
Copyright

What is copyright infringement?

Infringement of copyright occurs when works – such as paintings, books, computer software, films and music – are reproduced or communicated (including communication over the Internet) without permission from the copyright owners.

Infringement can also occur when works such as plays and films are performed or screened without permission from the copyright owner.

A person, who sells infringing versions of a work protected by copyright, is also in breach to the Copyright Act.

However, because an idea is not protected by copyright, making a work that is based on an idea behind someone else's work may not infringe copyright. An example of this type of action is when following a set of instructions to make something work.

It is also possible that in some situations people are able to use copyright material without first seeking permission from the owner.

Some examples of activities that involve copyright infringement are:

- a company that buys 100 licences from a computer software developer and then issues 200 copies of the software to its employees;
- photographs or computer images of an artwork are reproduced and distributed, in hard copy or over the Internet, without permission from the copyright owner;
- music or computer software CDs are 'burnt' without permission and then given away or sold;
- a script for a play is interpreted and performed without permission from the copyright owner.

What are the different types of remedy available to copyright owners?

A copyright owner is able to take action in court for infringement of work. This action may be taken in either the Federal Court or the Federal Magistrates Court. It is also possible for this type of case to taken to the State and Territory Supreme Courts, if they have the power to grant the remedy sort by the copyright owner.

Circumventing technological protection measures (TPMs)

TPMs are mechanisms used by copyright owners to prevent or inhibit unauthorised access to copyright material (access-control TPMs); and unauthorised use to copyright content (copy-control TPMs).

Remedies and penalties relating to circumvention devices and services are generally the same as those applied to copyright infringement.

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Possible penalties for people who infringe copyright

Penalties can vary, depending on whether it is an individual or a corporation who has been found guilty of infringement.

Some of the penalties that can be imposed include:

- An individual found guilty of an indictable offence may be fined up to \$93,500 or imprisoned for up to 5 years, or both.
- Penalties can be much higher if infringement involves the digitisation of copyright material from hard copy (e.g. cassette to CD or from video to CD).
- Corporations can be fined up to 5 times the amount of a maximum fine.

Can I copy without permission sometimes?

There are exceptions to copyright that allow people to make copies of works in certain circumstances without obtaining the permission of the copyright owner. For example, people can make copies for study purposes: of single articles from journals; of single chapters from books; or up to ten percent of other material without permission from copyright owners. This type of exception to copyright is known as 'fair dealing'.

In other instances, libraries, educational institutions and governments can make reproductions of material without permission. Often, however, they will still need to pay a fee to the copyright owner. Generally, a copyright collecting society collects these fees and then distributes them to the copyright owner.

St. Patrick's college pays annual fees to the **Copyright Agency Ltd. (CAL)**. 'CAL is an Australian copyright management company whose role is to provide a bridge between creators and users of copyright material. CAL represents authors, journalists, visual artists, surveyors, photographers and newspaper, magazine and book publishers as their non-exclusive agent to license the copying of their works to the general community.' (CAL, 2003).

Sources:

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