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ARTICLES

Sketching Moral Rights – *Isabella Alexander, Pat Grant, Genevieve Wilkinson and Evana Wright*

This article examines the relevance of the protection for moral rights to commercial visual artists. Our small scoping study suggests that visual artists are concerned about protection of rights to integrity and attribution but they lack understanding of their legal entitlements. Although moral rights were introduced into Australian copyright law over 20 years ago, the number of court cases invoking them remains low, providing limited guidance on their nature and scope. There may be multiple explanations for this lack of enforcement, including that litigation may be too costly or risky to pursue or that there is insufficient understanding of the nature of moral rights and how they may be enforced. We argue that broader education about moral rights is likely to benefit commercial visual artists, particularly given the emerging risks posed by the digital environment for effective protection of moral rights. 5

For Better or Metaverse: Assessing Potential Risks and Opportunities For Brand Protection within the Metaverse – *Marie Karykis*

The metaverse presents both opportunity and risk for intellectual property commercialisation, particularly in the context of brand protection and enforcement in trade mark and copyright law. Australian courts have not yet grappled with the application of existing ownership and licensing regimes of “real world” goods and services to their “virtual” counterparts. However, guidance from Intellectual Property Australia and recent international jurisprudence indicates there is sufficient means to both commercialise, and protect against unauthorised use of, intellectual property in the metaverse. While Australian copyright and trade mark laws will continue to provide sufficient means for commercialisation, as well as established pathways for brand protection and enforcement, there are unique practical issues that businesses should be prepared to navigate as this technology develops. The article considers how businesses can effectively protect and enforce their brands within new metaverse platforms. 20

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