

Preparing for copyright term changes in 2019

Aim

To identify the major library policies, systems and staff activities that will be affected by changes to the copyright duration provisions of the *Copyright Act 1968* (Cth), due to come into effect on 1 January 2019.

Purpose

To describe the copyright duration changes from a library perspective and to identify broad areas and functions requiring review.

Scope

This paper will focus on the changes to copyright term for literary, artistic, dramatic and musical works and subject matter other than works (films and sound recordings), produced by government¹ and non-government creators², both with known and unknown creators.

Background

The *Copyright Amendment (Disability Access and Other Measures) Act 2017* (Cth) was passed on 15 June 2017 and included several amendments to the *Copyright Act 1968* relating to how National and State Libraries Australia (NSLA) libraries may assist those with a disability, how libraries, archives and key cultural institutions may preserve their collections, and how long copyright in unpublished and orphaned materials lasts.

In relation to copyright duration, in provisions that come into effect on 1 January 2019, the legislation has addressed issues that libraries have long had: unpublished works³, where previously the term of copyright protection never expired, and orphan works, where a copyright holder could not be identified and/or located.

In addition to these changes, the Federal Department of Communications and the Arts has announced a review of the *Copyright Act, 1968* with the aim of modernising it and making it more technology neutral. A consultation paper was released on 19 March 2018 and submissions are due by 4 July 2018. The three main areas addressed in the consultation paper are flexible exceptions, contracting out of exceptions and access to orphan works. Depending on the outcome of the Department's review, libraries will have to continue to adapt to updated copyright law over the next few years.

The challenges

These copyright duration changes will be challenging to implement because they will affect diverse areas of library activity. For example, it will be necessary to review policies governing document supply, digitisation, reader services, collection management, exhibitions, library publications, communications and marketing. Systems such as the Copyright Status Tool, which provides an automated copyright calculation for many works searched by Trove, will also need to be reviewed. Training library staff who provide copies of library collection items through document supply on the nature of the changes and providing enough guidance to enable them to make informed decisions on the copyright status of the material will be important. Reference staff providing copyright advice to the public will also need similar assistance, as will any managers authorising library or third party publication of collection items both in print and online.

¹ Commonwealth, State and Territory governments.

² The international organisations listed in the Department of Communications and the Arts' [Duration of Copyright](#) table are a specified set of organisations comprising two or more countries' governments or their representatives. Examples include the United Nations and the World Health Organization. See the [Copyright Regulations 2017](#), s.125.

³ Letters, diaries, journals, manuscripts etc.

Part One: What are the changes?

There have been no adjustments to copyright duration periods in Australia since 2005 so managers and staff have become used to working within the same rule framework for the last 14 years. The major changes for libraries relate to literary, dramatic, musical and government works, and subject matter other than works.

Where previously unpublished materials were protected by copyright in perpetuity, the changes remove this differentiation and harmonise the copyright terms for published and unpublished items. It also introduces new clearer term provisions for copyright works where the author is unknown (i.e. orphan works). This will mean that copyright status will be easier to calculate for materials from now on.

Rules as of 1 January

The basic rules for copyright duration as of 1 January 2019 are set out in the table below.

Material	Copyright duration
Literary, dramatic, musical and artistic works which have a known author	70 years after the death of that author
Orphan works – i.e. literary, dramatic, musical and artistic works where the identity of the author is 'not generally known'	70 years after the work was made public; if the work has not been made public within 50 years, 70 years after it was created
Films and sound recordings	70 years after the work was made public; if the work has not been made public within 50 years, 70 years after it was created
Crown copyright material (i.e. materials created or first published by the government)	50 years after the work was created

Figure 1 Basic rules

Definition of 'made public'

Under the new duration rules, knowing when (if ever) a work has been made public will now be important when calculating the copyright term of works, films and sound recordings.

This is a new concept that is different from the previous idea of published v unpublished materials. Under the new rules, a work will be 'made public' if it has been:

- Published – i.e. supplied or offered for sale to the public
- Performed in public – e.g. a live performance of a play or film script
- Communicated to the public e.g. made available online, broadcast or otherwise electronically transmitted to the public⁴
- For artistic works, films and sound recordings only - exhibited to the public⁵

On the surface of it, this wide definition of 'making public' appears to hinder the use of works by libraries. It raises questions such as, 'What about the anonymous artworks we exhibited in 1992? Are they now protected by copyright until 2062?', 'What about the thumbnail copy that we have published on Trove?'

However, the Explanatory Memorandum accompanying the Act makes it clear that any prior action to make a work public without the author's permission, even under an exception, is not counted when calculating the period of copyright protection.⁶ So a library's actions in publishing material making it available online are only relevant if they have been done with the permission of the author or their heirs.

⁴ [Upcoming changes to copyright duration](#), Department of Communications and the Arts, 12 December 2017.

⁵ It is important to note that manuscripts of literary, dramatic or musical works will not have been made public if they are included in a public exhibition; however, they will have been made public if they have been scanned and published online.

⁶ [Explanatory Memorandum](#) to the Copyright Amendment (Disability Access and Other Measures) Bill 2017 p....., which states "... any unauthorized making public shall be disregarded...an unauthorized making public of copyright material will occur if done otherwise than by, or with the licence of, the copyright owner"

There will still be instances where it is not possible to determine whether or not a work has been made public before. The ALCC's advice in this case is most useful.

*"In these circumstances it is important to remember that you are not required to prove a negative - you do not have to show that the work has definitely never been made available to the public; you just have to look for evidence that it has. If, after a reasonable search...you cannot find any, it is probably safe to assume it hasn't been made public for the purpose of the provisions and therefore has the term of 70 years from creation."*⁷

Transition provisions for existing materials

There are transition provisions incorporated into the changes that give copyright holders at risk of losing copyright protection under the new rules a chance to extend their rights. This means there will still be complexities in determining the copyright status of existing materials that have previously been regarded as unpublished. These provisions require close study and may prove to be the most difficult for libraries to deal with.

The provisions state that copyright heirs have up until 1 January 2019 to make a previously unpublished literary, dramatic, musical work, or engraving, public. The newly published work will then have a copyright term of 70 years from when it was made public, regardless of when the original creator died.⁸ If the work was made public before 1 January 1955, copyright is deemed to have expired. Otherwise, the duration is the year the materials was first made public plus 70 years.

The effect of this change is that any literary, dramatic, musical work or engraving that was made public by a library *with the permission of the copyright heir*, between 1 January 1955 and 1 January 2019 will be in copyright for 70 years from the date it was made public.

Note that, unless it is orphaned, the action of making a work public does not apply to artworks. The copyright period for artworks with a known creator is determined by life dates of the creator only. If an artwork is orphaned, then exhibition can make it public.

Questions for staff

Questions for staff to consider when working out duration for an unpublished work during the transition phase:

1. Has a part of, or all of, the work ever been made public in a print publication?
2. Has a part of, or all of, the work ever been made public online?
3. If you answered yes to the above, was there a verbal or written agreement to make the work public from the then copyright owner recorded in a file note, letter, email, rights agreement etc.?

If so, then the work remains in copyright for 70 years from the date of publication or exhibition (where applicable).

For details of the transition provisions and how to determine the copyright status of materials that already exist as of 1 January 2019, see Appendix One.

Orphan works - author's identity not generally known

Under the new duration rules, a work will have a shorter copyright term if the identity of the author is 'not generally known' i.e. if it is an orphan work. See Appendix Two. While the government has not provided specific guidance on how to define 'not generally known', they would include, for example:

- Anonymous works are easy to identify and will always be orphan works.
- For some materials you will have some information on the author, but not enough for them to be identified even after a search e.g. where you have a signature of 'John Smith' but no further information. These works will also be considered orphan works.
- For some materials, the identity of the author may be able to be identified after a diligent search e.g. using a name and address.

The legislation makes it clear that only 'reasonable inquiries' are required before declaring a work orphaned. Over the past few years the NSLA Copyright Working Group has developed a number of documents and tools aimed at making the task of determining if a work has been orphaned more easy and streamlined for libraries.

The State Libraries of Victoria and South Australia use a guide that details the steps of a graduated search:

⁷ [Copyright Term Changes Coming 2019](#), Australian Libraries Copyright Committee, accessed 23 April 2018.

⁸ [Copyright Term Changes Coming 2019](#), ALCC

Degree of search	Suggested steps (not all required)
Minimum search	Examine original item
	Review collection documentation, provenance files etc.
	Trove
	General internet
	Phone books
Expanded search	Genealogy resources
	Collecting societies/institutions
	Electoral roll
	Birth, death, marriage notices and obituaries
	Wills and probate
Extended search	Other organisations
	Publishers
	Australian literature resources
	Newspaper advertisement
	Certified letter to last known address
Past employers	

Figure 2 Graduated steps of a reasonable search

How far you should travel along this continuum for a particular work depends on risk factors such as:

- The amount of information available. If there is insufficient information available about the author after an initial examination of the object an expanded and recorded search isn't justified.
- The age of the work. Works from the 1980s will require a wider search than those from the 1950s.
- Whether or not the use is commercial. Putting a work on exhibition at the library is probably less risky than publishing it in a commercial publication.
- The prominence of the use. Would it be difficult to withdraw or take down the work should a copyright owner come forward?
- The format of the work. Artistic works can have more monetary value than literary works for example.

Public domain day - 1 January 2019

A large number of unpublished and orphaned works will be falling into the public domain on 1 January 2019.

If the author of a literary, dramatic, musical or artistic work died before 1949, copyright in his or her works will expire on 1 January 2019, provided the works have not been made public before then. In which case copyright will expire 70 years after the date they were made public.⁹

⁹ For a handy list of categories of items in the public domain see [Duration of Copyright](#), Australian Copyright Council, December 2017, pp.7-9.

Similarly, if an orphan work which has not been made public was created before 1949, or if it was made public before 1949, copyright will expire on 1 January 2019.

The effect will be that many previously unpublished diaries, letters, notebooks, scripts, manuscripts and music scores, as well as published works where the author is unknown, will soon be able to be copied and published in full without permission from a copyright owner. This is provided there is no rights agreement in place between the donor and the library prohibiting these activities.¹⁰

As an illustration of the scale of the event, the Australian Dictionary of Biography website lists 104 eminent Australians who died during 1948, for example:

- Sir Isaac Isaacs (1855-1948) - Former Governor-General.
- Ruth Beatrice Fairfax (1878-1948) - Founder of the Country Women's Association.
- Sir George Tallis (1869-1948) - Theatrical entrepreneur.
- Sir Carl Herman Jess (1884-1948) - Soldier who served under Sir John Monash. Father of federal parliamentarian John David Jess.
- Richard Hooppell Long (1873-1948) - Poet and carpenter.
- Alice Frances Moss (1869-1948) - Campaigner for women's rights.

The release of so much material into the public domain all at once will provide an ideal opportunity for libraries to highlight their collections and, for example, the advantages to the public of large scale digitisation projects.

Part Two: What library areas and functions are affected?

Unique characteristics of unpublished collections

Unpublished collections can consist of one or two items but are more often complex and contain many works, often in different formats (both unpublished e.g. photographs, letters, appointment diaries and published e.g. pamphlets, leaflets, flyers, articles etc.) Sometimes the works are all owned by the one creator, but often they are not. The donor may be the creator or simply the collector of the works. Many collections are covered by rights agreements where the donor has specified whether or not the collection may be accessed and what further permissions are required prior to copying for research or publication. In order to foster and maintain good relationships, libraries defer to donors' wishes so whether or not the work may be copied under copyright law is moot.¹¹ Some works in these collections may be sensitive from an indigenous cultural perspective so publication permission may be required from the relevant indigenous community.

Copying for research and study

Where copying for research is permitted, the rules differ according to who is performing the copying act¹² – a reader or a member of library staff – and whether the work is published or unpublished.

Copying published works

The rules¹³ for copying a reasonable portion of published material have not changed. Generally 10% of the number of pages (hard copy) or 10% of the number of words (electronic), or one chapter, is deemed to be fair. The other fairness factors are:

- the purpose and character of the dealing
- the nature of the work
- the possibility of obtaining the work within a reasonable time at an ordinary commercial price
- the effect of the dealing on the potential market for, or value of, the work

¹⁰ See *Unique Characteristics of Unpublished Collections* section in Part Two.

¹¹ There are also other obstacles to copying such as privacy or security reasons.

¹² Making an exact copy of the original – photocopying, scanning, capture with a digital camera or other device.

¹³ See [Research or Study](#), Australian Copyright Council, December 2014. Page 2

- in a case where part only of the work is copied, the amount and substantiality of the part copied in relation to the whole work.¹⁴

Copying unpublished works

Two sections of the Act still apply. Section 51 allows readers and libraries open to the public to copy unpublished works if at least 50 years have passed since the author's death. Section 52 allows for publication of works copied under s51, provided the identity of the copyright owner is unknown and a notice is placed in the Government Gazette.¹⁵

For in-copyright works there is currently no definition of what is a fair portion of an unpublished work that may be copied for research and study. This is because it is often difficult to determine 10% of a manuscript collection or an artistic work, for example. In the past, users who have copied unpublished works have had to treat all works as if they were in copyright, therefore making a judgement on a case-by-case basis on what was fair. From 1 January 2019, many more unpublished and orphan works will be able to be copied in full when it can be determined that the work is out of copyright or a copyright owner cannot be identified.

Copying by readers in the reading rooms

Libraries generally provide self-copying facilities for readers wishing to copy published material for research and study. Prescribed notices advising readers how much may be copied under the Act are placed in close proximity to copiers and printers in library reading rooms.

The unique nature of unpublished materials (e.g. items are rare, can be fragile, subject to donors' wishes, in demand for publication) leads to extra scrutiny on readers wishing to reproduce the material. Access to unpublished collections is supervised; often in a separate reading room. For preservation reasons, self-copying on photocopiers and flatbed scanners is not permitted. However, hand held cameras, camera phones or tablets are generally permitted.

Supervising staff need to be able to advise on permitted copying portions and libraries need a risk management strategy and staff guidelines to assist.

Copying by library staff on behalf of readers (document supply)

Supplying copies of published material through document supply is unchanged.

Readers who don't capture images of unpublished material often submit a copying order and library staff perform the task. As a result of the changes, it will be easier to determine if a work is in or out of copyright or in copyright but orphaned.

For works that are still in copyright, staff will still need to conduct a diligent search to see if a work is orphaned and, if not, advise readers where to seek permission. In cases where it is not possible to obtain permission, staff will need to make a determination on whether or not to supply using a risk management approach, with reference to the five fairness factors above.

	Published	Unpublished
Copying by reader	10% rule and reference to fairness factors	No 10% rule. Unspecified amount. Refer to fairness factors. Section 51
Copying by library	10% rule and reference to fairness factors	No 10% rule. Unspecified amount. Refer to fairness factors. Section 51

Figure 3 Copying for research and study

Systems

Please note, this list is not exhaustive and will be need to be reviewed and adapted by individual libraries.

Copyright Status Calculator – NLA Voyager and TROVE

- Recommend a review of the calculator.
- Calculation based on MARC data and not compatible with Dublin Core and EAD.
- Published versus Unpublished status – needs to be changed.

¹⁴ [Research or Study](#), ACC

¹⁵ The application of these sections may change in future as a result of the Department of Communications and the Arts' copyright modernisation enquiry.

- Author known versus Author unknown – needs to be added.
- Current calculation for unpublished literary, dramatic and musical collections containing multiple works is 'Copyright Undetermined'.
- Calculation for single item unpublished collections is based on type of work, creator death date and creation date. Not all single items produce a determination (not able to determine type of work).
- Many 'in-copyright' determinations will be wrong after 1 January 2019, e.g. Journal of H.M.S. Endeavour, 1768-1771; Waltzing Matilda manuscript notated by Christina Macpherson.

Collection management systems

- ArchivesSpace – review use of rights fields.

Library management systems

- Catalogues.
- Media viewers.

Collection management

- Review any copyright determination and risk management frameworks.
- Review process for providing copyright determinations for clients and colleagues, publications, exhibitions staff.
- Review copyright statements on rights agreement templates.
- Review previous publication decisions in relation to digitised items.

Reference

- Review reader education materials.
- Train desk staff.
- Update FAQs.

Library websites

- Review statements explaining copyright in unpublished and orphan works.

Resource sharing

- TROVE Copyright Status Calculation (see above).
- Review statements explaining copyright in unpublished and orphan works.

Exhibitions and publications

- Training for staff.

Communications and marketing

- Training for staff.

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State Library of Victoria. "Reasonable search for orphan works checklist". (Internal working document). 2014

Appendix 1: Literary, dramatic, and musical works – known author

From 1 January 2019 copyright will expire for newly created literary, dramatic, musical and artistic works which have a known author at the end of the calendar year 70 years after the death of that author. This same term will apply whether those works are published or unpublished.

However, for literary, dramatic, musical works and engravings created before 1 January 2019, the term will vary depending on whether they have been made public, and if so when that occurred (see discussion about ‘made public’ above).

If a work has never been made public, was made public before the author died, or was not made public until after 1 January 2019, the copyright term will be the same as above - i.e. the end of the calendar year 70 years after the death of the author.

However, if the work was first made public after the author died but before 1 January 2019, the copyright term is the end of the calendar year 70 years after the work was first made public. Note that the work has to have been made public with the permission of the copyright owner for the new term to take effect.

The flowchart below demonstrates how to determine the copyright duration for different works with known authors.

For Works with known author

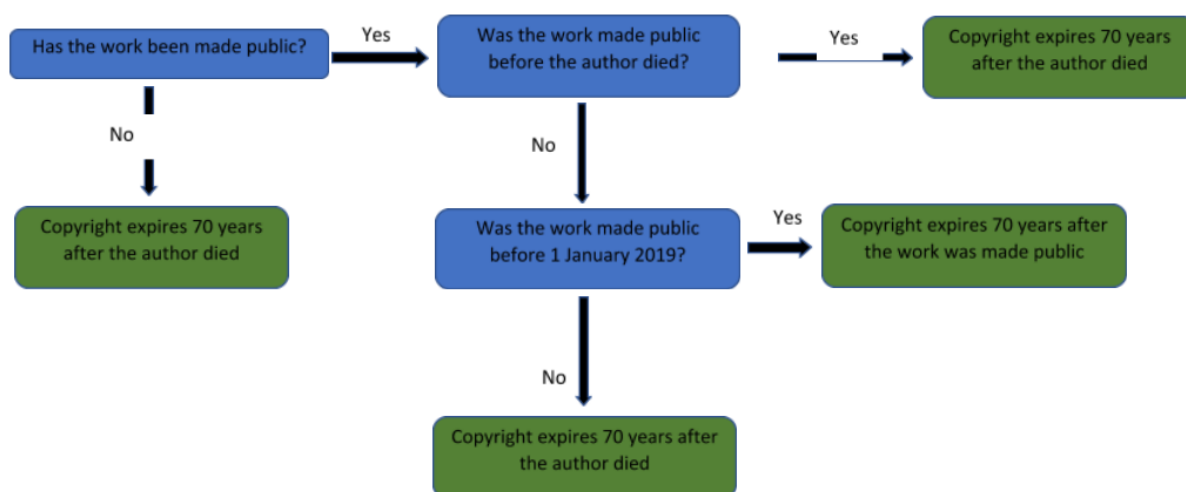


Figure 4 Determine copyright duration for works with a known author

One further complication is that, because of the copyright changes that occurred in 2005, any work the author of which died before 1955 is already in the public domain. This means that as of 1 January 2019 works will be in the public domain if:

- they have been made public and their author died before 1 January 1955
- they have not been made public and their author died before 1 January 1949
- they were made public after 1 January 2019 and their author died before 1 January 1949.

Creator	Work	Made public?	Rule pre 2019	Rule post 2019
Peter Sculthorpe (1929-2014)	Exercise Book, c1969 [manuscript]	Never	In copyright in perpetuity	Out of copyright from 1 January 2085
	Letter, c1974 [manuscript]	2017	In copyright in perpetuity	Out of copyright from 1 January 2088
	Sun Music: journeys and reflections from a composer's life, ABC Books, 1999 [book]	1999	Out of copyright from 1 January 2085	Out of copyright from 1 January 2085

Figure 5 Examples of literary, dramatic and musical works

Artistic works

In relation to artistic works, when the artist or photographer is known, there have been no changes to the duration rules and there is no ‘published’ versus ‘unpublished’ distinction when calculating the copyright term. The term of copyright protection is up to the end of the calendar year 70 years after the death of the creator. As before all photographs taken prior to 1 January 1955 are now out of copyright.

Creator	Work	Pre and post 2019 rule
Max Dupain (1911-1992)	Sydney Opera House in construction, Sydney, 1972 [photograph]	Out of copyright from 1 January 2063
	Peak hour Kings Cross, 1938 [photograph]	Out of copyright
Sir Hans Heysen (1877-1968)	Brachina Gorge, 1944 [watercolour]	Out of copyright from 1 January 2039

Figure 6 Examples of artistic works

Audiovisual materials

As with literary, dramatic and musical works, the copyright term of films and sound recordings was previously different for published and unpublished materials. This distinction has now been removed.

As of 1 January 2019, the new rules is that if the film or sound recording was made public within 50 years of creation, it is protected for 70 years from when it was made public. If it was not made public in that time, it is protected for 70 years from creation.

However, the transition provisions state that if the material is made public before 1 January 2019, its copyright term is also 70 years from when it was made public.

The flowchart below demonstrates how to determine the copyright duration for films and sound recordings.

For Films and Sound Recordings

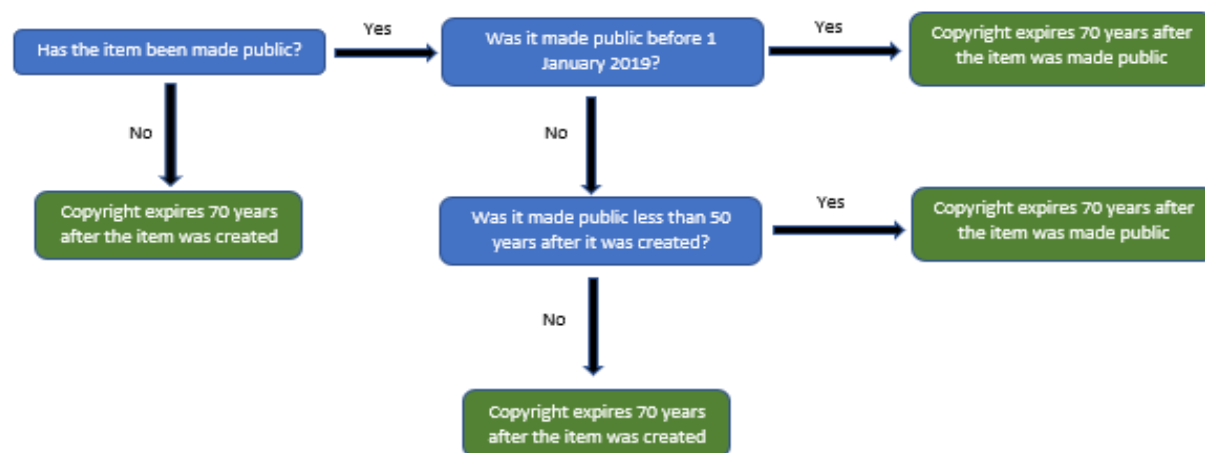


Figure 7 Determine copyright duration for films and sound recordings

This is further complicated by the fact that films made before 1 January 1955 may already be in the public domain, as they were previously treated as sequences of photographs rather than subject-matter in their own right until 1 January 1969.

As of 1 January 2019 sound recordings will be in the public domain if:

- they were made public before 1 January 1955; or
- they have never been made public and they were created before 1 January 1949

It must be noted that multiple copyrights represented in an item can subsist independently. So while a sound or audiovisual recording may move out of copyright, there may still be literary, dramatic, musical or artistic works represented (e.g. the script or soundtrack of a film, or the musical works recorded in an album) which could still be in copyright.

Figure 8 Examples of audiovisual materials

Creator	Work	Made public?	Rule pre 2019	Rule post 2019
Jack Platt	Jack Platt personal film: Cottesloe Beach, 1938 [video]	Made available on institution website in 2015	Out of copyright from 1 January 1989	Out of copyright from 1 January 1989
Unknown	Home movie from 1972 [video]	Never	In copyright in perpetuity	Out of copyright from 1 January 2043
Cecilia Shelley (1893-1986)	Interview with Miss Cecilia Shelley, interviewed by Colin Puls, 1976 [sound]	Made available on institution website with family's permission in 2011	Out of copyright from 1 January 2082	Out of copyright from 1 January 2082
Nene Gare (1919-1994); Hazel de Berg (1913-1984)	Nene Gare interviewed by Hazel de Berg in the Hazel de Berg collection, 1976 [sound]	Never	In copyright in perpetuity	Either out of copyright from 1 January 2047, or 1 January 2065 ¹⁶
Peter Sculthorpe (1929-2014); Goldner Quartet	The String Quartets, Vol 1, Tall Poppies, 1996 [sound]	1996	Out of copyright from 1 January 2085	Out of copyright from 1 January 2085

Government works

Government works are a smaller set of works that are copied and published by libraries and their users. The rule is now simply that any government work made or first published by a Commonwealth, State or Territory government is out of copyright 50 years from date it was first made. This means it will be in the public domain if it was made before 1 January 1969.

Creator	Work	Pre and post 2019 rule
Postmaster-General's Department, Canberra	Milestones in Australian history: Cobb and Company, 1959 [poster]	Out of copyright
Australian News and Information Bureau	Wheat pours through the drain chutes from the Fremantle Grain Loading Terminal in Western Australia, November 1968 [photograph]	Out of copyright

Figure 9 Examples of government works

Orphan works

One of the major changes brought about by the Act is a better method for dealing with orphan works, or works where the author's identity and death date are not 'generally known'¹⁷.

The new rule for literary, dramatic, musical AND artistic works, where the creator is not generally known, is that if the work was made public within 50 years of creation, it is protected for 70 years from when it was made public. If it was not made public in that time, it is protected for 70 years from creation.

However, the transition provisions state that if the work is made public before 1 January 2019, its copyright term is also 70 years from when it was made public.

¹⁶ There is limited clarity on the subsistence of copyright in spontaneous conversations in Australia, however the oral history community tends to assume that the words spoken constitute a literary work in their own right. The earlier date assumes that copyright only subsists in the audio, whereas the latter assumes copyright subsists in the literary work of the words spoken as well.

¹⁷ The NSLA Copyright Working Group's definition of an orphan work is '...a work where the copyright owner can either not be identified or located and permission to digitise and make the work available online cannot be obtained...Orphan works are generally understood to be older works, but can also be anonymous works on the internet, poorly credited works, abandoned materials, and works where the copyright owner is unaware they own copyright.'

The flowchart below demonstrates how to determine the copyright duration for orphan works. The chart at Appendix Two is broader and covers both government and non-government works.

For Works with no known author

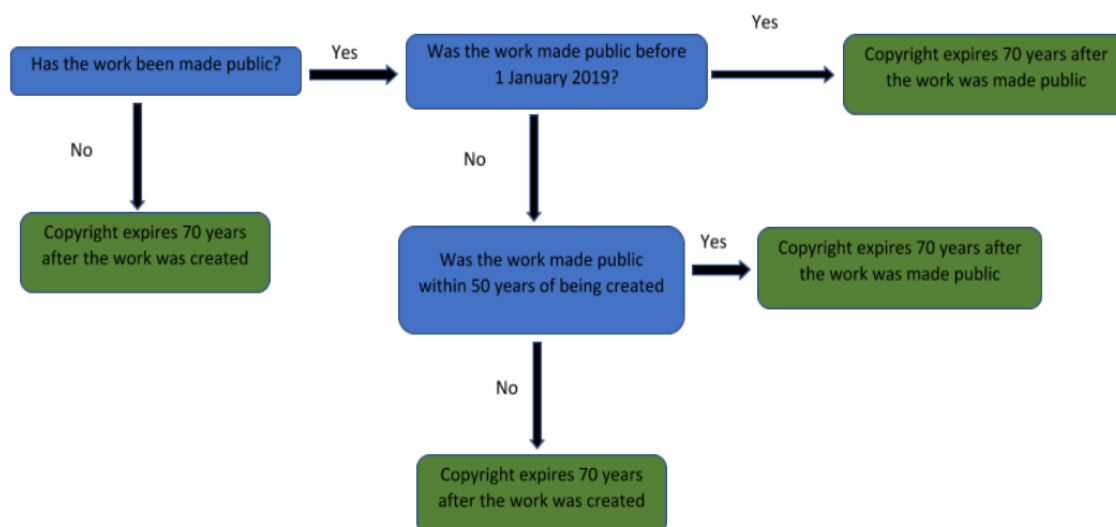


Figure 10 Determine copyright duration for orphan works

As of 1 January 2019, if an orphan work has never been made public, and it was created more than 70 years before 1 January 1949 it is now out of copyright. If it was made public before 1 January 1969, it is likewise out of copyright. These dates will progress from year to year. So in 2020 orphan works that have never been made public and were created before 1 January 1950 will be in the public domain; orphan works made public before 1 January 1970 will be in the public domain.

Creator	Work	Public status	Pre 2019 rule	Post 2019 rule
Anonymous	Letter 29 November 1978, Alice Springs to Mrs T G Strehlow [manuscript]	Never made public	In copyright in perpetuity	Out of copyright from 1 January 2049
Unknown	Portrait of Otto van der Sprenkel, ca. 1946 [oil painting]	Never made public	In copyright in perpetuity	Out of copyright

Figure 11 Examples of orphan works

Appendix 2: Orphan works

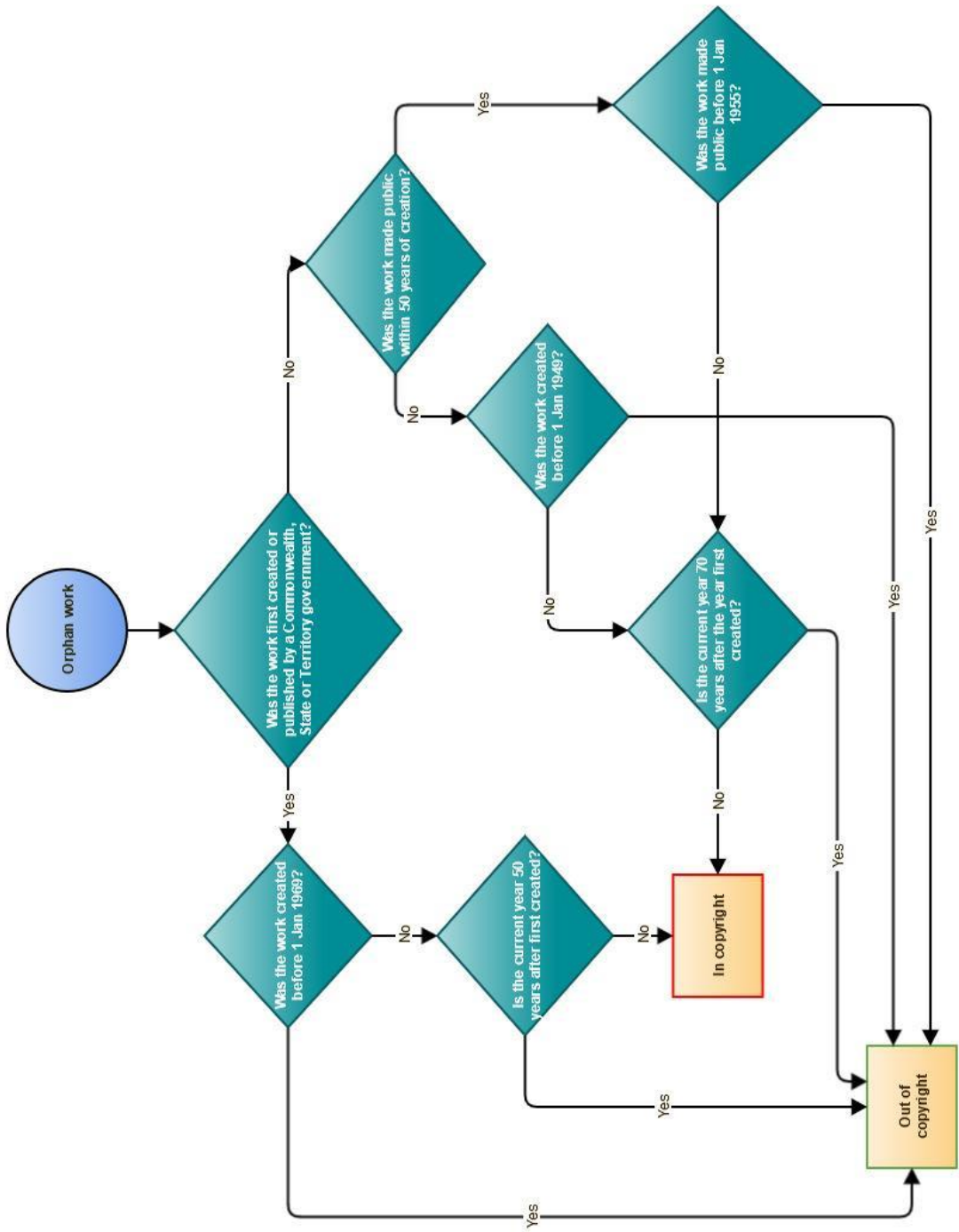


Figure 12 Design based on charts by Ingrid Finnane developed in 2011 for the site "How does the copyright status tool work?" at <https://wiki.nla.gov.au/pages/viewpage.action?pageId=22741548>

Appendix 3: Duration of copyright¹⁸

Material made before 1 January 2019 (non-government)

Type of material	Publication status	Factors affecting duration	Copyright expired as at 1 Jan 2019 if	Otherwise, duration is
Literary, dramatic musical works (known creator)	Published	Made public before death of creator	Creator died before 1 Jan 1955	Life of creator + 70 years
		Made public after creator's death and before 1 Jan 2019	Made public before 1 Jan 1955	Year first made public + 70 years
		Made public after creator's death and on or after 1 Jan 2019	Creator died before 1 Jan 1949	Life of creator + 70 years
	Unpublished	Never made public	Creator died before 1 Jan 1949	Life of creator + 70 years
Artistic works other than photographs (known creator)	Not relevant		Creator died before 1 Jan 1955	Life of creator + 70 years
Literary, dramatic musical, artistic works (orphaned)	Published	Made public before 1 Jan 2019	Made public before 1 Jan 1955	Year first made public + 70 years
		Made public on or after 1 Jan 2019 and within 50 years of being made	Made before 1 Jan 1949	Year first made public + 70 years
		Made public on or after 1 Jan 2019 but not within 50 years of being made	Made before 1 Jan 1949	Year made + 70 years
	Unpublished	Never made public	Made before 1 Jan 1949	Year made + 70 years
Photographs (known creator)	Not relevant		Taken before 1 Jan 1955	Life of creator + 70 years
Photographs (orphaned)	Published	Made public before 1 Jan 2019	Made before 1 Jan 1955	Year first made public + 70 years
		Made public on or after 1 Jan 2019 and within 50 years of being made	Made before 1 Jan 1955	Year first made public + 70 years
		Made public on or after 1 Jan 2019 but not within 50 years of being made	Made before 1 Jan 1955	Year made + 70 years
	Unpublished	Never made public	Made before 1 Jan 1955	Year made + 70 years
Sound recordings	Published	Made public before 1 Jan 2019	Made before 1 Jan 1955	Year first made public + 70 years
		Made public on or after 1 Jan 2019 and within 50 years of being made	Made before 1 Jan 1955	Year first made public + 70 years
		Made public on or after 1 Jan 2019 but not within 50 years of being made	Made before 1 Jan 1955	Year made + 70 years
	Unpublished	Never made public	Made before 1 Jan 1955	Year made + 70 years

¹⁸ Simplified version of the Department of Communications and the Arts, [Duration of copyright](#) table, 11 May 2018. See full chart for complex cases.

Type of material	Publication status	Factors affecting duration	Copyright expired as at 1 Jan 2019 if	Otherwise, duration is
Cinematograph films (made on or after 1 May 1969)	Published	Made public before 1 Jan 2019	n/a	Year first made public + 70 years
		Made public on or after 1 Jan 2019 and within 50 years of being made	n/a	Year first made public + 70 years
		Made public on or after 1 Jan 2019 but not within 50 years of being made	n/a	Year made + 70 years
	Unpublished	Never made public	n/a	Year made + 70 years