



Always use protection

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The Basics

- Copyright - the forgotten IP
- Trade marks - register them
- Domain names - do you need them?



Copyright

- What exactly is copyright?
- Copyright, your staff and their moral rights
- Copyright and your business
- Your database



What exactly is copyright?

What it's not - Copyright protection does not:

- protect ideas
- protect know how
- protect names, titles or single words
- protect information
- grant a monopoly

What exactly is copyright?

What it is -

- right of protection from copying (and other rights)
- protection granted to:
 - original work (words, art, music, computer programs, compilations, films etc) reduced to a material form (not ideas)

What exactly is copyright?

Remember this bit...

- protected the instant its is recorded (written down, painted, drawn, filmed, taped)
- it's free
- it's automatic
- no forms to fill in
- can't be registered in Australia



Copyright and your staff

General rule - creator is owner

- Statutory employer presumption - employer is owner of work created by
 - an employee
 - in the course of employment
 - as part of employee's usual duties



Copyright and your staff

- Employment Agreements - review them!
 - flag copyright ownership
 - reporting obligations
 - extend ownership to other work
 - insert confidentiality clause



Copyright and your staff

- Reversal of employer presumption - consultant owns own work
- Consultant agreements - use them! (e.g corporate logo)
 - transfer ownership
 - flag copyright ownership
 - reporting obligations
 - extend ownership to other work
 - insert confidentiality clause



Copyright and your staff

- Your staff have Moral Rights
 - right of attribution
 - right not to have work falsely attributed
 - right of integrity
- Amend your agreements now to obtain consent



Copyright and your business

What is an infringement?

- copying of whole work
- copying of substantial or material part of work
- authorise infringement
- import or sell infringing goods
- note exceptions



Copyright and your business

Deter others from infringing your copyright

- use a copyright notice

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- formalise your arrangements
- educate staff about proprietary copyright



Copyright and your business

Stop staff infringing

- introduce copyright policy (address Internet)
 - check Internet document for notices
 - consider appropriate use
 - send URL where appropriate
- introduce copyright infringement notices
- educate staff

Your Database

Data Bases/Compilations/Tables of Information

- copyright exists if:
 - sufficient intellectual effort in the selection of arrangement of the information exists; or
 - the author has engaged in sufficient work or incurred sufficient expense in gathering the information, even if there is no creativity involved in the selection or arrangement
- what's not protected
 - any copying other than a substantial part
 - the information in the data base
- insert confidentiality/non solicitation clauses




- **Copyright protection is free and automatic and means no-one else can copy your original work recorded in a material form**
- **You own the work of your employees but you don't own the work of your consultants**
- **You should use the copyright notice to protect your copyright and you should ensure your staff do not infringe copyright**
- **You should have confidentiality provisions in all of your agreements to protect ideas, know how, information and the data in your database not protected by copyright**



Trade Marks - use them

- Registration grants a monopoly
- 45 classes of goods and services
- Words, logos, sounds, shapes, smells
- Trade mark notification symbols
 - Pizza Hut ®
 - Master Class™



Domain Names - do you need one

- Think about the level of domain you want
 - .com.au .com .biz etc
- ensure your are not infringing someone else's mark
- make it relevant



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