

Whether you're an artist, audience member or organisation, NAVA recommends best practice when posting images of artists' works on social media.

Many social media users believe that images published on social media platforms are in the 'public domain' and therefore can be used without the permission of the copyright holder. This is incorrect, as copyright in the work still exists with the copyright holder and a license has only been granted to the platform to use the image, not other users.

Publishing images on social media of which you are not the copyright holder or do not have permission to use is an infringement of copyright. The Terms and Service agreed to at the time of signing up to a social media platform also cover the protection of other people's Intellectual Property, users agree to not post content that infringes someone else's rights.

If you do want to share an image of an artist's work is best in the first instance to Repost a post originally made by the artist on their Facebook or Instagram account. Permission does not need to be sought to do this and it ensures that the image is attributed to the artist correctly.

If you do want to post an image of an artist's work of which you are not the copyright holder then you will need to seek permission from the artist and offer a fee for the use of the work. Permission to use an image should be obtained in writing and the full credit of the work should accompany the image wherever it is displayed.

When posting an image of an artists work the artist **MUST** be attributed as the creator of the work by listing the artists name. It is best practice to use the full credit including the artist's name, the title of the work, the year the work was created and tag the artist in the post if they have a social media account on that platform. If using an image of the work the photographer should also be acknowledged. For example: Artist name, title of work, year. Photo: photographer name.

It is particularly important to seek permission to use an artist's image when the message that is accompanying the image is not something directly relevant to the work or the artist's practice. The message may be something that the artist does not agree with or they feel would be detrimental to their career.

Under Australian law, copyright and moral rights enable creators to receive recognition and reward for their creative work. Copyright also gives an artist a voice in how and where their creative work is used.

MORAL RIGHTS

Under the Copyright Act 1968 (Cth) artists hold the following moral rights in their work

- the right to be attributed as the creator of the work
- the right to not have work falsely attributed
- the right to integrity in their work, the right to not have work treated in a derogatory manner which prejudices the creator's honour or reputation.

In order to ensure that an artist's moral rights are respected an artist must be named as the creator or the work whenever their work or an image of their work is made publicly available.

COPYRIGHT

Under the Copyright Act 1968 (Cth) artists hold the economic right to reproduce their work. This includes the right to:

- reproduce the work in a material form (for example images of the work)
- publish the work
- communicate the work to the public.

This means that in most cases others are not able to copy the artist's work or use images of the artist's work without their permission.