

LAW FOR CREATIVES: Q&A WITH SHARON GIVONI, AUTHOR OF OWNING IT

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When it comes to the law, a lot of us feel lost in the dark, especially when it concerns creative work. We know about intellectual property, contracts and copyright, but often we don't know exactly what that means for the work we do as creatives and, in particular, what that means in the world of digital and social media. Sharon Givoni is an intellectual property lawyer with years of knowledge and experience working with creatives. She's also the author of the popular and incredibly helpful book, **Owning It: A Creative's Guide to Copyright, Contracts and the Law**. We were lucky enough to hear from Sharon at Life Instyle Melbourne 2015 and I wanted to share her knowledge and experience with those who couldn't be there to hear her speak. If you've ever had a question or concern about copyright or the law (and I'm betting there's not many who haven't), read on!

Can you tell me a bit about your background? Where has your career taken you? What do you do now?

Like my book, my personal background is equal parts creative and legal. Creatively, I've always had a penchant for drawing and artistic projects, while academically and professionally, I have had a long-standing fascination with the law, particularly how judges and lawyers need to be creative when applying it. Over the years I've harnessed a career as an intellectual property (IP) lawyer and have used my expertise to expand into other areas. Currently I run my own legal practice and also teach seminars, chair legal committees, write articles, edit law journals, and more recently, wrote **Owning It**, of course.

What do you love about the work you do?

Every day is a new challenge. Navigating through the mine field that is Australian IP law can require just as much creativity as the people and work I represent. Coming up with novel and creative solutions to legal problems is what keeps me excited about my work.



Gorgeous Sharon (left) and one of the super helpful sections within Owning It for Fashion, Jewellery and Accessory Designers.

What made you decide to write 'Owning It'?

Practically, the law can be somewhat inaccessible to the very people it's supposed to be protecting.

Clients always give me positive feedback that I have a knack for explaining complex legal concepts in plain and simple English. "If only there was a book to explain it all so simply!" I'd hear. So, I decided I wanted write that book, and to do that I worked closely with a publisher, Tess McCabe at **Creative Minds**, who understood my vision completely. It was as if I had already been writing it my head for years, so it came quite naturally to me.

How do you think the intellectual property environment has changed over the last ten years?

Probably the most significant change was the 2012 "Raising the Bar" laws, which made quite a few changes to different areas of IP. They were aimed at making trade mark applications more efficient and assisting copyright owners to enforce their rights through customs seizures amongst other changes. Most recently, the 2014 amendment to Australia's IP laws has enabled Australian medicine producers to export patented pharmaceuticals to countries in need. While the changes brought Australia more in line with international standards, there's still plenty of room for improvement.

What's the most common challenge you've seen your clients experience and how have they dealt with it?

The most common challenge for my clients is understanding their rights. Many clients don't know what they need to protect and how to go about doing so.

The second challenge is enforcing those rights, which can ultimately come down to an issue of money. This can be especially problematic for creative persons or businesses just starting out. Using a lawyer costs money – going to court – even more. Sometimes, even when the law is on your side, it can be difficult, expensive and risky to try and get the outcome you deserve.

The best way I advise my clients to deal with this is to empower themselves from the get-go with a basic knowledge of the law and their rights.

How do you think the digital world and social media, in particular, has impacted intellectual property? And how can creatives work within it?

The digital world has had a huge impact on IP. Creatives often have a love/hate relationship with social media. Whilst it is an easily accessible and free, or cheaper, platform for the global distribution and marketing of your work, it is also an environment where anything can be posted, shared, regrammed, remixed, changed and copied by anyone in the world almost instantaneously. Some people think that just because something is posted online it is "free for the taking", but of course, this is not the case.

“ While posting something on social media is a great way to expose yourself to a wider market or audience, it can be a double-edged sword because it also exposes your work to copycats. ”

Creatives should also be aware that sometimes social media websites can acquire certain rights over work that is posted on their site, so they should always check their IP rights within the terms and conditions before signing up.



Sharon's book, Owning It, delves into the copyright issues and intellectual property queries surrounding the internet and social media.

What do you see as being the biggest challenge to the creative industry in the future?

As we progress into the future and new technologies and global integration continue to grow, we'll no doubt see further challenges for copyright monitoring. It's hard to chase down copycats across jurisdictions, and we're bound to see a continuing rise of the "catch me if you can" attitude.

I have had clients who have discovered their designs being reproduced by manufacturers halfway around the world. As the flow of information continues to expand, unless copyright monitoring systems can keep up, we'll be seeing more and more of this type of thing.

I always advise my clients to take a proactive approach to avoid this situation, and this is a strong theme throughout my book, which gives various tips throughout on how to deter copycats.

You've described yourself as a 'creative hobbyist', what creative hobbies do you love to make time for?

Although admittedly I seem to have less and less time for it, I still love to express myself through my painting and mixed media. I contributed many of the illustrations that feature in Owning It – it was a form of meditation amongst the intense concentration required to write the book.

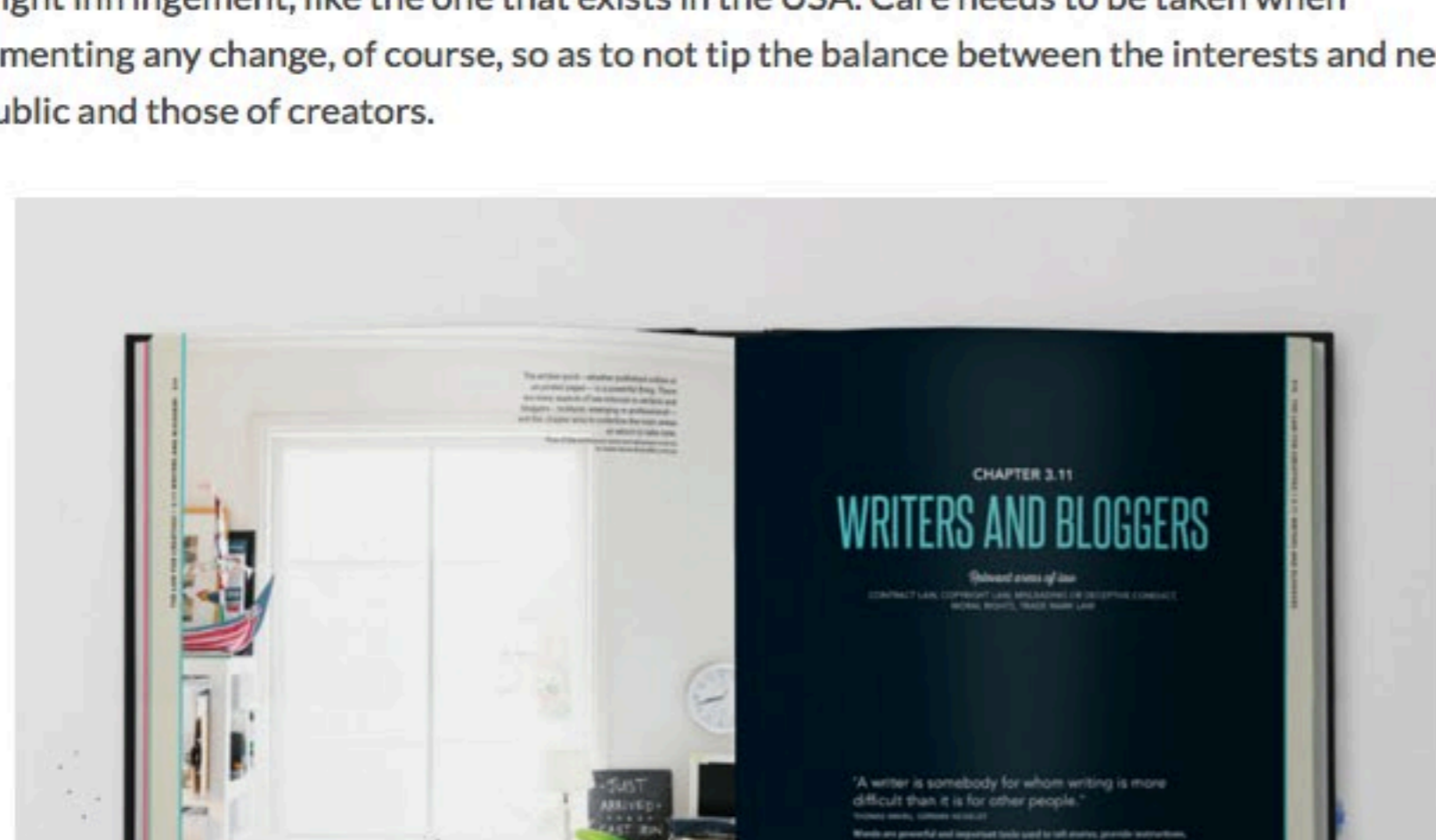
What inspires you on a career and personal level?

Personally, my family, friends and loved ones. On a career level, I'd have to say, my clients. Not only am I fortunate enough to work with interesting people from all walks of life, I also get a real sense of achievement in playing a valuable role in helping them overcome their legal issues.

What are your hopes for the creative industry for the future?

I think there are a couple areas in which Australian law would benefit from reform. I would love to see the design registration system change to allow for better protection for product designers once their work has been mass-produced (currently, as I talk about in the book – copyright protection ceases to apply).

Australia could also in my view benefit from the introduction of an open-ended "fair use" defense to copyright infringement, like the one that exists in the USA. Care needs to be taken when implementing any change, of course, so as to not tip the balance between the interests and needs of the public and those of creators.



Owning It, by Sharon Givoni, features invaluable information on intellectual property for all creatives, including writers and bloggers.

If you could give one piece of advice to creatives within the industry, what would it be?

At the risk of repeating myself: Be proactive. Get empowered through knowledge. Know your IP rights and take positive steps to prevent people from copying. Don't wait until it's too late! And if that doesn't work, call me!

Thank you so much to Sharon for sharing her words of wisdom. If you are a creative working within the industry and you haven't checked out Owning It, get onto it! The book breaks down every question and concern and delves into a whole heap of different creative careers (design, fashion, writing etc.). It really is your bible for the law as a creative. [You can find it online here.](#)

If you have any questions for Sharon or you'd like to get in touch, [you can get in touch online here.](#)

For me, working within digital and social media, I believe it's essential to be teaching others about the importance of crediting the original creators of everything shared or regrammed on social. The wonderful thing about social media is that we're able to build each other up through an incredible community, so we should be sharing the love, not taking credit for another's work, on these platforms. Do your bit, shout out to whoever's work you love so much you just had to share it, and teach others to do the same. Remember, [#createorcredit](#) (wonderful hashtag created by Catherine Wilson).

Kylie, xx

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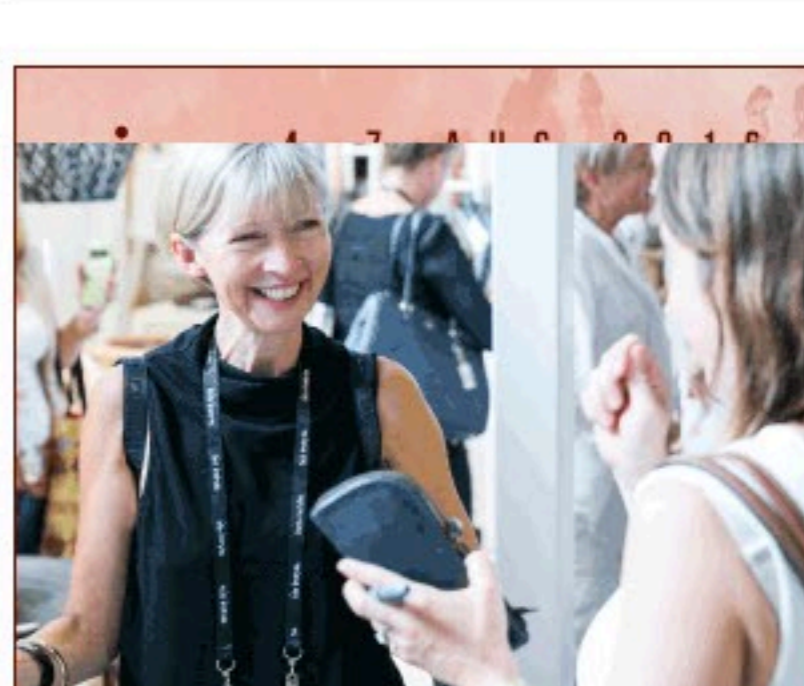
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