <li>• Digital Agenda Amendments</li> <li>• Fair Dealing in the Digital Age</li> <li>• Fair Use: Issues and Perspectives</li> <li>• Film</li> <li>• Galleries &amp; Museums</li> <li>• Indigenous Arts</li> <li>• Indigenous Intellectual Property</li> </ul> | <ul style="list-style-type: none"> <li>• International Copyright Protection</li> <li>• Internet</li> <li>• Journalists</li> <li>• Moral Rights</li> <li>• Multimedia: Licensing Content</li> <li>• Multimedia Producers</li> <li>• Music</li> <li>• Ownership of Copyright</li> <li>• Pay TV: Copyright Implications</li> <li>• Performers' Copyright</li> <li>• Photographers: Copyright &amp; Moral Rights</li> <li>• Radio Broadcasters</li> <li>• Rental &amp; Lending Rights</li> <li>• Small Business</li> <li>• Theatre</li> <li>• A User's Guide</li> <li>• Websites</li> <li>• Writers</li> </ul> |
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## Legal Contacts and Websites

### **ORGANISATIONS THAT CAN HELP PROTECT YOUR COPYRIGHT**

**APRA** (Australian Performing Rights Association) helps members control their copyright and royalties.

[www.apra.com.au/](http://www.apra.com.au/)

**Australian Writers' Guild:** Script registration service for financial members.

[www.awg.com.au/](http://www.awg.com.au/)

**Copyright Agency Ltd:** Not-for-profit management company and copyright agent for creatives.

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

**IP Australia:** Allows you to register trademarks and designs, in conjunction with copyright laws.

[www.ipaustralia.gov.au/](http://www.ipaustralia.gov.au/)

**Media, Entertainment and Arts Alliance:** Members protect their copyright, as well as monitoring and administering residual payments from previous work.

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

**Screenrights:** Provides access to film, TV and radio & payment to copyright owners for use of their work.

[www.screen.org/](http://www.screen.org/)

**Viscopy:** Collection agency for artistic works. Administers copyright licenses & royalties for members

[www.viscopy.com/](http://www.viscopy.com/)

### **Other Organisations and Resources**

**ATO LAW:** The Tax Office's legal database. Legal and policy information regarding tax.

[law.ato.gov.au/atolaw/index.htm](http://law.ato.gov.au/atolaw/index.htm)

**Australia Council for the Arts:** Resources including reports, papers and strategies.

[www.ozco.gov.au/default.aspx](http://www.ozco.gov.au/default.aspx)

**Australian Law Online:** Australia's Federal legal portfolio.

[www.australianlawonline.gov.au/accesspoint?action=menuHome](http://www.australianlawonline.gov.au/accesspoint?action=menuHome)

**Classification Board:** Information about the operations of the National Classification Scheme in Australia

[www.classification.gov.au/special.html](http://www.classification.gov.au/special.html)

**Communications Law Centre:** independent non-profit centre specialising in media and communications law.

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

**Elaw:** Murdoch University Electronic Journal of Law, written and edited by staff and students.

[www.murdoch.edu.au/elaw/](http://www.murdoch.edu.au/elaw/)

**Law 4U:** Plain English Australian law, extremely easy to understand.

[www.law4u.com.au](http://www.law4u.com.au)

**LawMatch:** Find a lawyer to match our needs. Free, impartial and easy to use.

[www.lawmatch.com.au/default.asp](http://www.lawmatch.com.au/default.asp)

**Media and Arts Law Review,** from the Centre for Communications and Media Law

[www.law.unimelb.edu.au/cmcl/malr/index.html](http://www.law.unimelb.edu.au/cmcl/malr/index.html)

**The complete Freelance Success LAW guide is only available to students.**

**If you would like to enrol, please call the office on 02 9559 1901 or call 0408 211 318.**