

Photographers & Copyright (stuff we don't like talking about)



Copyright is the exclusive and assignable legal right, given to the originator for a fixed number of years.

In Australia, copyright law is set out in the *Copyright Act 1968* (Cth). This is federal legislation, and applies throughout Australia.

Copyright protection is automatic

Copyright protection is free and automatic. A photo is protected by copyright automatically from the moment it is taken.

As a result of the Berne Convention, most foreign copyright owners are protected in Australia, and Australian copyright owners are protected in most other countries.

What does copyright protect?

Copyright protects a range of materials, including photos. Other things protected by copyright include **artistic works written material musical works and films**.

Copying or scanning a photo to make a digitised version, or making a copy of an existing digital file, reproduces the photo and therefore requires the permission of the copyright owner. This includes downloading and reposting, sharing and tagging images on social media.

Key points

- Generally, copyright in photos lasts for the life of the creator plus 70 years.
- Copyright has expired in photos taken prior to 1 January 1955.

The copyright notice

The copyright notice is not required for protection in Australia or in most other countries, but it notifies people that the work is protected and identifies the person claiming the rights. Copyright owners can put the notice on their work. The notice consists of the symbol ©, followed by the name of the copyright owner and the year the work was first made or published, for example: © Geoff McLean Gone Riding Media 2015.



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Who owns copyright?

For photos, the general rule is that the **photographer** is the first owner of copyright.

Rights of copyright owners

Owners of copyright in photos have the exclusive right to:

- **reproduce** the photos—for example, by making prints, photocopying, and digitising;
- **publish** the photo (make copies of the photos available to the public for the first time); and
- **communicate** the photo to the public—for example, by putting the photos onto a website (including facebook and other social media sites), broadcasting or faxing them or emailing digital files of them. This means if I post an image with my copyright and then tag/share the image with you I am giving you the right to use that image in that medium but my “moral rights” remain intact.

Moral Rights

Photographers, have “moral rights” in relation to their works.

These are separate from copyright. Moral rights impose certain obligations on people who use a copyright work. As a photographer I have the right to:

- be attributed as creator of my photos;
- take action if my work is falsely attributed; and
- take action if my work is distorted or treated in a way that is prejudicial to my honour or reputation.

Food for Thought

My images are VERY REASONABLY priced. My equipment is VERY expensive.

Photography is how I put food on my plate and make my way in life. Please don't offend me by copying, scanning, sharing, tagging or downloading one of my images from a web site or social media platform. If you like it buy it!

If you infringe my copyright, not only are you breaking the law but it is morally wrong. If I have to come after you and I will, it's embarrassing, unpleasant and upsetting for both of us. In many instances we are often acquaintances or friends and our relationship will be soured - I definitely don't want that, life is way too short for stuff like this. So please, just do the right thing.



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Think, before you next take one of my images or somebody else's.

How much does it cost to keep a competition sport horse in work compared to the cost of an image? Peanuts really, you can afford to buy the image. If you can't maybe you shouldn't be riding and competing?

If you still don't pay for the image I will send my legal people after you and rest assured Mrs Nasty will be far more difficult and unpleasant to deal with than me.

Further Information

For further information about copyright:

www.copyright.org.au

[Copyright Act 1968 Amended 2006](#)

