

Copyright and Related Issues Affecting Original Research Materials

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The author provides a brief overview of successive copyright acts in Australia. This is followed by an explanation of the nature of copyright, and the ways in which the Mitchell Library copes with copyright problems.

I have been asked to talk to you about copyright because my daily work involves handling requests to copy and reproduce materials held in the Mitchell Library. These materials include original manuscripts, pictures, photographs and maps as well as printed books and serials. I am not a lawyer; I am a librarian, and consequently the only thing of value that I may be able to contribute is to discuss some of the problems that I, as a lay person, have encountered in dealing with matters of copyright, and to tell you about some of the procedures we have adopted in the Mitchell Library (and elsewhere in the State Library) in coping with various aspects of copyright.

As archivists, your main interest will be in unpublished manuscripts. Most archives, however, include various forms of artistic works, such as maps, plans, diagrams and photographs. I will concentrate today, as requested, on speaking about one of these forms — photographs — in addition to original manuscripts.

I have worked in the Mitchell Library for eighteen years, in the Manuscripts Section from 1964 to 1978, and subsequently as Assistant Mitchell Librarian. My own experience of copyright to some extent mirrors that of the State Library, and may be divided into three periods: pre-1968, up to the time when the Copyright Act was passed; 1968 up to 1980, when the Copyright Amendment Act was passed, and 1981+, following the implementation last year of this new Act. The first period I look back to as a period of Arcadian bliss and innocence.

Although there was a Copyright law in existence, few people, including librarians, gave it a great deal of thought and it impinged only slightly on my consciousness. Then, when the 1968 Act was passed, prior to its coming into effect in 1969, there was an initial period of panic as librarians studied

it and considered the implications. I vividly recall a meeting organised by the Library Association which was addressed by a lawyer who said that this was an appallingly sloppy piece of legal draftsmanship which wouldn't stand up for two years. I also recall that the then Principal Librarian and Mitchell Librarian, Gordon Richardson, advanced the opinion that it wouldn't stand up for six months. Stand up it did, unaltered until 1980, and librarians and archivists have had to interpret and apply it as best they could. As far as the State Library is concerned we have been successful it seems, as we have never been in court and have, as far as I know, not had any serious complaints from copyright owners. There have, however, been many complaints from would-be users of copyright material, foiled in their attempts to copy and use items of their choice.

As far as I was concerned, after the initial flurry I settled down fairly comfortably with section 51, but with a somewhat hazy idea of the other 248 sections of the Act. In 1978 I was precipitated into the position of Assistant Mitchell Librarian, and hastily had to get a grasp of the essentials of copyright relating to all the other forms of material I've mentioned. I also discovered, in relation to manuscripts, that the law is more complex than I had thought; new angles keep coming to my attention and I am still learning. Copyright law, like Cleopatra, has infinite variety.

The Copyright Amendment Act of 1980 created a new wave of panic in library circles, particularly because it introduced criminal provisions for breach of copyright. It was, in fact, an attempt to eliminate some of the difficulties inherent in the original Act and the criminal penalties were introduced with a view to stopping deliberate piracy and not to trap unwary librarians, archivists and teachers. I understand from comments made by Dr Robin Bell of the Attorney General's Department (at a seminar "Copyright in Perspective" organised by the Library Association of Australia in November 1981) that the criminal offence is likely to be reduced to something less, such as a misdemeanour.

So far I have been talking about copyright without defining it; it might be an idea at this stage to pause briefly and consider what copyright is. A pamphlet produced by Attorney-General's Department entitled *Copyright (Copyright Amendment Act 1980)* has this to say:

Copyright laws serve several functions. The primary goal is to protect original literary, artistic, musical and dramatic works by granting to the creators of such works certain exclusive legal rights of which the right to copy and the right to publish are the most relevant.¹

Copyright is a form of personal property, which may be assigned, bequeathed and otherwise dealt with in the same way as any other personal property. The first owner of copyright is the author, and consequently ownership of a work and ownership of copyright in it are two separate things. An obvious example of this is a letter: the letter belongs to the

recipient, but the copyright in the literary work belongs to the author. A painting may change hands many times, but copyright in it will remain with the original copyright owner — normally the artist, unless, for example, copyright was assigned to another person.

These concepts may seem fairly simple, especially to those of us who have been in a position to administer works that are in copyright. I can assure you, however, that many members of the public, including publishers and people working in the media, and even some authors, find them quite hard to grasp, and I'll have more to say about that later.

Copyright, of course, is not a new concept. The first British Act was passed in 1709, and before the Australian Copyright Act of 1968 we in Australia operated under the Copyright Act 1912—1966, which was in effect the same as the British Act of 1911. The Copyright Act of 1968 was a response to new technology. Gus O'Donnell, the Chairman of the Australian Copyright Council, as quoted by Lahore and Griffith in their book *Copyright and the Arts in Australia*, after drawing attention to the range of modern copying equipment said that “a modern society must be more conscious of the rights involved in copying than a society confined to the typewriter, the flat-bed press and the telegraph”.² The single piece of technology that is of most importance in a library or archives is the photocopying machine, which makes it possible for users to obtain instant cheap copies of materials in the collections. Twenty years ago, people came to libraries to read and take notes, now they get photocopies, and many academics never go near a library themselves — they send their research assistants to ferret out material and bring it back in the form of photocopies.

The law does try to take account of the needs of users of works in libraries and it lays down certain circumstances in which copying and publication of copyright material may take place without the copyright owner's consent. In relation to copying for research and study, the important questions for librarians and archivists who are requested to supply copies to users are:

1. Does copyright subsist in a document, artistic work or whatever the user seeks to copy, or has the period defined by the law run out?
2. If it does subsist, may it still be in order to copy the work in whole or in part, for the purpose specified by the user?
3. If the library or archives may not legally supply a copy, is it in order for the user, eg. using a coin-operated machine, to make his own copy, and if so, in what circumstances?

In relation to publication even though someone else is doing it, we need to know when it will be in order for publication to take place, as we are not in a position to authorise publication of our original holdings if to publish

would be a breach of the law.

A third aspect of the law that we need to understand is what a library or archives may do by way of copying its own holdings for its own purposes.

I do not at this stage want to go into a detailed exposition of all the relevant sections of the Act. However, a few years ago, when I was trying to get straight in my own mind what we could do by way of supplying copies for research and study I drew up a table setting out some of the major forms of materials in our library and indicating the duration of copyright in each and I updated this after the 1980 Act was passed. A copy is appended as Appendix A.

The duration of copyright in various forms of work is defined in sections 33-34 of the 1968 Act and in some other sections, such as section 180 dealing with Crown Copyright, and section 212 dealing with photographs taken before 1969, when the Act came into effect. I have found that there is a very common misconception among members of the public that copyright in all forms of works ceases to subsist 50 years after the date of creation, or of publication. The most usual period in fact is life of the author plus 50 years, and this applies even when the author did not own copyright, for example when his employer owned it. There are some exceptions to this period of life + 50 years and unpublished manuscripts and photographs are among them. To take the easier one first, photographs, for all practical purposes, go out of copyright 50 years after the end of the year in which they were taken. Sub-section 6 of s.33 states that "Copyright subsisting in a photograph by virtue of this part continues to subsist until the expiration of fifty years after the expiration of the calendar year in which the photograph was first published". Section 212, however, specifies that this does not apply to photographs taken before the commencement of this Act and states that "copyright...continues to subsist until the expiration of fifty years after the calendar year in which the photograph was taken". Section 33(6) is therefore only of academic interest at present, and archivists will not have to concern themselves before the year 2019 with deciding whether a photograph has or has not been published. At present, any photograph taken before 1932³ is out of copyright; all those taken in or after 1932 are in copyright. By way of an aside, I might mention that because of the fixation we have about celebrating jubilees, the 50-year rule presents a problem to users of photographs. This year when we celebrated the 50th Anniversary of the opening of the the Harbour Bridge, the Mitchell Library was heavily drawn upon by people preparing television documentaries and people writing articles and books. A lot of the relevant photos were taken in 1932, and in these cases we had to say "no" to copying unless the copyright owner's permission could be obtained.

Turning to copyright in unpublished manuscripts, this is perpetual, ie. it

lasts until they are published, and then for a further 50 years. This is clear from s. 33 (3); however, many people are confused by the wording of s. 51, which deals with unpublished manuscripts in libraries and archives, and there is a common misconception even among librarians who do not constantly deal with these matters that copyright in manuscripts ceases to subsist after the period of 50 years from date of death of writer, and 75 years from date of creation of a manuscript as defined in that section.

S.51, however, is important in that it tells us what a library or archives may do — supply copies for reference or study, or for publication.

This brings me to my next point: if copyright subsists, what may we do by way of supplying copies to enquirers?

In the case of photographs a library or archives may not supply a copy to an individual enquirer of a photograph less than 50 years old, unless the copyright owner's permission is first obtained. Under s.51A however, (introduced in the 1980 Amendment Act) we may now supply a copy of an artistic work that forms part of the collection to another library or archives for research to be carried out at that library or archives. This is a liberalisation of the Act and it does provide a means for people working at a distance from a particular institution to have access to copies in their own city, provided there is a library willing to request them and store them.

If coin-operated machines are installed, is the user able to copy in-copyright photos under the fair dealing clause, s. 40? Or, in a similar case, may persons using their own cameras copy photos under this section?

In the Mitchell Library we do not allow a reader to photocopy any materials, original or printed. However, it is conceivable that an individual could copy for himself, for research and study, even a whole artistic work if it is not feasible to copy less, if his intention constitutes a fair dealing in terms of section 40 (2). Provided that a notice is placed on or near a copying machine (as prescribed by the regulations under the Act) to draw the attention of the user to s. 40(2) the library or archives will not (under s. 39A) be held responsible for a breach of copyright merely for the reason that the machine has been placed there. If a library or archives is prepared to allow user-copying by coin-operated machines of its original materials, it is possible for the user, at least in some cases, to copy for himself what the library could not copy for him. A word of warning, however: it is possible that if an officer of the library or archives is aware of a breach of copyright being made by a user of a coin-operated machine he may become liable himself.

In the State Library we allow people to use their own cameras to photograph original and printed material. Most of those who do so intend to publish or use the copies in some other public way, in exhibitions or films, for example, and require copies of a type or quality that the Library's

Copying Service is unable to provide. Because of the uniqueness or potential rarity of materials in the Australian collections, all items from the Mitchell Library, Dixon Library and Galleries are copied under supervision of a staff member, and we believe that we have a higher duty for the observance of copyright with such copying than we do in relation to people using coin-operated machines. Our policy is not to allow any copying by users that the Library could not do itself, i.e. we allow no copying of in-copyright artistic works, including photographs, and no copying of manuscripts that are less than 75 years old and whose authors have been dead less than 50 years. When printed material is made available for copying by users with their own camera we require that they sign a declaration that the copies are for research and study.⁴

Turning again to manuscripts it is quite clear from s. 51 that a Library or Archives may not supply a copy of any manuscript that is less than 75 years old and whose author has not been dead 50 years; after this period we may supply a copy for the specified purposes of research or study, or publication. There is no provision in the Act for libraries or archives to supply "reasonable portion" as they may do for published works. Under s. 51A we may, as for photographs, supply a copy to a library or archives for research or study to be carried out at that library or archives. In both cases "a copy" means just that: it would be an infringement to supply, for example, both a negative and a positive microfilm, or a negative and a print. Section 51A is intended to have the effect of making life easier for the user at a distance. However, with manuscripts, where more than a minor amount of copying is envisaged, there are problems in the quantity that may be supplied. This is not a legal problem, but a practical one: generally, we have to limit enquirers to one volume or box, and to reserve the right to give priority in copying to manuscripts of our own choice, for conservation reasons, when copying whole volumes is envisaged.

When copies of manuscripts and other unpublished works are supplied by a library or archives to another library or archives, it is incumbent on the requesting library or archives to make and to file declarations (as for inter-library loan copying carried out under s. 50 of the Act). The supplying library or archives need not maintain records and, in relation to unpublished materials, need not carry out the procedures of checking on the availability of items that are specified for works in a published form. The Mitchell Library has done very little copying under this section and we have not kept a special record filed by date. However, requests are embodied in correspondence files and could be traced if necessary.

I return to the problem of what the user can copy for himself: it is interesting to note that s. 40 does not exclude manuscripts and a library or archives user could conceivably copy a manuscript, or part of one, under s. 40. This is again of academic interest only to us at the Mitchell Library as we don't allow anyone to use coin-operated machines for this purpose. As I

have said, our policy has been to make material available in these circumstances only under supervision, and because the officer supervising could incur some responsibility for any breach of copyright we do not allow manuscripts to be copied in this way. Therefore, as far as we are concerned, only s. 51 or s. 51A copying is permissible, but archives prepared to allow unsupervised reader-copying could simply throw the onus on the readers.

One of the irksome requirements regarding Section 49 copying by libraries is the need to have a written request from the enquirer for a copy and a declaration that he has not previously been supplied with a copy, and for libraries to note copies supplied under the Act, and to retain the declaration and request records. Section 51 does not specify that such a request or declaration is needed and no special record-keeping is required. Rob Brian, in the copyright kit produced by the LAA, points this out but adds "...an officer in charge may judge it desirable to require a written request and a declaration as in chapter 1 above"⁵ (i.e. as for section 49 copying). In practice, the Mitchell Library Copying Service, in supplying copies of unpublished manuscripts, uses the form designed for printed material which includes a request and declaration, and which is combined as the order form, so records of small amounts of copying are retained. When copies of more than half a volume are required, the Manuscripts Section handles the enquiry; there would always be correspondence which is dated, so details of the transaction could be easily located if necessary.

We are, of course, constantly approached by people who want copies of in-copyright material either for research and study or for publication or similar uses, eg. in films, TV programmes etc. Some practical problems that arise here are: what attitude should we take on undated material? How far should we go in assisting people in identifying and locating copyright owners? What advice can we give people who ask us if they may use quotations from recent unpublished manuscripts, presumably from notes they have made themselves? Some of these problems can perhaps be minimised at the point of acquisition by consultation with the previous owners. However, in the Mitchell Library we have a vast amount of material that has been here for a long time and I'd like to consider this first.

Confronted by an undated photograph, of which there are many in the Mitchell Library, one can try to date it from internal evidence or from the date of acquisition, if known, or from the technical aspects of the photograph. Clothing of people in pictures or the presence of cars of a particular vintage will for example often help, but are not always conclusive proof, eg. that a photograph is 1930 and not 1932. My own attitude when in doubt is to say no, and I think it's the only allowable course for a public institution. The accession date, in our Library often written on the back of the photo, is a help if it's over 50 years ago. If a would-be user can convince me that a particular photo must be over 50

years old, because of the presence or absence of buildings etc., and if they have some expertise in the subject matter and if I trust them, I'll take their word for it and advise the Pictures Librarian so that an approximate date can be assigned to the hitherto undated photograph.

Regarding death-dates of authors, the State Library's policy with regard to printed works is that if a work was published in 1860 or earlier it is reasonable to assume that the author would have died before 1932; a similar criterion is applied to manuscripts. If a work could be in copyright, the onus is placed on the person requiring a copy to show that the author died more than 50 years ago. We have prepared a list of reference books likely to help readers follow up established writers and artists. However, this doesn't always help as many of the artists and writers of manuscripts in the Mitchell Library are obscure. We simply do not have the resources to do the research involved in chasing up this information, but if one has it, I think it a good idea to record it — to keep an obituary file. I have begun a tentative file on cards.

If a work is known to be within the period when copying or publication cannot take place without the copyright owner's consent, what can we do for the enquirer? There are two problems here: the legal problem of knowing who the original copyright owner is, and the practical one of knowing where the present owner is to be found. If we consider photographs, generally speaking the copyright owner will be the person who took the photograph, but that may not be so if the photograph was commissioned, or taken under a contract of employment. Lahore deals with this on p.71-72⁶ — for photos taken before the Act of 1968 came into effect the commissioner would usually be the owner. For works taken after 1969, the rights of the commissioner may be limited by a contract. The author of photographs taken before the commencement of the 1968 Act is the owner of the material of which the photograph was taken (s.208).

With manuscripts there are also problems of identifying the original copyright owner in cases where an individual creates a manuscript as part of his employment. For example — Section 35(6) states that if 'literary... work... is made by the author in pursuance of the terms of his employment by another person under a contract of service or apprenticeship, that other person is the owner of copyright subsisting in the work by virtue of this Act'.

In some cases we know who owns copyright in the works of specific people, and in such cases we record this information in a number of ways. Some of this information is obtained when material is acquired, some is supplied by users, some by owners, some is found accidentally, some as the result of enquiries we make. I have in my office a small file of cards with details about copyright owners in photographs, original artistic works, and literary works.

The Manuscripts Section a few years ago established a 'Copyright Permissions Register' of which a sample form is appended as Appendix C. So far it contains few entries. These entries are for individual authors of manuscripts and the information has been gathered when for some reason the author was being investigated — nowadays, when a copyright owner is in touch at the time of acquisition, the facts of copyright ownership and the wishes of the owner are recorded here. No systematic attempt has been made to go back over old accessions: as an approach, this would not often work, as copyright is related to author rather than to the person whose papers are acquired. Most collections of a person's or organisation's manuscripts contain more works in which the owner does not own copyright, than otherwise.

The Pictures Section maintains another register which we call the 'Permissions to Reproduce Register'. In this are kept, not in tabulated form but in the form of memos, copies of letters etc., information regarding particular copyright owners and owners of original paintings or photographs etc. of which we hold copies. These are filed alphabetically under the name of the person who created the work, and refer to the person etc. whose permission may be needed for copying, whether for copyright reasons or because, as owners of material of which we hold reference copies, they retain the right to control copying and/or publication. This useful tool has been maintained for some years, and where relevant, catalogue cards are noted 'ML staff see perms to reproduce file'.

The Library's policy is to treat as confidential all details about address (and often names too) of people who own copyright or who have donated, sold or made available material for copying. Consequently, such records as I've described are available for staff use only, and addresses are given out only when we have the prior permission of the persons concerned. If such permission can be obtained, it is a time saver, as otherwise we find ourselves writing over and over to the same people. An alternative is to ask the enquirer to write a letter and pass it to us for forwarding.

Some years ago we in the Mitchell Library developed a set of forms to be used to record the wishes of donors, vendors etc. of all types of original material, regarding access to it, copying of it, and requests for publication. These all refer to copyright in a general way, and do not require the owner, vendor etc. to state in which items they own copyright. This information may, however, be gathered from other sources, such as correspondence, memos about conversations with the person handing over material, and when known, will be recorded in the other registers I've spoken of. If donors and others will agree to delegate to the Library power to approve reference copying of copyright material, it is a great time saver for us in handling such requests, and of course allows us to give much quicker service to the enquirer. People are understandably more reluctant to delegate the power to authorise publication, as they often wish to control

the use that is made of material and also may wish to charge a fee for use of copyright material, as they are entitled to. When people do charge such fees, that is of course a matter between them and the user.

When people require us to refer requests to them, either for reference copying or publication, problems arise, as with the passing of time they often leave their address, or die, and we may not be aware of this.

Some material not covered by our forms comes to the Library as bequests. It is important to remember that copyright in artistic works and unpublished literary works passes with a bequest. Section 198 states this in relation to bequests after the 1968 Act; s.240 refers to bequests before the Act.

So far I have spoken mainly about copying for research and study. The other aspect we need to be aware of is reproduction of copyright material. In the Mitchell Library we receive many requests to publish photographs and unpublished manuscripts in the collection. With regard to photographs, we may only authorise publication when they are over 50 years old. With regard to unpublished manuscripts, we may authorise publication when they are outside the 75/50 years from death period, but the user should be advised that it is required by regulations under the Act that a notice of intention to publish be placed in the *Government Gazette* not less than two months before the intended publication, and not more than three months before this.

We are often asked by people if they may quote from manuscripts, including recent manuscripts. The position here is that the use of short quotations will probably be in order in most cases as a fair dealing, under Sections 41 and 42 of the Act. Section 41 allows fair dealing for the purposes of 'criticism or review', which I understand is interpreted liberally. Sufficient acknowledgement must be made, and this is defined in the Interpretation section of the Act.

The final point about copying that I would like to mention is copying by a library or archives for preservation purposes. The new s.51A spells out what can be done here. No special investigation appears to me to be required in the case of unpublished works.

The last issue that I would like to raise is the human relations aspect of handling copyright. I mentioned before that many people have difficulty in understanding copyright; often they have been unaware of it, or very ill-informed, and consequently they become frustrated and sometimes hostile and aggressive when thwarted in their wish to obtain and use a copy of an in-copyright work. Recently a reader who ordered from our Copying Service a single page from a printed work signed the request and declaration that is required by the Act "M. Mouse, Disneyland". When taxed with this he refused to budge saying "That's what I think of your

stupid Copyright Act". He was merely thumbing his nose at what he sees as bureaucratic nonsense — there was no reason at all why he should not be supplied with the copy he wanted. More serious problems arise when people who desperately want to reproduce a particular picture in a book, film or TV programme are told that they can't, unless they obtain the copyright owner's permission. Usually these people have a very close deadline which leaves little or no time to follow up copyright owners; in some cases, of course, it's completely impossible to know who the copyright owner is. In such cases, one can only remain calm and try to explain the nature of copyright, and to try to get across to the enquirer that if a breach of the law is committed he, you and your organisation will all be liable, and may be fined or have a criminal conviction recorded against them.

FOOTNOTES

1. Australia. Attorney-General's Dept. *Copyright (Copyright Amendment Act 1980): new Australian laws on photocopying by individuals, in libraries and archives, for education, copying for the use of the handicapped*. Canberra, Australian Government Publishing Service for the Attorney-General's Department, 1981, p.1.
2. Lahore, J.C. with Griffith, P.B.C. *Copyright and the Arts in Australia*, Melbourne, University Press, 1974, p.2.
3. Now (1983) before 1933.
4. In 1983 the State Library introduced a special form for copying of published items that are in copyright by users with their own copying equipment. A copy is appended as Appendix B. It will be noted that the user undertakes not to use copies for any purpose other than research or study without the licence of the copyright owner, and indemnifies the Library Council of New South Wales against any legal action that might arise from use of material copied. People intending publication often find it convenient to photograph their selections (both in and out of copyright) in one session and to sort out copyright problems later. By allowing them to do so we facilitate their work but by requiring the signing of the declaration and indemnity form we protect the Library against possible actions for breaches that may occur.
5. Brian, Rob. *Librarians and Australian copyright law: an exposition of the law in simplified form*. Sydney, Library Association of Australia, 1981, p.14.
6. Lahore, J.C. with Griffith, P.B.C. *op. cit.*

APPENDIX A
COPYRIGHT IN ARTISTIC AND LITERARY WORKS
 Australian Copyright Act 1968 and Copyright Amendment Act 1980

Section	Type of material	Period during which copyright subsists	When Library may provide a copy for individuals (For research and study)	1980 Act	When Library may supply copy to other library or archives (for research)
33(6)	ARTISTIC WORKS				
212	Published ¹ photograph taken after May 1969	date of <i>pub.</i> + 50 years	date of <i>pub.</i> + 50 years		
	taken before May 1969	date of <i>taking</i> + 50 years	date of taking + 50 years		
33(6)	Unpublished photograph taken after May 1969	date of <i>pub.</i> + 50 years (ie if never <i>pub.</i> copyright is perpetual)	date of <i>pub.</i> + 50 years (ie if never <i>pub.</i> copyright is perpetual)		
51(1)					
212	taken before May 1969	date of taking + 50 years	50 years after death of author ² + 75 years after date of taking		All artistic works including photographs, of whatever date, may be copied without copyright owner's consent and one copy supplied to a library or archives that requests it.
33(2)	Paintings & drawings	date of death of artist + 50 years (NB 33(3) does not apply)	date of death of artist + 50 years	S.51A	
33(2)	Engravings (incl. lithographs, etchings, prints that are not photos etc.)				
33(2)	pub. before death of artist	date of <i>death</i> + 50 years	date of death + 50 years		

1. Definition of publication S.29
2. Commissioned photographs — Death of person commissioning.

Section	Type of material	Period during which copyright subsists	When Library may provide a copy for individuals (For research and study)	1980 Act	When Library may supply copy to other library or archives (for research)
33(5)	Engravings not pub. before death of artist	date of <i>pub.</i> + 50 years	date of <i>pub.</i> + 50 years		All artistic works including photographs of whatever date, may be copied without copyright owner's consent and one copy supplied to a library or archives that requests it.
51(1)	unpublished		50 years after death of artist + 75 years after making	S.51A	
33(2+3) 51	LITERARY WORKS Manuscripts Unpublished Manuscripts	date of <i>pub.</i> + 50 years	date of death of author + 50 years <i>and</i> 75 years from date of writing	S.51A	Unpublished manuscripts any date may be copied without copyright owner's consent and one copy supplied to Library or archives that requests it.
33(2+3) 49	Printed material	death of author + 50 years	a) "reasonable portion:" 10% or one chapter or part of one chapter, whichever is greater. b) <i>more than</i> "a reasonable portion" (up to 100% if the work forms part of the collection of the library and an authorised officer has after reasonable investigation made a declaration that a copy (not 2nd hand) cannot be obtained in a reasonable time at an ordinary commercial price.)		
34* Lahore, p.19	Anonymous and Pseudonymous works	date of <i>pub.</i> + 50* years			

* also applies to artistic works other than photographs.

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Section	Type of material	Period during which copyright subsists	When Library may provide a copy for individuals (For research and study)	1980 Act	When Library may supply copy to other library or archives (for research)
	periodical articles ⁴		1 article (or more than 1 if on same subject matter) under certain conditions (S.49) ³		
176-183	Crown copyright				
180(1)(a)	unpublished literary dramatic, musical works	while unpublished (+ 50 years) S.180(1)(b)			same as for individual enquirers
180(1)(b)	published literary dramatic, musical works	date of pub. + 50 years			
180(2)	artistic work	date of making + 50 years			
180(3)	photos & engravings	date of pub. + 50 years			
182(1)			all provisions of Pt. III (other than those re. subsistence, duration or ownership of copyright in literary dramatic, musical or artistic work apply)		
3.	Artistic works that <i>illustrate</i> periodical articles, theses, literary, dramatic and musical works etc. may be copied as well as text (s.53). Artistic works in periodicals that <i>do not</i> illustrate text are whole works and may not be copied.				
4.	proprietor of newspaper, periodical etc. may own copyright of articles written under contract (s.35).				

Section	Type of material	Period during which copyright subsists	When Library may provide a copy for individuals (For research and study)	1980 When Library Act may supply copy to other library or archives (for research)
182 A	“Prescribed works” see column 4 opposite.		One copy of whole or part of a “prescribed work” a) Acts, Commonwealth & State, enactments of legislatures of territories instruments made under these. b) judgments, orders, awards of Federal, State, territory courts. c) judgments, orders, awards of tribunals established under enactments of above. d) reasons for decisions of above courts and tribunals. e) reasons for decisions given by Justice, Judge or other court members of above either as sole member or a member of above.	As for individual requesters

88,92,96 Published editions of 100, 112 works (publisher = copyright own) date of pub. + 25 years (applies only to works pub. 1969+)

a) reasonable portion before copyright lapses (s.112)
b) *more than a reasonable* portion. (up to 100% if the work forms part of the collection of the library and an authorised officer has after reasonable investigation made a declaration that a copy (not 2nd hand) cannot be obtained in a reasonable time at an ordinary commercial price.

N.B. Copying for court cases: S.43 and S.112 authorise unlimited copying of literary, dramatic, musical and artistic works, published and unpublished. S.43(2) allows fair dealing with same works for purpose of seeking professional advice from legal practitioner or patent attorney.

APPENDIX B

Date:

STATE LIBRARY OF NEW SOUTH WALES

Copying of published items by users with their own copying equipment

In being permitted to copy the material listed below from publications held in the State Library of New South Wales, I understand that I am responsible for observing the provisions of the Copyright Act* with respect to published materials in copyright. I declare that:

1. The copies are for the purpose of research or study and I will not use them for any other purpose without the licence of the owner of copyright in the item or items listed.
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