

# Copyright information from ANU Library: Copyright for students

## General principles:

- \* cite all material that you use correctly to clearly attribute through accurate referencing
- \* ensure that if you use a “substantial” part of a work you have the right to use it in your publications
- \* only make copies of material, whether print or electronic copies, in accordance with the fair dealing provisions of the Copyright Act, or use other approaches such as permission from the creator
- \* material on the Internet is not necessarily able to be freely copied or reproduced without permission.
- \* Library staff can assist with information on copyright

The Australian National University is committed to compliance with the Copyright Act 1968 and upholding the rights of creators and users of copyright material.

This guide is prepared to assist students in understanding the basics of copyright for their theses, publications and other work. Further general assistance can be found from other materials on the University's copyright site (<http://copyright.anu.edu.au>) or from the University Library.

If you need advice in relation to a University copyright matter and your question has not been resolved after reviewing the materials in this guide, you may refer your question to the University Copyright Officer for further assistance.

### Copyright Officer

Roxanne Missingham

Tel: 02 6125 2003

E: [Roxanne.missingham@anu.edu.au](mailto:Roxanne.missingham@anu.edu.au)

## Contents

General principles:.....	1
What is copyright? .....	3
What does copyright protect? .....	3
Why is it important?.....	6
Fair dealing.....	6
Quotations and Extracts.....	7
Copyright and research data.....	7
Making copies for your research or study.....	9
Licensed material purchased by the University .....	9
Material on the Internet .....	9
FAQs.....	10
I wish to make a copy/communicate material (works) to another student or colleague.....	10
I wish to make a copy for my research.....	10
I am a student with a disability.....	11
Where can I find open access material to use? .....	11
What about works out of print? .....	12
Acknowledgments.....	12
Further information:.....	11
Attachment A. Duration of Copyright.....	12
Copyright material made before 1 January 2019 (other than Government copyright material) .....	12
Copyright material made on or after 1 January 2019 (other than Government copyright material) .....	14
Government copyright material made before or after 1 January 2019.....	15
Attachment B. Copyright Act 1968 - Section 40 Fair dealing for purpose of research or study..	18
40 Fair dealing for purpose of research or study .....	18

Version 1.2

Prepared February 2019 by Roxanne Missingham, University Librarian

## What is copyright?

The Department of Communication's and the Arts publication *Short guide to copyright*<sup>1</sup> states:

Copyright is a type of property that is founded on a person's creative skill and labour. Copyright protects the form or way an idea or information is expressed, not the idea or information itself.

Copyright is not a tangible thing. It is made up of a bundle of exclusive economic rights to do certain acts with an original work or other copyright subject-matter. These rights include the right to copy, publish, communicate (e.g. broadcast, make available online) and publicly perform the copyright material.

Copyright creators also have a number of non-economic rights. These are known as moral rights. This term derives from the French *droit moral*. Moral rights recognised in Australia are the right of integrity of authorship, the right of attribution of authorship and the right against false attribution of authorship.

Some points to remember about copyright:

- Copyright protection applies automatically when material is created, and is therefore FREE
- Copyright does not protect names, titles, or slogans
- Copyrighted material can be used for personal use without permission in some circumstances, but these are narrow and very specific.<sup>2</sup>

## What does copyright protect?

Australian copyright legislation (the Copyright Act 1968) protects works which are "original" (the product of a creator's own intellectual effort, and not copied from another person's work). Copyright subsists for works created by a resident or citizen of Australia, or made or first published in Australia, or for citizens from countries which are members of a relevant international copyright treaty.

Copyright protects:

- Works**, defined by The Act as original **literary, dramatic, musical** and **artistic** works. Fiction and non-fiction are covered, as are hard copy and electronic materials.
  - ~ **Literary works** covers works that are written or produced in another form by a creator. They must be non-trivial in order to be covered by copyright. Covered in the scope of literary works are letters, manuscripts, e-mails, articles, novels, poetry, song lyrics, timetables, databases and computer programs. **Compilations of works**, such as

---

<sup>1</sup> <https://www.communications.gov.au/documents/short-guide-copyright> . Accessed 23 January 2019

<sup>2</sup> [www.copyright.org.au](http://www.copyright.org.au), An Introduction to Copyright in Australia. Accessed 21 February 2013.

conference proceedings and collections of essays are also covered (as literary works).

Computer programs are protected as a sub-category of literary works.

~ **Artistic works** are covered, including paintings, photographs, sculptures, engravings, sketches, blueprints, drawings, plans, maps and buildings or models of buildings, irrespective of the artistic quality of the work.

There are categories of material covered by copyright that are collectively referred to as “subject-matter other than works” which include:

- Films
- Sound recordings
- Radio and television broadcasts; and
- Published editions.

**Compilations of works**, such as conference proceedings and collections of essays are also covered (as works).<sup>3</sup> If the compilation is not “original”, for example not created by “independent intellectual effort” nor the product of “sufficient effort of a literary nature” the compilations may not be covered by copyright.

Australian copyright legislation is different to that of the UK and US. For example the US legislation has extensive provisions for “fair use” and Government publications are not covered by copyright and therefore are “public domain”.

---

<sup>3</sup> Australian Copyright Council (2012) *Databases, Compilations, Tables & Forms*. May 2014 Strawberry Hills, NSW 2012  
[https://www.copyright.org.au/ACC\\_Prod/ACC/Information\\_Sheets/Databases\\_Compilations\\_Tables\\_Forms.aspx](https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Databases_Compilations_Tables_Forms.aspx) Accessed 22 January 2019

## How long does copyright last?

Copyright generally lasts for the life of the creator plus 70 years. Under the Australian Copyright Act, copyright expires as follows:

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Literary, dramatic, musical works (other than computer programs)	Made public before death of author	Author died before 1 January 1955	Life of author + 70 years
Literary, dramatic, musical works (other than computer programs)	Made public after author's death and before 1 January 2019	Made public before 1 January 1955	Year first made public + 70 years
Literary, dramatic, musical works (other than computer programs)	Made public after author's death and on or after 1 January 2019	Author died before 1 January 1949	Life of author + 70 years
Literary, dramatic, musical works (other than computer programs)	Never made public	Author died before 1 January 1949	Life of author + 70 years
Artistic works other than engravings or photographs		Author died before 1 January 1955	Life of author + 70 years
Photographs		Made before 1 January 1955	Life of author + 70 years
Photographs where the author is unknown	Made public before 1 January 2019	Made before 1 January 1955	Year first made public + 70 years
Works made, or first published, by the Commonwealth, or a State or Territory		Made before 1 January 1969	Year made + 50 years

For the full duration table see **Attachment A** at the end of this document.

### Note:

- Film footage shot before May 1969 is defined as a series of photographs.
- Films may have complexities for music and other components that have different copyright or licence conditions.
- Works may be reissued in a revised form after the death of the creator or author. The revision may extend the period of copyright protection, with the creator being both the person/s responsible for the revision and the original creator.

The good news is that the changes that came into effect on 1 January 2019 allow for the expiration of rights in unpublished material.

## Why is it important?

Copyright is a legal set of protections for creators. If copyright is infringed (breached) penalties can be sought by creators. While there have not been a large number of cases in the university sector in recent years, penalties can be significant.

The University is committed to compliance with the Copyright Act 1968. All staff and students are informed through guidance material and training as appropriate to ensure in compliance.

## Fair dealing

The Fair dealing provisions (see **Attachment B**) allow for use of literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, without payment of a fee or a license. A 'dealing' with copyright material is using the material in any of the ways reserved to the copyright holder.<sup>4</sup>

This covers uses such as:

- reproduction or communication (such as sending by email) of a reasonable portion of a work for research or study by a student enrolled at the University;
- use of a work for the purpose of criticism or review, with sufficient acknowledgement of the work (section 41); and
- use of a work for the purpose of parody or satire, with sufficient acknowledgement of the work (section 41A).

The provisions for copying for the purpose of criticism or review do not have a limit on the amount of material you may reproduce or use. The following criteria must be met:

- you must make a genuine attempt to critique or review the work by analysing its merit;
  - the dealing with the work must be 'fair' –'fair' for this provision is not defined in the Act;
- and
- you must acknowledge the creator and title of work.

In practice, this exception is unlikely to give you protection beyond that of use for research and study if you use reasonable portions of the work.

The Australian Copyright Council provides a number of information sheets that can help you establish whether your use is 'fair' and what constitutes a 'reasonable portion'<sup>5</sup>. The Copyright Act deems that **it is fair to reproduce 10% of the number of pages, or one chapter** (if the work is divided into chapters) **of published text or printed music**. When **reproducing text published in electronic format, 10% of the**

---

<sup>4</sup> [www.copyright.org.au](http://www.copyright.org.au), Fair Dealing. Accessed 21 February 2013.

<sup>5</sup> [https://www.copyright.org.au/ACC\\_Prod/ACC/Information\\_Sheets/Research\\_or\\_Study.aspx?WebsiteKey=8a471e74-3f78-4994-9023-316f0ecef4ef](https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Research_or_Study.aspx?WebsiteKey=8a471e74-3f78-4994-9023-316f0ecef4ef)

### **number of words can be copied or one chapter.**

The exception does not allow for unlimited copying for study, nor for unlimited reproduction of the work of others in your thesis or publications, such as journal articles.

## **Quotations and Extracts**

The best way to avoid infringing copyright when using quotations and extracts is to make sure you reference sources correctly. The ANU Academic Skills and Learning website provides some guidance on referencing <http://www.anu.edu.au/students/academic-skills/academic-integrity/referencing> and the ANU Library website, <http://anulib.anu.edu.au/training/> also have a range of courses to assist you with managing your thesis or essay production and searching databases and journals for information sources.

Generally, copyright infringement occurs when a substantial part of the work is used. A part may be considered substantial if it is important, essential or distinctive to the work; the quality of the part of the work you are using is often more important than the quantity.

According to the Australian Copyright Council<sup>6</sup>, you are likely to need permission to use a quotation or extract if:

- the quotation is a work for the purposes of copyright, or the quotation is an important part of a work, AND
- the copyright has not expired, AND
- no special exception applies (such as fair dealing for criticism and review, research or study, or for news reporting).

Always reference the material created by others that you quote or use in your thesis accurately. This requirement is not affected by whether you are using it under the Copyright Act or other. This falls within the moral rights provisions and also professional academic practice.

This applies whether you are using an insubstantial or substantial portion of a work.

### **Copyright and research data**

Data can be protected by copyright in the literary works category, which includes 'tables' or 'compilations'. The protection can apply if the data is in a literary work (does not mean a work of fiction) and is 'original'.

The Australia Research Data Commons (previously entitled the Australian National Data Service) advises that, "As general rule, the person who produces the data will own copyright in it. If two or more people have collaborated in producing the data, such that their individual contributions cannot be separated out from the whole work, they will be joint authors and will jointly own copyright. In a situation where the data has been produced by an employee acting in the ordinary course of their employment duties, copyright will belong instead to that person's employer."<sup>7</sup> They have a Data Licensing Implementers group which provides

<sup>6</sup> [https://www.copyright.org.au/ACC\\_Prod/ACC/Information\\_Sheets/Quotes\\_Extracts.aspx?WebsiteKey=8a471e74-3f78-4994-9023-316f0ecef4ef](https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Quotes_Extracts.aspx?WebsiteKey=8a471e74-3f78-4994-9023-316f0ecef4ef) Accessed 5 February 2019

<sup>7</sup> [https://www.andcs.org.au/\\_data/assets/pdf\\_file/0010/1498744/Research-Data-Rights-Management-Guide.pdf](https://www.andcs.org.au/_data/assets/pdf_file/0010/1498744/Research-Data-Rights-Management-Guide.pdf). Accessed 22 January 2019

information<sup>8</sup> and assistance.

Where data is collected under a contract for example a research grant there may be joint ownership of the research data or obligations regarding its publication, use and citation.

There are many advantages to publishing your research data, unless prevented by privacy, public sensitivity, or commercial matters. Data can be made available to others under a range of licences and conditions the make it clear to others how it can be used. Options include:

- Creative Commons**
- Science Commons**
- GNU Free Documentation License.**

If you are **creating or collecting data as part of your research** consider how you might make that data available with accurate and comprehensive metadata. The metadata should include information about the creator of the data, restrictions on its use, descriptions of the data in the collection and other data such as date collected or grants the information is collected under.

The University has a data repository which is available at <https://datacommons.anu.edu.au/> and is a part of Research Data Australia.<sup>9</sup> By listing your data in these services you identify that the data has been collected and that you are the creator of the data. This both protects your rights and enables the research community to identify the data that you have collected.

The Australian National University is committed to the highest standards of research integrity and has extensive advice on research practice and data collection and management.<sup>10</sup> If you are undertaking data collection which includes Human or Animal Ethics approval you will need to have a data management plan which should include information on how the data is stored, made available and permissions for data collection such as consent forms. Further advice can be obtained from the Office of Research Integrity Research Services (see <https://researchservices.anu.edu.au/ori/responsible/contact.php>).

Remember that data collections you use or create may have a range of rights holders, particularly if you are recording performances or music. There may be a requirement of a number of permissions for any particular data recording.

If you wish to use data that has been collected or created by others you will need to ensure that you understand the conditions on which the data is made available and can be reused. If this is not clear you should contact the individual or organisation who created or is responsible for the data.

If you wish to use the data in a publication, such as a journal article or essay, if you are using a substantial

---

<sup>8</sup> <https://www.ands.org.au/working-with-data/publishing-and-reusing-data/licensing-for-reuse>. Accessed 22 January 2019

<sup>9</sup> <https://www.ands.org.au/guides/research-data-rights-management> Accessed 5 February 2019

<sup>10</sup> <https://researchservices.anu.edu.au/ori/responsible>. Accessed 21 March 2013



portion of data and it is not covered by the fair use provisions of the Copyright Act, nor a license such as Creative Commons, seeking permission from the copyright owner will enable you to use the material without infringing copyright.

## Making copies for your research or study

You will want to make photocopies and digital copies of material that is relevant to your research. There are a range of tools that you can use to record and/or store your references material including Mendeley, Zotero and Endnote. The Library offers training in these products (see <https://anulib.anu.edu.au/news-events/events-exhibitions/calendar>). The University has a license for Endnote – you can download it from Wattle.

You cannot make unlimited copies of all material for your research and study. The options enabling you to copy material (works) include the following:

- you may be the copyright holder; OR
- the university may be the copyright holder; OR
- the university may have a license for use of the work/s that means that you can make a copy –the Library can check licenses for works; OR
- copyright may have expired in the works; OR
- the works may be published under a Creative Commons license that allows for reproduction without permission; OR
- reproduction falls within the fair dealing or other exceptions; OR
- reproduction occurs with permission of the creator; OR
- you are copying a insubstantial portion of the work.

## Licensed material purchased by the University

The University Library purchases a wider range of material for the use of members of the university. Electronic resources, such as e-journals and e-books are purchased through agreements (licenses) with suppliers. The Library has a database of the licenses and can check to see if the material can be made available to your students within the conditions of the license.

## Material on the Internet

Many valuable resources are available on the Internet. Unfortunately many resources do not contain information about whether they can be reproduced or communications for research or study.

Where possible use material that is identified as Creative Commons licensed – there are a range of Creative Commons licenses and you will need to check to see if a resource can be freely copied or should just be linked to in your course material.

There are many “pirate” websites offering access to films, television programs and other material for which

they do not have the right to provide access to the community. If the website has the word “pirate” on the home page beware.

Use websites where you are reasonably sure that the copyright owner has given permission for the material to be included.

Remember moral rights apply to websites as well as printed/hardcopy resources.

Just because material is on the Internet does not mean you can copy or reuse it for your students. General principles are:

- Check if there is information on use on the website
- Link to the resource
- If this will not work ask the creator for permission
- If you are unsuccessful in getting a response from the creator in a reasonable time you may wish to consider copying the material

## FAQs

### **I wish to make a copy/communicate material (works) to another student or colleague.**

You can make a copy or communicate (such as sending as an attachment electronically) under the fair dealing for purpose of research or study provision of the Copyright Act.

### **I wish to make a copy for my research.**

You can make a copy under the fair dealing exceptions of the Copyright Act. You can copy limited amounts of copyright material for research or study and criticism or review. The definition of reasonable portions are in **Attachment B**:

Item	Work or adaptation	Amount that is reasonable portion
1	A literary, dramatic or musical work (except a computer program), or an adaptation of such a work, that is contained in a published edition of at least 10 pages	(a) 10% of the number of pages in the edition; or  (b) if the work or adaptation is divided into chapters—a single chapter
2	A published literary work in electronic form (except a computer program or an electronic compilation, such as a database), a published dramatic work in electronic form or an adaptation published in electronic form of such a literary or dramatic work	(a) 10% of the number of words in the work or adaptation; or  (b) if the work or adaptation is divided into chapters—a single chapter

The Copyright Act does not specify the amount you can copy from films, DVDs or other media.

You should consider the following factors if you need to copy more than a reasonable portion from a book, musical score or notated music:

- the purpose and character of the copying
- the nature of the material being copied
- the possibility of obtaining the material commercially
- the effect of the copying upon the potential market for the material
- the amount copied in relation to the whole of the source material.

For more information see the copyright page for researchers.

### **I am a student with a disability.**

The Copyright Act contains a number of provisions that allow material to be reproduced in accessible formats to assist people with disabilities. The Disability Services Centre and the Library work closely together to support students who are registered with the Centre.<sup>11</sup>

Works can be copied and communicated to students with a print disability. The Copyright Act defines disability as follows:

***person with a disability*** means a person with a disability that causes the person difficulty in reading, viewing, hearing or comprehending copyright material in a particular form.

The disability provisions can be used to reproduce material to assist a student for educational purposes, research & study, as well as recreational or private use.

If you wish to reproduce material other literary or dramatic works or for other disabilities, you will need to rely on one of the other provisions.

In summary contact the Disability Services Centre for support and advice.

### **Where can I find open access material to use?**

Open access material and many Creative Commons licenced resources can be freely used in your work.

There are a number of good starting points to locate this material including:

- Directory of Open Access Journals <http://www.doaj.org/>
- Directory of Open Access Books <http://www.doabooks.org/>
- Directory of Open Access Repositories – OpenDOAR <http://www.opendoar.org/>
- Material in Australian open access repositories is often listed in Trove <http://trove.nla.gov.au/>
- Images can be found in
  - Flickr <http://www.flickr.com/search/advanced> use Advanced search to select “Only search within Creative Commons-licensed content”
  - Google images [http://images.google.com.au/advanced\\_image\\_search?hl=en-](http://images.google.com.au/advanced_image_search?hl=en-)

---

<sup>11</sup> <http://www.anu.edu.au/students/contacts/access-inclusion> Accessed 5 February 2019

[AU&authuser=0](#) - select “free to use or share” or other free use options.

### What about works out of print?

Just because a work is out of print does not mean its copyright has expired nor that you have the right to make unlimited copies for the world.

There are a number of options to make works or parts of works available including the following:

- You may make copies or communicate a reasonable portion for students under the statutory licence.
- You may obtain permission from the copyright holder to make the material available.
- The Library may have a license for the material that enables use in your course.

## Acknowledgments

This guide draws and was inspired by copyright guidance from the Department of Communications and the Arts, Australian Copyright Agency, Australian Copyright Council, Copyright Agency Limited, Queensland University of Technology, University of Melbourne and University of Sydney.

ANU Copyright Officer – Roxanne Missingham, University Librarian

Email – [Roxanne.missingham@anu.edu.au](mailto:Roxanne.missingham@anu.edu.au)

Tel – 6125 2003

## Further information:

Department of Communications and the Arts copyright pages	<a href="https://www.communications.gov.au/search?search_api_views_fulltext=copyright">https://www.communications.gov.au/search?search_api_views_fulltext=copyright</a>	
Australian Copyright Council	<a href="http://copyright.org.au">http://copyright.org.au</a>	Note the Publications series is purchased by the Library and available from the Law Library (AUS 100)
Australian Digital Alliance	<a href="http://digital.org.au">http://digital.org.au</a>	
Australian Libraries Copyright Committee	<a href="http://libcopyright.org.au">http://libcopyright.org.au</a>	
Australian Library Association	<a href="https://www.alia.org.au/advocacy-and-campaigns/copyright-and-">https://www.alia.org.au/advocacy-and-campaigns/copyright-and-</a>	The Library is a member and can access restricted content.
Australasian Performing Right Association (APRA) - Australasian Mechanical Copyright Owners Society (AMCOS)	<a href="http://www.apra-amcos.com.au">www.apra-amcos.com.au</a>	APRA-AMCOS collects and distributes royalties for the reproduction of their members' musical works.
Copyright Agency	<a href="http://www.copyright.com.au">www.copyright.com.au</a>	
Universities Australia Expert Reference Group on Copyright	<a href="https://www.universitiesaustralia.edu.au/efficiency-and-governance/information-policy-and-copyright">https://www.universitiesaustralia.edu.au/efficiency-and-governance/information-policy-and-copyright</a>	

## Attachment A. Duration of Copyright

### Copyright material made before 1 January 2019 (other than Government copyright material)

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Literary, dramatic, musical works (other than computer programs)[1]	Made public before death of author	Author died before 1 January 1955[2]	Life of author + 70 years
Literary, dramatic, musical works (other than computer programs)[1]	Made public after author's death and before 1 January 2019	Made public before 1 January 1955[2]	Year first made public + 70 years
Literary, dramatic, musical works (other than computer programs)[1]	Made public after author's death and on or after 1 January 2019	Author died before 1 January 1949[3]	Life of author + 70 years
Literary, dramatic, musical works (other than computer programs)[1]	Never made public	Author died before 1 January 1949[3]	Life of author + 70 years
Computer programs[1]		Author died before 1 January 1955[2]	Life of author + 70 years
Artistic works other than engravings or photographs[4]		Author died before 1 January 1955[2]	Life of author + 70 years
Engravings[5]	Made public before death of author	Author died before 1 January 1955[2]	Life of author + 70 years
Engravings[5]	Made public after author's death and before 1 January 2019	Made public before 1 January 1955[2]	Year first made public + 70 years
Engravings[5]	Made public after author's death and on or after 1 January 2019	Author died before 1 January 1949[3]	Life of author + 70 years
Engravings[5]	Never made public	Author died before 1 January 1949[3]	Life of author + 70 years
Photographs[6]		Made before 1 January 1955[2]	Life of author + 70 years
Works where the author is unknown (other than photographs)[1]	Made public before 1 January 2019	Made public before 1 January 1955[2]	Year first made public + 70 years
Works where the author is unknown (other than photographs)[1]	Made public on or after 1 January 2019 and within 50 years of being made	Made before 1 January 1949[3]	Year first made public + 70 years
Works where the author is unknown (other than photographs)[1]	Made public on or after 1 January 2019 but not within 50 years of being made	Made before 1 January 1949[3]	Year made + 70 years

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Works where the author is unknown (other than photographs)[1]	Never made public	Made before 1 January 1949[3]	Year made + 70 years
Photographs where the author is unknown[6]	Made public before 1 January 2019	Made before 1 January 1955[2]	Year first made public + 70 years
Photographs where the author is unknown[6]	Made public on or after 1 January 2019 and within 50 years of being made	Made before 1 January 1955[2]	Year first made public + 70 years
Photographs where the author is unknown[6]	Made public on or after 1 January 2019 but not within 50 years of being made	Made before 1 January 1955[2]	Year made + 70 years
Photographs where the author is unknown[6]	Never made public	Made before 1 January 1955[2]	Year made + 70 years
Sound recordings[7]	Made public before 1 January 2019	Made before 1 January 1955[2]	Year first made public + 70 years
Sound recordings[7]	Made public on or after 1 January 2019 and within 50 years of being made	Made before 1 January 1955[2]	Year first made public + 70 years
Sound recordings[7]	Made public on or after 1 January 2019 but not within 50 years of being made	Made before 1 January 1955[2]	Year made + 70 years
Sound recordings[7]	Never made public	Made before 1 January 1955[2]	Year made + 70 years
Cinematograph films (made on or after 1 May 1969)[8]	Made public before 1 January 2019	n/a	Year first made public + 70 years
Cinematograph films (made on or after 1 May 1969)[8]	Made public on or after 1 January 2019 and within 50 years of being made	n/a	Year first made public + 70 years
Cinematograph films (made on or after 1 May 1969)[8]	Made public on or after 1 January 2019 but not within 50 years of being made	n/a	Year made + 70 years
Cinematograph films (made on or after 1 May 1969)[8]	Never made public	n/a	Year made + 70 years
Broadcasts[9]		n/a	Year of broadcast + 50 years
Published editions[10]		First published before 1 January 1994	Year edition first published + 25 years
Copyright material made or first published by an international organization[11]	Made public before 1 January 2019	n/a	Year first made public + 70 years

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Copyright material made or first published by an international organization[11]	Made public on or after 1 January 2019 and within 50 years of being made	n/a	Year first made public + 70 years
Copyright material made or first published by an international organization[11]	Made public on or after 1 January 2019 but not within 50 years of being made	n/a	Year made + 70 years
Copyright material made or first published by an international organization[11]	Never made public	n/a	Year made + 70 years
Editions first published by international organization[12]		First made public before 1 January 1994	Year edition first made public + 25 years

## Copyright material made on or after 1 January 2019 (other than Government copyright material)

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Works where the author is known[1]		n/a	Life of author + 70 years
Works where the author is unknown[1]	Made public within 50 years of being made	n/a	Year first made public + 70 years
Works where the author is unknown[1]	Not made public within 50 years of being made	n/a	Year made + 70 years
Sound recordings[7]	Made public within 50 years of being made	n/a	Year first made public + 70 years
Sound recordings[7]	Not made public within 50 years of being made	n/a	Year made + 70 years
Cinematograph films[8]	Made public within 50 years of being made	n/a	Year first made public + 70 years
Cinematograph films[8]	Not made public within 50 years of being made	n/a	Year made + 70 years
Broadcasts[9]		n/a	Year of broadcast + 50 years
Published editions[10]		n/a	Year edition first published + 25 years



Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Copyright material made or first published by an international organization[11]	Made public within 50 years of being made	n/a	Year first made public + 70 years
Copyright material made or first published by an international organization[11]	Not made public within 50 years of being made	n/a	Year made + 70 years
Editions first published by an international organization[12]		n/a	Year edition first made public + 25 years

## Government copyright material made before or after 1 January 2019

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Works made, or first published, by the Commonwealth, or a State or Territory[13]		Made before 1 January 1969[3]	Year made + 50 years
Sound recordings[14]		Made before 1 January 1969[3]	Year made + 50 years
Cinematograph films (made on or after 1 May 1969)[15]		n/a	Year made + 50 years

### Notes to tables

1. See Copyright Act 1968, sections 32, 33 and 211 (as amended by the Copyright Amendment (Disability Access and Other Measures) Act 2017). A 'literary work' includes: '(a) a table, or compilation, expressed in words, figures or symbols; and (b) a computer program or compilation of computer programs': section 10(1). A 'dramatic work' includes: '(a) a choreographic show or other dumb show; and (b) a scenario or script for a cinematograph film; but does not include a cinematograph film as distinct from the scenario or script for a cinematograph film': section 10(1).
2. For this copyright material, copyright expired before 1 January 2005. Generally, prior to 1 January 2005, copyright lasted until 50 years from the end of the year in which the creator died or, for some material, until 50 years from the end of the year in which the material was made or first published. As a result of the Australia-United States Free Trade Agreement, on

- 1 January 2005 the period of protection for most types of copyright material was extended from 50 to 70 years. If copyright had expired by 1 January 2005, copyright was not revived.
3. Under the Copyright Amendment (Disability Access and Other Measures) Act 2017, new terms of protection apply to a range of copyright materials from 1 January 2019. If the application of these new terms would have the effect that copyright in material would cease before 1 January 2019, that copyright will instead cease to subsist on 1 January 2019: Schedule 2 Item 15. If the relevant term is 70 years (eg 'Life of author + 70 years'), copyright will have expired by 1 January 1949. If the relevant term is 50 years, copyright will have expired by 1 January 1969.
  4. See Copyright Act 1968, sections 32, 33 and 211 (as amended by the Copyright Amendment (Disability Access and Other Measures) Act 2017). An 'artistic work' includes a painting, sculpture, drawing, engraving, photograph, building or model of a building, or work of artistic craftsmanship: section 10(1). A 'drawing' includes a diagram, map, chart or plan: section 10(1).
  5. See Copyright Act 1968, sections 32, 33 and 211 (as amended by the Copyright Amendment (Disability Access and Other Measures) Act 2017). An 'engraving' includes an etching, lithograph, product of photogravure, woodcut, print or similar work, not being a photograph: section 10(1).
  6. See Copyright Act 1968, sections 32, 33 and 211 (as amended by the Copyright Amendment (Disability Access and Other Measures) Act 2017). Under the Copyright Act 1968, the 'author' in relation to a photograph means the person who took the photograph: section 10(1). However, in relation to a photograph taken before the Act commenced (1 May 1969), the author is the individual who owned the material on which the photo was taken, unless the owner of the material was a body corporate in which case it means the photographer: section 208.
  7. See Copyright Act 1968, sections 89, 93 and 220 (as amended by the Copyright Amendment (Disability Access and Other Measures) Act 2017).
  8. See Copyright Act 1968, sections 90, 93, 221 and 222 (as amended by the Copyright Amendment (Disability Access and Other Measures) Act 2017). Copyright does not subsist by virtue of section 90 in a cinematograph film made before this Act commenced (1 May 1969): section 221. Cinematograph films made before 1 May 1969 may be protected as a combination of original dramatic works, photographs, sound recordings and/or other works, for example, a script (literary work), musical score (musical work) or artistic work. Films made before 1 May 1969 are regarded as 'dramatic works' if they constitute 'a cinematograph production where the arrangement, the acting form or the combination of incidents represented gives the work an original character': sections 204 and 222.
  9. See Copyright Act 1968, sections 91, 95 and 223. Television broadcasts and sound broadcasts are protected separately to the underlying works, sound recordings and films being broadcast. Copyright does not subsist under section 91 in a television or sound broadcast made before the Act commenced (1 May 1969), or in a later broadcast that is a repetition of a broadcast made before the Act commenced: section 223.
  10. See Copyright Act 1968, sections 92, 96 and 224. A 'published edition' is a published edition of one or more literary, dramatic, musical or artistic works, and does not include an edition that reproduces a previous edition of the same work or works: section 92. Copyright in a published edition is separate from the copyright that may subsist in the works which are reproduced in the edition. Copyright does not subsist under section 92 in a published edition of a work or works

where the first publication of the edition took place before the Act commenced (1 May 1969): section 224.

11. See Copyright Act 1968, sections 187, 188, 188A, 236 and 237 (as amended by the Copyright Amendment (Disability Access and Other Measures) Act 2017). This rule applies where copyright subsists in the material solely by reason of section 187 or 188 of the Act, and the material was made or first published by the international organization on or after the Act commenced (1 May 1969): sections 236 and 237. International organizations to which the Act applies are listed in section 125 of the Copyright Regulations 2017.
12. See Copyright Act 1968, sections 188, 188A and 237. An 'edition' is an edition of one or more literary, dramatic, musical or artistic works, and does not include an edition that reproduces a previous edition of the same work or works: section 188(3). Section 188(3) does not apply in relation to an edition published by an international organization before this Act commenced (1 May 1969): section 237(3). International organizations to which the Act applies are listed in section 125 of the Copyright Regulations 2017.
13. See Copyright Act 1968, sections 176, 177, 179 and 180 (as amended by the Copyright Amendment (Disability Access and Other Measures) Act 2017).
14. See Copyright Act 1968, sections 178, 179 and 180 (as amended by the Copyright Amendment (Disability Access and Other Measures) Act 2017).
15. See Copyright Act 1968, sections 178, 179, 180 and 235 (as amended by the Copyright Amendment (Disability Access and Other Measures) Act 2017). Crown copyright does not subsist under section 178 in a cinematograph film made before the Act commenced (1 May 1969), but may be protected as an original dramatic work or in relation to photographs forming part of the film: section 235.

## Attachment B. Copyright Act 1968 - Section 40 Fair dealing for purpose of research or study<sup>12</sup>

### 40 Fair dealing for purpose of research or study

1. A fair dealing with a literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, for the purpose of research or study does not constitute an infringement of the copyright in the work.

(1A) A fair dealing with a literary work (other than lecture notes) does not constitute an infringement of the copyright in the work if it is for the purpose of, or associated with, an approved course of study or research by an enrolled external student of an educational institution.

(1B) In subsection (1A) the expression lecture notes means any literary work produced for the purpose of the course of study or research by a person lecturing or teaching in or in connection with the course of study or research.

2. For the purposes of this Act, the matters to which regard shall be had, in determining whether a dealing with a literary, dramatic, musical or artistic work or with an adaptation of a literary, dramatic or musical work, being a dealing by way of reproducing the whole or a part of the work or adaptation, constitutes a fair dealing with the work or adaptation for the purpose of research or study include:
  - a. the purpose and character of the dealing;
  - b. the nature of the work or adaptation;
  - c. the possibility of obtaining the work or adaptation within a reasonable time at an ordinary commercial price;
  - d. the effect of the dealing upon the potential market for, or value of, the work or adaptation; and
  - e. in a case where part only of the work or adaptation is reproduced—the amount and substantiality of the part copied taken in relation to the whole work or adaptation.
3. Despite subsection (2), a reproduction, for the purpose of research or study, of all or part of a literary, dramatic or musical work, or of an adaptation of such a work, contained in an article in a periodical publication is taken to be a fair dealing with the work or adaptation for the purpose of research or study.
4. Subsection (3) does not apply if another article in the publication is also reproduced for the purpose of different research or a different course of study.
5. Despite subsection (2), a reproduction, for the purpose of research or study, of not more than a reasonable portion of a work or adaptation that is described in an item of the table and is not

---

<sup>12</sup> <http://www.comlaw.gov.au/Details/C2013C00007> Accessed 3 January 2013

contained in an article in a periodical publication is taken to be a fair dealing with the work or adaptation for the purpose of research or study. For this purpose, reasonable portion means the amount described in the item.

Works, adaptations and reasonable portions		
Item	Work or adaptation	Amount that is reasonable portion
1	A literary, dramatic or musical work (except a computer program), or an adaptation of such a work, that is contained in a published edition of at least 10 pages	(a) 10% of the number of pages in the edition; or (b) if the work or adaptation is divided into chapters—a single chapter
2	A published literary work in electronic form (except a computer program or an electronic compilation, such as a database), a published dramatic work in electronic form or an adaptation published in electronic form of such a literary or dramatic work	(a) 10% of the number of words in the work or adaptation; or (b) if the work or adaptation is divided into chapters—a single chapter

6 Subsection (5) applies to a reproduction of a work or adaptation described in both items of the table in that subsection even if the amount of the work or adaptation reproduced is not more than a reasonable portion (as defined in that subsection) on the basis of only one of those items.

7 If:

- a. person makes a reproduction of a part of a published literary or dramatic work or published adaptation of a literary or dramatic work; and
- b. the reproduction is of not more than a reasonable portion (as defined in subsection (5)) of the work or adaptation; subsection (5) does not apply in relation to any subsequent reproduction made by the person of any other part of the same work or adaptation.

8 Subsections 10(2), (2A), (2B) and (2C) do not affect subsection (5), (6) or (7) of this section.