

FACT SHEET NO. 6

Writers & Copyright

Copyright, under the Commonwealth Copyright Act and its amendments, is held by the creators of literary works. It is automatic and exists as soon as the literary work has been created.

It needs to be stressed that copyright is held by the creator rather than the owner of a literary work. For example, a letter written to a third person may be owned by that person but its copyright is still held by the writer of the letter.

Copyright can be transferred by agreement. However, the FAW recommends that writers don't transfer or sell their copyrights. Once copyright has been sold the creator has no further interest in the sold work.

For authors of books we recommend that authors license rights to a publisher through a contract that specifies what rights are being licensed and what return will be made to the author in the form of royalties and share of income from any subsidiary rights licensed. Contracts should also specify conditions under which licensed rights revert to the author when a book goes out of print.

In the case of writers submitting to newspapers and magazines, we recommend that first serial rights only should be offered when a work is first submitted. For a national journal, first Australian rights should be offered. For a newspaper or publication circulating within a state, first state rights should be offered. This allows the writer to retain copyright.

In some cases a magazine or other body, such as a television production company, will insist on purchasing copyright. In this situation, writers must be clear about what is being sold and should insist on being paid commensurately.

Copyright lasts for fifty years after a writer's death and descends on death, either through the creator's will or by intestacy. In the case of a work first published after its author's death, copyright remains for fifty years after publication.

Put very simply, copyright is what protects an author's ownership of a piece of writing and it should be regarded by writers as a tangible asset.

Should you require further information on copyright, please contact the Australian Copyright Council on (02) 9318 1788. Suite 3, 245 Chalmers St, Redfern, NSW, 2016.