



Government of **Western Australia**
Department of **Culture and the Arts**
State Records Office of Western Australia

Information Sheet

Copyright

What is Copyright?

Copyright is 'property' and can be owned by an individual, institution or organisation. While the Copyright Act gives the owner certain rights regarding the duplication of his/her work, it is the form that is being protected rather than the ideas or information contained therein. If the duplication of ideas in a work constitutes an infringement of copyright, it is because a substantial amount of the work has been copied and not because the copyright owner has any exclusive rights to the ideas contained in the work. Works must exist in a material form before copyright can subsist in them.

Definition of works

Works may be literary, dramatic, musical, artistic or a photograph or cinematograph film and may be in a 'traditional' or digital format..

A literary work is not defined in the Act, but does include text and writing. Examples of literary works include telephone directories, letters, memos, reports, registers and books of fiction or non-fiction.

Artistic works may include maps, plans, drawings (except circuit diagrams) and works of artistic craftsmanship.

When does the Copyright Act apply?

Whatever your reason is for requiring a copy of a work, whether for private research, as part of a report or thesis, or for publication in an article, book or display, you need to be aware of the conditions that apply to copying under the Copyright Act 1968.

All copying, whether from microfilms, original records or digital images, is conducted under this Act (and subsequent amendments). The Act attempts to balance the need to protect intellectual content in whatever form it takes from unauthorised copying, against society's right to knowledge and information, by allowing copying and publication under certain conditions.

Duration of copyright

How long a work remains in copyright depends on the type of work it is, when it was created and who created it. Copyright in Government works, that is, material created by or for State and Commonwealth Government agencies is defined in s.180 of the Copyright Act. Duration for works created by individuals or other organisations, including Local Councils, are defined throughout the Copyright Act. Some durations were changed with the introduction of the Free Trade Agreement of 2005, and it is worth seeking advice on duration for works from an external party such as the Copyright Council of Australia (www.copyright.org.au). However, the following table contains a brief overview.

Work		Where copyright, other than Government copyright exists*	Where Government copyright exists
Literary works (letters, files, reports, etc)	Unpublished	Remains until publication at which time the duration is as for published works	In perpetuity or until publication
	Published	70 years from date of author's death, or if published after death, 70 years from date of publication.	50 years from date of publication
Artistic works (maps, plans, drawings, etc)		70 years from date of author's death.	50 years from date of creation
Photographs and engravings	Before 1 May 1969	70 years from end of year made.	50 years from end of year made
	On or after 1 May 1969	70 years from date of publication.	50 years from date of first publication
Sound Recordings	Before 1 May 1969	70 years from end of year of recording.	50 years from date of first publication
	On or after 1 May 1969	70 years from date of publication.	50 years from date of first publication

* Copyright duration changed in January 2005. Generally, works which were published before 1 January 1955 are out of copyright.

Who owns Copyright in government archives ?

A basic principle of copyright is that the author of a work is the first owner of any copyright subsisting in that work. An author can be a private individual writing to a government organization, or an individual representing a company. However, the Commonwealth or a state is the owner of the copyright in every work made by, or under the direction of, or control of, the Commonwealth or a state. It is irrelevant whether the author is employed by the Commonwealth or a state or is under contract.

A file of correspondence may contain both private and crown copyright, because it will contain letters written to the government and on behalf of the government. You will need to determine who the creator was for the records you want to copy.

This applies to all unpublished material, no matter how trivial. Should you wish to copy a work in the State Records Office collection for a purpose other than private research and study, we would advise contacting the agency or individual responsible. The State Records Office is simply the custodian of the records and cannot provide permission to publish.

Within Western Australia, some agencies administer their own copyright. The State Records Office does not hold copyright to records in the archives collection and generally cannot provide permission to publish.

Publication of material must be carried out under s.52 of the Copyright Act.

Publishing previously unpublished items

There is nothing in the Copyright Act that requires the institution housing a work to be acknowledged in a published version of the work. Nevertheless, we would prefer that you acknowledge the source of your material, simply so that others may be able to locate it properly. For more details on acknowledging and referencing records in the State Records Office collection, see our Information Sheet on Referencing.

When publishing any material, the original author must be acknowledged.

While many items in the State Records Office may physically be copied, it is ultimately the researcher's responsibility to ensure that the Copyright Act is complied with if he/she wishes to publish or display items copied from the State.

For more information on copyright, contact the Copyright Council of Australia,
www.copyright.org.au

* **Note:** The Copyright Act does not indicate the manner in which copying may be done, and there is no requirement for photocopies to be provided.

**The supply of copies of materials to other libraries and archives to enable private research and study is not considered publication.