

# Understanding Copyright

## Useful information for oral historians ....

to understand their own rights; and  
to ensure that interviewees are briefed to give informed consent  
when they sign a Conditions of Use or Release Agreement.

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**Start here .... RAW LAW** is a plain English 10 minute video introduction to copyright, moral rights, agreements/contracts [www.artslaw.com.au/legal/raw-law/video/#standard](http://www.artslaw.com.au/legal/raw-law/video/#standard)

The following Information Sheets are produced by the Australian Copyright Council and Arts Law Centre of Australia and Creative Commons Australia. They should be downloaded from the respective websites as needed to ensure that you have the most recent version.

**Australian Copyright Council** [www.copyright.org.au](http://www.copyright.org.au) 02 8815 9777

### **Ownership and Copyright** Information Sheet G058v07

An excellent overview of key aspects and issues especially about sound recordings.

### **Family Histories and Copyright** Information Sheet GO42v11

Particularly helpful: Who owns copyright in an oral interview?

Who owns copyright in a sound recording of an oral history?

Also their various publications in particular:

**Copyright Essentials – a practical guide** B127v03

**2014 Australian Copyright Council Seminar program is now available.**

### **Arts Law Centre of Australia** [www.artslaw.com.au](http://www.artslaw.com.au)

The Arts Law Centre of Australia (Arts Law) is the national community legal centre for the arts, a not-for-profit company limited by guarantee which was established in 1983. Arts Law provides legal advice and information on a wide range of arts related legal and business matters including contracts, copyright, business structures, defamation, insurance, employment and taxation to artists and arts organisations across all art forms.

Legal advice can be requested by using the Online Query Form on the website.

Note: allow at least two weeks for advice. Please see [Our Services](#) for further information. Phone (02) 9356 2566 1800 221 457 (toll-free)

If you are seeking legal advice it is preferable that you use the online [legal query form](#). Email [artslaw@artslaw.com.au](mailto:artslaw@artslaw.com.au) no legal advice by direct email.

Sample agreements may be purchased in an editable form. Contact them to ascertain which is the most suitable for your needs.

Arts Law Centre Information sheets address these topics:

#### **Moral rights**

- Moral rights are about keeping the connection between you and your work.
- You have moral rights in relation to the work you create.

- You have the right to be recognised, or named, as the creator of your work.
- No one should do anything to your work that hurts your reputation.
- You cannot give away your moral rights. They are for you only.
- Moral rights last for your lifetime and up to 70 years after your death.
- If someone does not show your name with your work, or treats your work in a way that hurts your reputation, this is called a moral rights infringement.

#### **Defamation Law** (for material published after Jan 2006)

- This information sheet explains how to minimize the risk of defamation and what the defences are if you are threatened with a defamation action.

#### **Copyright**

- Excellent section on ownership of copyright including several exceptions. Page 6 gives a table indicating the exclusive rights of a copyright owner in relation to different categories of copyright material... literary works, artistic works, musical works, dramatic works, films, sound recordings, broadcasts, published editions.

#### **Telling people's stories on film**

- Deals with privacy, legal obligations, confidentiality, misrepresentation etc.

## **Creative Commons Australia**

[www.creativecommons.org.au/learn-more/licences](http://www.creativecommons.org.au/learn-more/licences)

Creative Commons Australia works to increase, sharing, collaboration and innovation worldwide. Offering your work under Creative Commons Licence does not mean giving up your copyright. It means allowing more liberal use of your material but only on certain conditions.

See *Frequently Asked Questions* - **designed** to create a better understanding of Creative Commons  
<http://wiki.creativecommons.org/FAQ>

#### **Another helpful website essay:**

**'Who Owns Oral History? A Creative Commons Solution'** by Jack Dougherty and Candance Simpson in *Oral History in the Digital Age*, ed. Doug Boyd [www.ontheline.trincoll.edu/oral-history/creative-commons/](http://www.ontheline.trincoll.edu/oral-history/creative-commons/)

Who "owns" oral history? When an oral history narrator shares her story in response to questions posed by an interviewer, and the recording and transcript are deposited in an archive, who holds the rights to these historical source materials? Who decides whether or not they may be shared with the public, quoted in a publication, or uploaded to the web? Who decides whether someone has the right to earn money from including an interview in a commercially distributed book, video, or website? Furthermore, does Creative Commons, a licensing tool developed by the open access movement to protect copyright while increasing public distribution, offer a better solution to these questions than existing oral history protocols?

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**The Oral History Handbook by Beth Robertson** covers ethics of oral history, copyright and conditions of use and much more. Send cheque to:

OHA South Australia/NT Inc, PO Box 31134, Unley SA 5051  
 \$35 including postage Oral History Assoc Members \$28

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*The rules governing copyright are constantly changing. Oral History NSW claims no legal expertise and has collated current information as at February 2014 – ensure you have the most up-to-date information by checking with the primary agencies listed above.*

Resource Notes produced by the Oral History NSW

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Email: [president@oralhistorynsw.org.au](mailto:president@oralhistorynsw.org.au)

Website: [www.oralhistorynsw.org.au](http://www.oralhistorynsw.org.au)