

PROFORMA LETTER for use by individuals and institutions to complain about a breach of their moral rights.

(date)

(sender's address)

The Editor

.....
.....
.....

Dear Sir/Madam,

Re: non-recognition of rights under the Copyright Act 1968

I/we wish to bring to your attention that your publication, '.....', on (date) published without giving due recognition to the moral rights of the artists/designers concerned (may here be named).

I/we wish to draw your attention to the attached **Document A**, which outlines the legal requirements of publishers and others in relation to the moral rights of artists and designers according to the **Copyright Act 1968** (2000 amendments).

Further, in view of your responsibilities in this matter, we request that you publish an apology and correction in a prominent position in the same publication as soon as possible, forwarding a copy to the writer of this letter.

(signature)

DOCUMENT A

STATEMENT to writers, editors and publishers

In 2000, under the **Copyright Act 1968** - SECT 10, the **moral rights** of designers and artists (i.e., "authors") were recognised specifically; however, in many publications, these rights are more often than not 'honoured in the breach.'

There are two moral rights:

1 **The right of attribution:**

1.1 the right to be clearly and reasonably prominently identified as the author of an artistic work, in any reasonable form, and

1.2 the right to avoid false attribution, where the work is falsely presented as being another's work, and

2 **Integrity of authorship** - the right to not have the work treated in a derogatory manner (to protect the honour and reputation of the author).

In the terms of the Act, "*artistic work*" means:

(a) a painting, sculpture, drawing, engraving or photograph, whether the work is of artistic quality or not;

(b) a building or a model of a building, whether the building or model is of artistic quality or not ("*building*" includes a structure of any kind.); or

(c) a work of artistic craftsmanship whether or not mentioned in paragraph (a) or (b)...

In the terms of the Act, "*moral right*" means:

(a) in relation to an author:

(i) a right of attribution of authorship; or

(ii) a right not to have authorship falsely attributed; or

(iii) a right of integrity of authorship...

As well as being a clear breach of the Copyright Act, non-acknowledgment of the work of artists and designers in publications devalues the contribution of these creative

individuals to our culture and the purpose of this movement is to prevent that happening in the future.