

# Copyright FAQs



... from previous page

## Abstracts, old photographs, and lost articles

**Are abstracts protected by copyright?  
Does a library need permission from the copyright owner to produce its own abstracts?**

Abstracts will generally be protected by copyright. The threshold for copyright protection under the *Copyright Act* is not high. The *Copyright Act* says that a work must be original to be protected by copyright. A work does not have to be unique or special to qualify for copyright protection. The courts have said that a work will be original if it is the result of the creator's skill and labour. So if you reproduce all or a substantial part of an abstract you will be infringing copyright unless you have permission from the copyright owner or you can show that a particular statutory exception applies or that copyright has expired. If your library is creating its own abstracts, provided you use your own words to describe the work, you will generally not need permission from the copyright holder. However, if you reproduce quotes and extracts from the original text, you will probably need permission from the copyright owner, unless a particular statutory exception applies or copyright has expired.

**Are old photographs still protected by copyright?**

The period of copyright protection for photographs will generally depend on when the photograph was taken. Copyright in photographs taken before 1 May 1969 will expire fifty years after the calendar year in which the photograph was taken. So if a photograph was taken before 1949, you can be sure that copyright has expired. The period of copyright protection for photographs taken after 1 May 1969 will generally depend on when the photograph has been published.

*Photographs taken before 1 May 1969:* Copyright will expire fifty years after the calendar year in which the photograph was first taken. See section 212 of the *Copyright Act 1968*.

*Photographs taken after 1 May 1969:* Copyright will expire fifty years after the calendar

year in which the photograph is first published (So if the photograph has never been published, copyright will last forever). See section 33 of the *Copyright Act 1968*.

The following periods of copyright protection apply to photographs made or first published by or under the direction or control of the Government (that is Commonwealth, State or Territory) and these are:

*Photographs taken before 1 May 1969:* Copyright will expire fifty years after the calendar year in which the photograph was first taken. See section 233 of the *Copyright Act 1968*.

*Photographs taken after 1 May 1969:* Copyright will expire fifty years after the calendar year in which the photograph was first published. (So if the photograph has never been published, copyright will last forever). See section 180 of the *Copyright Act 1968*.

**May a library supply another copy of an article to a library user which he or she has previously lost?**

You should not supply a user with another copy of the same article in these circumstances. The library user is required to make a declaration stating among things that the copy has not previously been supplied to the library user by the authorised officer of the library.

To supply another copy of the article to the library user would have serious consequences not just for the user [see section 203 F(1) Making false/misleading declarations] but also for the library [see section 49(2)]. Under s49(2), if a library officer knows the declaration to be untrue and still supplies the article to the library user, the library may be liable for infringing copyright.

This is general information about the law. It is not intended to be a substitute for independent legal advice and it should not be relied upon for this purpose.

For more Copyright FAQs visit ALIANet: <http://www.alia.org.au/copyright>. ■

## NSW

• **3/5 NSW Children & Youth Services section.** *Committee meeting* (everybody welcome). Venue: SLNSW, 6pm. Contact: Sarah Steed, publicity officer, ph 02 9806 5159, fx 02 9806 5919, [ssteed@parracity.nsw.gov.au](mailto:ssteed@parracity.nsw.gov.au)

• **12/5 Willoughby City Library.** *Entries close at 6pm 12/5 for the Who wants to be a librarian? Library Week Trivia Quiz*, pit your skills against the Librarians at Willoughby City and be in the running for great prizes. Entry forms are available from Willoughby City Library, 407 Victoria Ave, Chatswood, 2067 or from the Community information librarian, ph 02 9777 7900, [julie.maloney@willoughby.nsw.gov.au](mailto:julie.maloney@willoughby.nsw.gov.au)

• **15/5 NSW Library Technicians section.** *Bathurst Library Technicians Day celebrations.* The Perfect Timing Family Restaurant, Bathurst Central, Howick Street, Bathurst, 8am. *RSVP to:* Anne Huges, ph 02 6332 3488, [phuges@lisp.com.au](mailto:phuges@lisp.com.au)

• **15/5 Willoughby City Library.** *Bead Making with the Bead Company of Australia.* Willoughby City Library, 407 Victoria Avenue, Chatswood, 4-5pm. *Bookings essential*, ph 02 9777 7900, [julie.maloney@willoughby.nsw.gov.au](mailto:julie.maloney@willoughby.nsw.gov.au)

• **16/5 NSW Library Technician section.** *National Library Technicians Day and 21st anniversary breakfast.* Guest speaker, lucky door prizes and all things LT. Supreme View Café, Level 14 Supreme Court Building, 184 Phillip Street, Queens Square, Sydney. 7:30-9am, official start 8am. *To RSVP or more information contact:* Kerry Darnell, ph 02 9715 8316, [kerry.darnell@tatensw.edu.au](mailto:kerry.darnell@tatensw.edu.au)

• **16/5 NSW Far North Coast Library Technician section.** *National Library Technicians Day* on the Far North Coast. Lunch for all library people working in all libraries to celebrate. Goonellabah RSL Sports Club, Oliver Avenue, Goonellabah. Contact: Louise Somerville, ph 02 6625 1235, [Isom@start.com.au](mailto:Isom@start.com.au)

• **16/5 NSW Mid North Coast Library Technician section.** *Australian Library Week breakfast* at the Foreshores Café, on jetty strip across from Hogs Breath Café, Coffs Harbour, from 7:30am. Contact: Jill Baker, ph 02 6659 3232, [jbaker2@chec.scu.edu.au](mailto:jbaker2@chec.scu.edu.au)

• **16/5 Willoughby City Library.** *Cross-Cultural Calligraphy with Mr William Lai from Wills Quills.* Willoughby City Library, 407 Victoria Avenue, Chatswood, 12-1:30pm. *Bookings essential*, ph 02 9777 7900, [julie.maloney@willoughby.nsw.gov.au](mailto:julie.maloney@willoughby.nsw.gov.au)

• **16/5 Copyright Seminars,** given by staff lawyers, covering everything from clearances to scanning. Three sessions: Introduction, Print Resources, Internet. \$50 per session, Sydney. Contact: Ph 02 9318 1788, fx 02 9698 3536, [sales@copyright.org.au](mailto:sales@copyright.org.au), <http://www.copyright.org.au>

• **17/5 Willoughby City Library.** *Fun with Japanese at the Pre-School Storytime* with stories, craft & film. Willoughby City Library, 407 Victoria Avenue, Chatswood, 9:30 & 10:30am. *Bookings essential*, ph 02 9777 7900, [julie.maloney@willoughby.nsw.gov.au](mailto:julie.maloney@willoughby.nsw.gov.au)

• **18/5 Willoughby City Library.** *Fun with Japanese at the Pre-School Storytime* with stories, craft & film. Willoughby City Library, 407 Victoria Avenue, Chatswood, 10:30am. *Bookings essential*, ph 02 9777 7900, [julie.maloney@willoughby.nsw.gov.au](mailto:julie.maloney@willoughby.nsw.gov.au)

• **19/5 Riverina Regional Group.** *For Albury library staff...* a repeat of last year's successful Library Week's drinks. Naturally library

continued next page...

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