



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.

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

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

Ownership of Copyright Information Sheet G058v10

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

Family Histories and Copyright Information Sheet G042v13

Particularly helpful: Who owns copyright in an oral interview? Who owns copyright in a sound recording of an oral history?

An Introduction to Copyright in Australia Information Sheet G010v20

Arts Law Centre of Australia 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. If you are seeking legal advice it is preferable that you use the online legal query form.

Arts Law Centre information addresses 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.
- Moral rights infringement.

Defamation Law

- 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

- Ownership of copyright including several exceptions. 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

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>

'Who Owns Oral History? A Creative Commons Solution' by Jack Dougherty and Candance Simpson in *Oral History in the Digital Age*, ed. Doug Boyd

<https://ontheonline.trincoll.edu/who-owns-oral-history.html>

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?

The Oral History Handbook (2013) by Beth Robertson covers ethics of oral history, copyright and conditions of use and much more. Available for purchase via the [Oral History SA/NT](http://www.oralhistorynsw.org.au) website.

The rules governing copyright are constantly changing.

Oral History NSW claims no legal expertise and has collated current information as at May 2020.

Ensure you have the most current information by checking with the primary agencies listed above.

www.oralhistorynsw.org.au