

ONLINE COLLECTIONS

COPYRIGHT TRAFFIC LIGHT

When digitising collections and making those digital copies available to the public, it is important to respect the rights of creators and abide by the conditions of the *Copyright Act 1968*.

BEFORE YOU BEGIN

This information sheet provides general advice about copyright duration and the appropriateness of online publication. If you need to know how the law applies in a particular situation, please seek advice from a lawyer. For an introduction to copyright, see the Glossary and Further Resources section below.

The easiest approach to sharing digital images of your collection online is to follow this **Copyright Traffic Light** guide. Start with the safe-to-publish material outlined in Green, then direct your efforts towards identifying copyright-restricted items and obtaining permission where required in the Amber and Red groups.

GREEN: CAN BE FREELY PUBLISHED ONLINE

- Images of items that do not have copyright restrictions e.g. medals, clothing, utilitarian items
- Images of works where copyright has been waived by the copyright holder (such as through a Creative Commons License or public domain status)
- Works where copyright has expired, and the work is in the public domain
- Materials where the copyright is owned by your organisation

AMBER: CAN BE PUBLISHED AFTER INVESTIGATION/CONSIDERATION

- Works for which copyright may have expired, including:

Photographs: Copyright expires 70 years after the death of the photographer, or is expired if taken before 1955

Literary works published during the lifetime of an author: Copyright expires 70 years after the death of the author, or is expired if the author died before 1955

Artworks: Copyright expires 70 years after the death of the artist, or is expired if the artist died before 1955

Unpublished materials: Copyright expires 70 years after the death of the author, or if author died before 1949

Orphan works (where creator cannot be identified): Copyright expires 70 years from publication or creation

- Works for which you have **permission to copy**, by way of a license or transfer granted by the copyright holder (e.g. a signed Donor Form or Licence Agreement)

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RED: EXERCISE CAUTION!

- Works which are under copyright – particularly books, artwork, film or any material which is commercially available – should only be shared online with the permission of the copyright holder
- If you are unable to obtain a license or copyright transfer from the original owner, explore whether you are eligible for any exemptions under s200AB of the *Copyright Act*

Remember! When sharing or publishing copyright material you must also respect the moral rights of the creator by providing an attribution. Refer to the Glossary below for further detail.

GLOSSARY

Copyright is a set of rights (to copy, to communicate, to perform etc.) granted to the creator of an original work for a specific period of time. An original work may mean literature, dramatic works, artistic works, sound and video recordings, even computer programs.

In Australia ‘**in the public domain**’ simply means material for which copyright has expired. The term has varying definitions abroad.

Creative Commons provides a way for copyright holders and content creators to allow the public to use material in certain ways without having to seek a formal license agreement. The licences allow the public to use material free of charge under the varying levels of restrictions. Learn more here: <http://creativecommons.org/about/licenses/>

Attribution is an acknowledgement which gives credit to the creator or copyright holder of an original work

Moral Rights are the rights individual creators have in relation to copyright works they have created. Importantly, moral rights cannot be transferred or sold, so even if copyright is transferred to a third party, moral rights remain with the creator. Moral rights ensure that 1) a creator is attributed for their work, 2) their work is not falsely attributed and 3) their work is not treated in a derogatory way.

MORE LIKE THIS

Information sheet: Legal Restrictions in Your Collection

FURTHER RESOURCES

Galleries & Museums: Introduction to Copyright, Australian Copyright Council, https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Galleries_Museums_Introduction_to_Copyright.aspx

Duration of Copyright information sheet, Australian Copyright Council, https://www.copyright.org.au/acc_prod/ACC/Information_Sheets/Duration_of_Copyright.aspx?WebsiteKey=8a471e74-3f78-4994-9023-316f0ecef4ef

Victorian Collections is an initiative of Australian Museums and Galleries Association Victoria in partnership with Museums Victoria. Victorian Collections is supported by the Victorian Government through Creative Victoria.