
Copyright

How long does copyright last?

General information

Copyright law in Australia is set out in the Copyright Act, 1968, which is an Act of the Commonwealth Government, and in court decisions. There is no registration procedure for copyright protection in Australia. The Act specifically lists all categories of material that are protected by copyright. If something is produced, and can be classified in one of these categories, it is automatically protected as soon as it is “fixed” in material form – for example, written down, drawn, photographed, recorded on audio or video tape, or save to computer disk.

If something is protected by copyright, you may need permission to use it in particular ways – for example, to copy it or put it on a website. You may also need to acknowledge who created the work, and not treat the material inappropriately.

Under the Copyright Act, the materials in the following list are referred to as “works”:

- **Written material** such as a journal article, novels, screenplays, poems, song lyrics and reports. These are described as “literary works”.
- **Compilations** such as anthologies, directories and databases, in which the selection and arrangement of material may be protected separately from the individual items contained in the compilation. These are also categorised as “literary works”.
- **Computer programs** for the purposes of Australia’s copyright law these are also classed as “literary works”.
- **Artistic works** such as paintings, drawings, cartoons, sculpture, craft work, photographs, engravings, maps and plans.
- **Musical works**, such as notated music
- **Sound recordings**, in addition to copyright in the works that are recorded
- **Dramatic works** such as dance, plays and mime.
- **Films**, this covers both the recording of moving images and accompanying sounds
- **Broadcasts**, in which the broadcast itself is protected separately from the content of the broadcast

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Under current law, copyright usually lasts for the life of the author plus 70 years from the end of the year of the author's death. In some cases, copyright lasts for 70 years from the end of the year of first publication, in some cases for 70 years from the end of the year it was made, and in some cases, for unpublished material, indefinitely.

Another important point to remember is that copyright material may contain one or more component or "underlying" work, and that you will need to consider the period of copyright protection afforded these items. For example, there will usually be the following copyrights in an audio CD

- in each individual piece of music;
- for the lyrics of each piece of music; and
- in the recording of the performance of the music.

The following chart is an abridged version of the Australian Copyright Council's Information Sheet G23 Duration.

Type of material	In public domain on 1 Jan 2005	Protection from 1 Jan 2005
Works first published anonymously or under pseudonym	First published before 1 Jan 1955	Year first published + 70 years
Photographs	Taken before 1 Jan 1955	Life of creator + 70 years
Engravings	Creator died before 1 Jan 1955	Life of creator + 70 years
Artistic works	Creator died before 1 Jan 1955	Life of creator + 70 years
Computer programs	Creator died before 1 Jan 1955	Life of creator + 70 years
Literary, dramatic & musical works	Creator died before 1 Jan 1955	Life of creator + 70 years
Cinematograph films	Creator of film as a dramatic work died before 1 Jan 1995	Year made public + 70 years
Sound recordings	Made before 1 Jan 1955	Year first published + 70 years

Copyright protection varies for material made, or first published, by the Commonwealth or State or Territory. The type material list in this chart can also fall into this category. For material, that has been made or first published, by the Commonwealth, State or Territory governments, the duration of copyright protection is usually only 50 years.

Sources:

Duration of Copyright. Australian Copyright Council, Information sheet G023, April 2009, viewed 10 June 2011.