

1.4 Requirements for copyright protection

The following three (3) requirements must all be met in order for copyright to subsist in a work:

a. **The work must be reduced to material form**

An idea itself will not receive copyright protection. The idea must be reduced to material form (whether it is written, recorded (including in musical or dance notation), filmed, painted, etc) before it is capable of copyright protection. The idea will only receive protection in the form in which it is expressed.

b. **The work must be made by a qualified person**

To be a qualified person, an author of a work must be a citizen or resident of either Australia or a country to which Australia has promised copyright protection under international treaties and conventions. Most foreign copyright owners are also protected under international treaties such as the Berne Convention.

c. **The work must be original and the result of the author's skill and effort**

The work must be original. This does not mean the work must be novel or unique but the work must not be a mere or slavish copy of another work. The work must be the product of the author's independent skill and effort. The work does not have to be aesthetic in order to gain copyright protection. For example, accounting forms, football coupons and racing programs have been regarded by the courts as literary works capable of copyright protection.

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