Content Freely Accessible at source linked to?

Yes → Content lawfully available at source linked to?

Yes → Link provided with profit making intent?

No → Does link provider have knowledge of the unlawfulness?

No → = NOT Communication to the Public

Yes → = Communication to the Public

No → = Communication to the Public

Content lawfully available at source linked to?

Yes → Link provided with profit making intent?

No → Does link provider have knowledge of the unlawfulness?

No → = NOT Communication to the Public

Yes → = Communication to the Public

Link provided with profit making intent?

No → Does link provider have knowledge of the unlawfulness?

No → = NOT Communication to the Public

Yes → = Communication to the Public

Does link provider have knowledge of the unlawfulness?

No → = NOT Communication to the Public

Yes → = Communication to the Public

1 e.g. Link circumvents restrictions such as paywall etc.

2 Including, for example, pursuant to notice

3 Knowledge of unlawfulness presumed (rebuttable)