



Government of South Australia

Department for Administrative
and Information Services

GPO Box 1072
ADELAIDE SA 5001
Phone (08) 8226 7750
Fax (08) 8204 8777 DX:467
srsaGeneralEnquiries@saugov.sa.gov.au
www.archives.sa.gov.au



State Records Researchers and Copyright

Guideline

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Copyright Guideline

What is copyright?

Copyright is a type of property, founded on a person's creative skill and labour, and is independent of the custody or ownership of the physical item. Copyright controls the reproduction or publication of the form in which the intellectual content of the work is expressed. It protects the "original expression" of the author's ideas or information. It does not prevent the use of the same idea or information. Copyright exists in works and other subject matter by virtue of the Copyright Act 1968. The act protects original literary, dramatic, musical or artistic works, sound recordings, radio and television broadcasts and published editions of works

Government records and Copyright

Under the *Copyright Act 1969* the vast majority of government records in State Records custody can be considered as "literary works" and as such are covered by copyright. Government holds the copyright to the records created by their agencies (with some exceptions). Most government records are considered unpublished and as such copyright will exist in most government records.

State Records and Copyright

Records within State Records custody are either records created by government or private individuals records (such as correspondence to the government). The copyright of records is vested with the crown and its relevant agency or private individual (or to whom copyright has passed on to upon the death of the creator) controlling the records. As such State Records can only give permission to use copyright material for publication that it owns copyright not material for which another agency or private individual holds copyright. However State Records can:

- ▶ help you establish if something is on crown copyright
- ▶ tell you what agency you should approach for permission to publish unpublished government records, and
- ▶ help you understand your responsibilities under the copyright act
- ▶ It is a researcher's responsibility
- ▶ to approach the government department or agency to obtain the necessary permission
- ▶ to explain your project to the copyright owner, and
- ▶ to obtain the approval required

State Records Researchers and Copyright

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When is a record in copyright?

The following table provides a guide to the length of time material is in copyright.

Type of Material	Duration of Copyright
Literary, dramatic and musical works (including correspondence, reports and Journals) Engravings Photographs taken after 1 May 1969 Cinematograph Films and sound recordings made after 1 May 1969	50 years from the end of the year of first publication. It is important to note that most records such as correspondence within State Records custody have not been published and as such are still under copyright.
Artistic works other than engravings Photographs taken before 1 May 1969 Sound recordings made before 1 May 1969 Television and sound broadcasts	50 years from the end of making
Typographical arrangement of a work in a published edition	25 years from the end of the year of publication

Further information

Further information regarding copyright can be obtained from:

The Intellectual Property Branch of the Federal Attorney-General's Department provides general copyright information to members of the public. Contact details are as follows:

Intellectual Property Branch

Attorney-General's Department
Robert Garran Officers
National Circuit, Barton
ACT 2600
Ph: (02) 6250 6655
<http://www.law.gov.au>

The Australian Copyright Council assists copyright owners and raises the awareness of copyright issues. It publishes information sheets and books on copyright matters and operates a free telephone advice service on Mondays and Wednesdays from 9 am to 12 noon and 2-5pm (EST). Contact details are as follows:

Australian Copyright Council

3/245 Chalmers St
Redfern
NSW 2016
Ph: (02) 9312 1788
e-mail: info@copyright.org.au
<http://www.copyright.org.au>

Useful Publications

- ▶ *Copyright Law in Australia: A Short Guide*, Attorney-General's Department, August 2001, www.law.gov.au/publications/copyrightlawaustr/index.html
- ▶ *Historians and Copyright*, Australian Copyright Council
- ▶ *Government and Copyright: A Practical Guide*, Australian Copyright Council, September 2000