

Media Law



The purpose of media law is to control legal issues related to film, games, music, publishing, marketing and other areas related to the media.

This can be rules regarding:

- Intellectual Property
- Defamation of character
- Privacy
- Freedom of information
- Copyright of media

Media Law | Intellectual Property



Australian Government
IP Australia

Intellectual Property or IP exist to protect the works of an individual or a company. It mainly protects innovative ideas and unique creations. This can be in the form of an invention, trade mark, design, or brand.

Some IP require formal application before you can make a claim of ownership. Others do not, as it can be automatically applied under copyright law.

It is important to know that the work you claim as IP does not infringe on someone else's work.

For more information.

<https://www.ipaustralia.gov.au/understanding-ip/getting-started-ip/ip-explained>

Media Law | Defamation



The tweet that cost \$105,000

Michaela Whitbourn

SHARE

TWEET



MORE

A NSW school teacher has made legal history after a former student was ordered to pay \$105,000 for defaming her on Twitter and Facebook.

In the first Twitter defamation battle in Australia to proceed to a full trial, District Court judge Michael Elkaim ruled that former Orange High School student Andrew Farley should pay compensatory and aggravated damages for making false allegations about music teacher Christine Mickle.

Defamation is where a person or business seeks damages for loss of reputation due to someone publishing or otherwise distributing defamatory material that causes others to think less of them.

A statement of defamation may be published through print media, online forums, or any other platform that is accessible to a public audience.

Defamation can be damaging to not only the reputation of an individual or business but also have an effect on finances and mental health.

A defamation claim can be made by taking legal action

For more information
<https://www.allaw.com/articles/no/civil-litigation/defamation-character.html>

Media Law | Privacy

The illustration features a stylized city skyline against an orange background. In the foreground, there's a green base with a blue building and a grey building. A purple banner across the base reads "Government Sector". To the right, there are several modern buildings in red, blue, and yellow. A red shield with a white padlock is positioned in front of the buildings. Two white documents with "PRIVACY ACT" printed on them are floating in the air. The overall theme is the application of privacy laws to government and private sectors.

Privacy in Australia

Does the Privacy Act apply to you?

The privacy act was introduced to promote and protect the privacy of individuals and how agencies and organisations handle personal information.

Any organisation or agency must have a privacy policy in which they need to disclose information about how they collect your personal information and what they do with it including disclosure on sharing information with a third party.

If a privacy policy been updated by an organisation or an agency they must publicise this information on their website or via direct email to you.

For more information,

<https://www.oaic.gov.au/privacy/your-privacy-rights/what-is-a-privacy-policy/>

Media Law | Freedom of Information, Opinion and Expression



Freedom of Information, Opinion and Expression is considered a human right to freedom of opinion and the right to express them without interference.

This right can be expressed either orally, in writing or in print, in the form of art, or through any other media of choice.

There are some limitations to freedom of expression such as: derogation, rights of reputation of others and national security, etc.

For more information

<https://www.ag.gov.au/RightsAndProtections/HumanRights/Human-rights-scrutiny/PublicSectorGuidanceSheets/Pages/Rightofreedomofopinionandexpression.aspx>

Media Law | Copyright



The purpose of copyright law is to protect the rights of artists to gain ownership and benefits from their own work.

Copyright is free and automatic upon creation of the work.

It is the artist's responsibility to protect copyright on their own work. An artist might need to prove copyright on their work, this can include:

- Proving identity of the author or maker of the copyright material
- Nationality or residence of the author or maker
- Location in which it was made
- Date or calendar year in which it was made

Media Law | Copyright Continue



Once proof has been established, then the copyright is automatically applied to your work.

Generally, copyright last for life of the author plus 70 more years. Once the copyright had expired then the work can be used without permission.

The penalties when infringing the Australian copyright law do vary as it depending on the importance of the work. However, it can be up to \$117 000 for an individuals and up to \$585 000 for corporations. Also, an individual or corporation may receive imprisonment for up to 5 years.

Media Law | Copyright - Getting Permission



Generally, if you want to copy or share someone else's work, you are likely to need permission (or a licence) from the copyright owner.

In general, the permissions process involves a simple five-step procedure:

1. Determine if permission is needed.
2. Identify the owner.
3. Identify the rights needed.
4. Contact the owner and negotiate whether payment is required.
5. Get your permission agreement in writing.

Media Law | Copyright - Examples

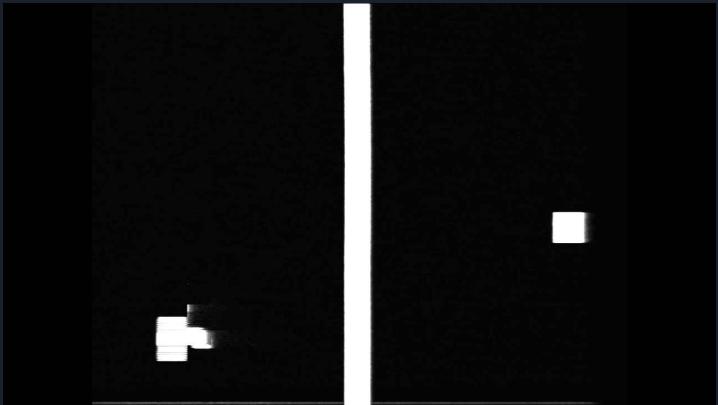


Table Tennis

Magnavox

Released: 24 May 1972



Pong

Atari

Released: 29 November 1972

MAGNAVOX Vs. ATARI

Between two companies

In 1972, Atari's Pong was a huge craze but Ralph Baer, inventor of the Magnavox Odyssey gaming console, sought legal action. He made a claim that they copied Magnavox's version of Ping-Pong.

The lawsuit was settled out of court in 1976 with Pong continuing to sell but at the same time paying licensing and royalty fees to Magnavox.

Media Law | Copyright - Examples



New Super Mario Bros was illegally distributed online more than 50,000 times

NINTENDO Vs. BURT *Used by an individual*

Nintendo sued an Australian man named James Burt for \$1.5 million after he bought an early release of New Super Mario Bros Wii and illegally uploaded the game to the Internet. A settlement was made so Burt had to pay the reflected company loses plus Nintendo's legal fees.

Under Australian law, copying and distributing games without the permission of the copyright holder is a breach of the Copyright Act.