

Using copyright material

General principles

If you have decided that you have copyright material that you want to use in a way that is protected by copyright, you have a couple of options. You can:

- get permission; or
- use the material under a legislative exception; or
- negotiate a contract/licence; or
- take a sensible risk management approach.

There are a number of specific library and archive exceptions and licences. We provide fact sheets for each of these under the actions you can use them for: [onsite](#) and [offsite](#) access; [supplying other libraries/archives](#); [caring for the collection](#); and [enhancing the collection](#). There are also special provisions for libraries and archives in, or working with, education, disability services and government.

Permission

Often the easiest way to use copyright material is to seek permission from the “rightsholder” (copyright owner). Often rightsholders will be happy to assist! The rightsholder may give a blanket permission or they might restrict it (certain uses, for a certain amount of time, with conditions). If you want them to fully assign their copyright to you (so that you become the copyright owner) the agreement must be in writing. If it’s just a licence it does not have to be, although it’s a good idea to have a written record so there’s no confusion later as to what was agreed.

Remember only the copyright holder, who may not be the creator of the work, can give you copyright permission. However, it is the creator who can give permission for moral rights issues. If there are multiple copyright holders you will need permission from all of them.



This guide and all material contained in it are licensed under a [Creative Commons Attribution 4.0 licence](#). Please share, reproduce and adapt it, but attribute the Australian Library Copyright Committee as the original source.

Owner of Copyright

As a general rule, the creator of the copyright material is the first owner of the copyright, with some [significant exceptions](#) including works created during employment, under the direction of government or as otherwise agreed. More than one person can own copyright in material, either jointly or copyright over different parts of one object.

When someone dies copyright flows to their heirs as directed by their will, or in the absence of a will in accordance with estate laws.

Because copyright can be licensed or assigned, you should never assume that the creator(s) own the copyright in a work or have any particular exploitation right (eg the right to publish in Australia or world-wide performance rights). Working out who holds which rights is essential in order to receive permission or agree to use something under a licence.

A work that has no known author is called an “orphan work”. Even if there is no possible way to discover who the owner of copyright is, copyright still exists until expiry. Luckily a number of exceptions may cover some uses of orphan works.

The [Australian Libraries Copyright Committee](#) is the primary policy body for the discussion of copyright issues affecting libraries and archives in Australia. For more information and resources on copyright for libraries, including regular training opportunities throughout Australia, see <http://libcopyright.org.au>.