

OWNING IT: A CREATIVE'S GUIDE TO COPYRIGHT, CONTRACTS AND THE LAW

Sharon Givoni; Creative Minds Publishing, 2015; 560 pages; \$75 (hardcover)

Who says that a practical guide to the law of intellectual property that is both useful and informative needs to be boring to read, let alone browse through? Not Sharon Givoni, who has authored the gorgeous and engaging *Owning It: A Creative's Guide to Copyright, Contracts and the Law*. This book is just so damn pretty that I kept looking at the pictures, side bars and interesting anecdotes and forgot that I was meant to be reading this book as a text to review. As Colin Golvan notes in his introduction to the book: 'The author and the publisher have gone to great trouble to remove the tome-like appearance that makes the ordinary legal text appear so inaccessible to the general reader.' (p vii) This is certainly true and the book is liberally illustrated with practical examples of the creative products that are being discussed. The book, and the practical guidance that it contains, addresses the massive growth in interest in handmade and artisan products, noting that this has occurred in the context of the explosion in the potential market for such products on websites such as Etsy. This tension between a desire to protect the creativity and authenticity that makes the product so desirable and to gain a broad marketplace for the creative products underpins the advice provided by the book.

Givoni is a Melbourne-based Intellectual Property practitioner who has used her experience in advising those working in the creative industries to create a book that provides easy to read guidance on the laws affecting creativity including intellectual property laws, contract and consumer laws. The book is also very liberally illustrated with real life examples of the issues at hand, and often how those issues have been resolved.

The book is divided into five parts: The Basics, Creating Your Work, The Law for Creatives, Your Creative Business, and Prevention and Cure. Each part gives you an overview of the relevant law, but the law is explained in clear, plain English style. The law is then firmly placed in the context of actual issues and problems.

Part 1: The Basics, provides an overview of the relevant laws of copyright, ownership, trademarks, moral rights and misleading and deceptive conduct. However, rather than citing chapter and verse, laws are summarised and addressed to key practical concerns. For example, copyright issues are focussed around six key points about copyright. Rather than wallowing in the complexities, the law is focused on scenarios such as using styles and formats, changing formats and reproducing images and words of others. Important matters such as licensing and co-ownership are addressed at length and the book also explicitly addresses some common misunderstandings about the law. In the section dealing with misleading and deceptive conduct, clear and easy to understand examples are provided regarding when these issues might arise and how they might be resolved, for example, with respect to claims regarding environmental friendliness. Such examples explicitly demonstrate when and how these laws become relevant to people creating and selling artistic products.

Part 2 looks at the creative process and the issues that may arise, for example, in taking photographs in public places, reproducing cultural icons, brand names and trademarks, the

relevance of parody and satire and an overview of the laws regarding content regulation and censorship.

Part 3 addresses the particular legal issues that might be encountered by different creative occupations. It addresses each occupation in turn, and outlines applicable legal principles, going beyond laws relating to intellectual property. Occupations include: visual artists, graphic designers, photographers, film makers, tattoo artists, fashion, jewellery and accessory designers, architects, musicians, bloggers and writers. Each section includes a set of 'takeaway tips', outlining key points to remember.

Givoni states 'Whether you're an artist, craftsperson, writer, filmmaker, architect, website developer, publisher or designer, you possess valuable economic resources in your skills and talent. But what if you don't possess the requisite business knowledge to take advantage of the economic opportunities on offer to you?' (p ix) For this reason the book also includes sections on 'Your Creative Business' (Part 4) and 'Prevention and Cure' (Part 5).

Part 4 examines different legal structures, and, in keeping with the rest of the advice provided, gives some local examples of business models adopted and adapted due to changing circumstances by Australian creators. It looks in some detail at creative business contracts, a matter most often left out of traditional intellectual property books. This section not only explains what a contract is (and is not) but also what to look for in terms of common provisions. It deals with consignment agreements, model releases, Creative Commons licences, collecting societies and provides some useful guidance on promotions and competitions. All of this is discussed in the tone of facilitation rather than providing so much emphasis on risks that it all becomes too hard, noting too the practical importance of insurance in this context.

Part 5 emphasises the point that prevention is better than cure, warning creators that they need to take steps to claim and protect their rights in their creative products, urging creators to take proactive measures 'to protect your rights and ward off copycats.' (p 445) This section includes sensible, practical tips, such as what a typical letter of demand includes and when to send one and when to hold off, and how to work with a lawyer.

Givoni clearly emphasises the importance and desirability of authenticity throughout the book, focussing on what makes creative works unique and attractive (noting that this also makes them worth copying). She also highlights the increasing complexity of this area, observing that while completing the book she became aware that 'for creative people there exists a tension between gaining exposure for their work and retaining control of it. While the digital age has facilitated the former, our borderless world has also made achieving the latter increasingly challenging.' (p 502) The focus is always on what is genuine creativity and how to protect that spark. This is a unique work that provides useful insights to lawyers and creators alike and, unlike most other law books, will look great on your coffee table!

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