In this issue we highlight the importance of understanding the e-licensing terms of the social media sites used to promote your art and some practical guidance on what to do when the media infringes your rights as a copyright creator. There is a detailed discussion on Australia’s cultural heritage laws and Indigenous Cultural and Intellectual Property (ICIP) and a useful consideration of the practical effects of the new ACNC on artists and arts organisations. We also discuss a recent U.S. decision on photographing public sculptures in comparison to Australia’s position and provide an overview of the issues involved in co-authorship in music. In the Artists In The Black section we explore the recent developments in Maori Culture and Identity and ICIP. And finally, Arts Law salutes the wonderful lawyers who have assisted so many of our clients with a spotlight on two of our most dedicated volunteer lawyers.

Please note that you will need to be a current subscriber and signed in to the Arts Law website to access the full text of the feature articles.

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FEATURE ARTICLES

**eLicensing on Social Media**

*Morris Averill*

Artists should always read the terms and conditions - the Terms of Service (TOS) - instead of instinctively clicking on the button to accept. Taking the time to become informed on important questions about ownership, licensing and deactivating your account may save time and assist in navigating and utilising social media sites to promote artistic endeavours.

**But that's our traditional knowledge! - Australia’s cultural heritage laws and ICIP**

*Tina Douglas*

Existing Commonwealth legislation which currently protects aspects of Aboriginal and Torres Strait Islander cultural heritage such as dance, ceremonies and oral stories is limited in that it is confined to matters of a tangible nature. Whilst there is some acknowledgment by Government for the need to reform Aboriginal and Torres Strait Islander cultural
When the media infringes your rights

Anika Valenti & Phoebe Wallace

What are your legal rights when the media publishes your artwork or photograph in a print or online version without your permission? What copyright and moral rights apply and what can you do to rectify the situation?

Practical effects of the ACNC

Anika Valenti

In the 2011-2012 Budget, the Federal Government announced reforms to the regulation and governance of charities and not-for-profit (NFP) organisations. The reforms are aimed at rectifying inadequacies in the current framework by simplifying how the NFP sector is regulated. The effect will be the reduction of red tape, in addition to improving public trust and support of the NFP sector by increasing transparency and accountability and ensuring tax concessions are correctly utilised.

Without my Permission: photographing public sculptures

Jasmine McHenry

Sculptures enliven public spaces and often become popular destinations and enduring points of reference for locals and tourists alike. Think of the Statue of Liberty, Michelangelo’s David or the J.F. Archibald Memorial Fountain in Hyde Park, Sydney. Many thousands of people have posed for photographs in front of these artistic creations. The recent settlement achieved for a U.S. sculptor for unauthorised use of a photo of his public sculpture engages the debate about the radical differences between Australian and U.S. laws on copyright for sculptures.

But we both wrote that! The complexities of musical joint authorship

Isabella Street

Lennon and McCartney, Jaggar and Richards, Elton John and Bernie Taupin…enough said, the list of popular and successful co-songwriters is infinite. Music seems to be one of the most collaborative art forms. However collaboration is not necessarily conducive of co-authorship. Misconceptions regarding authorship and copyright run deep in the music world and are often subject to hostile
**Māori Culture and Identity: developments in Indigenous Cultural and Intellectual Property (ICIP) in New Zealand**

**Morris Averill**

Arts Law has long been involved in advocating for better protection of traditional cultural expressions. The development of guiding principles to provide appropriate protection for traditional knowledge and traditional cultural expressions - Indigenous Cultural and Intellectual Property (ICIP) - is being considered by the World Intellectual Property Organisation (WIPO) Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. Arts Law Executive Director Robyn Ayres will attend the WIPO conference in Geneva, Switzerland in July 2013.

**Meet the Lawyers: Nicolas Patrick and Daniel Creasey, DLA Piper**

**Jennifer Arnup**

Nicolas Patrick, Head of Pro Bono and Corporate Responsibility and Daniel Creasey, Asia Pacific Pro Bono Manager are both involved in managing global law firm's DLA Piper's Pro Bono practice which is dedicated to a number of worldwide projects related to education, economic empowerment and equality.

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**Advocacy**

- [Arts Law lobbies for mandatory Art Code](#)
- [Tasmanian Government to consider public feedback on draft heritage legislation](#)

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