

# Copyright

## Source Sheet No. 6

### What is Copyright?

Copyright is the exclusive legal right to copy and control the use of creative works, either published or unpublished. Copyright ***belongs to the creator of the work***. It protects the creator against unauthorised use or reproduction of his or her work.

Copyright law in Australia is contained in the federal Copyright Act 1968, as amended by the Copyright Amendment Act 1980 and the US Free Trade Agreement Implementation Act 2004. The law protects a broad range of published and unpublished materials including all original literary, dramatic, artistic, and musical works, and other creative works such as cinematograph films, broadcasts, computer programs and other audio-visual media.

Copyright protection is immediate and automatic; it does not depend on registration, publication or any other procedure. Copyright, in this country, does not require any symbol or statement being printed or stamped on the material.

The general rule is that the creator of the work owns the copyright, although there are exceptions to this rule (for instance works created in the course of employment where the author is an employee, in which case the employer owns the copyright).

A copyright owner is entitled to take legal action against anyone who makes unauthorised copies of their work. Once copyright has expired, anyone can use the material without infringing copyright (copyright protection cannot be renewed).

### Copyright in Archives

Archival material is subject to the provisions of the Copyright Act in the same way as other literary or artistic material. If the material in question is in the form of an original written record and is unpublished, as are most archives, ***copyright is perpetual***, and the permission of the copyright owner will need to be obtained before a copy can be made.

Establishing who is the rightful owner of the copyright of unpublished archival material can be a difficult and time-consuming task, but fortunately this is somewhat simplified in the case of an in-house archives, such as the City Archives, which is essentially the custodian of the archives of its host organisation, i.e. the Corporation of the City of Adelaide. Officers of the Corporation in the course of their employment created most of the records held by the City Archives. The Corporation owns the copyright on records or publications produced by its employees. However, the Corporation does not hold the copyright in documents sent to it by other persons or organisations, although in the case of consultants reports or other material produced under contract copyright generally remains vested in the Corporation.

Where copyright ownership is not vested in the Corporation, it will be necessary for researchers to obtain the written permission of the copyright owner before the City Archives can copy material.

The Archivist will assist researchers in establishing, where possible, the rightful owner of the copyright in materials held by the Archives, but this may take time, requiring detailed research into the provenance of the record. If copyright ownership cannot be traced or is uncertain, then the decision whether to copy or not will be treated in accordance with the circumstances of each case.



For more information go to the Australian Copyright Council website [www.copyright.org.au](http://www.copyright.org.au)

### Further Information

**City Archives:** Topham Mall, off Currie and Waymouth Streets, Adelaide

**Counter / telephone enquiries:** 9.00 am to 5.00 pm Mondays to Fridays

**Search Room open for public research:** 10.00 am to 4.00 pm Tuesdays to Thursdays

**Telephone:** +618 8203 7439

**Email:** [cityarchives@cityofadelaide.com.au](mailto:cityarchives@cityofadelaide.com.au)

**Web:** <https://cityofadelaide.com.au/cityarchives>



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