

# Copyright term

For most works, copyright lasts for 70 years after the author has died, or (in the case of films and sound recordings) 70 years from publication. However the rules for copyright duration are complex. How long copyright lasts on a particular item will depend on the type of material, when it was made, when it was published and the author's date of death.

## What is the copyright term?

Copyright protection only lasts for a certain amount of time. The period of copyright protection for a particular work is called its "copyright term". After the end of its copyright term a work enters the public domain and you are free to use it however you like.

This is one of the fundamental principles of copyright – creators are granted exclusive rights over their creations for a set period of time to encourage them to make new works; but eventually these exclusive rights end, so that everyone can access and use the work as part of the general pool of human knowledge.

## How do I know if something is still in copyright?

In Australia there is no registration system for copyright, so there is nowhere you can look up whether a particular work is still covered by copyright. Just because something doesn't have a copyright notice of the © symbol does not mean it isn't protected.

The rules for copyright term have changed several times over the last century, so working out if something is still protected by copyright (ie "in copyright") can be very difficult. In order to determine whether material is in copyright you need to know information like when the author died, when the work was created and when it was published (if at all).



To determine whether a particular item is in copyright try our [copyright duration table](#) or this [copyright status tool](#). If you are still uncertain whether something is in copyright, it is best to assume it is, unless it is a published work that is very old (eg over 150 years old).

### Some general rules of thumb for copyright duration

- For most modern published works copyright lasts 70 years after the death of the author;
- For sound recordings and films made after 1969 copyright lasts 70 years from publication;
- Works created by government employees or first published by the government, known as “crown copyright,” are protected for 50 years from their creation or publication;
- Unpublished works have perpetual protection – ie their copyright never ends;
- Photographs taken before 1955 and published works whose authors died before 1955 are in the public domain.

### Important points to keep in mind

- When copyright is dated with reference to the death of the author, this is the author of the work, not the first owner. For example, if someone wrote a document in the course of their employment even though the employer may own the copyright as soon as it exists, the duration of the protection will date from the death of the employee who wrote it.
- If material has multiple authors you need to know whether it is: (a) a work of joint authorship (ie with all parts created collaboratively) in which case it will have one copyright term dated from the death of the last living author; or (b) a collection in which each component was created separately (eg an anthology), in which case the separate parts will each have their own copyright with separate durations.
- The rules of copyright protection have changed over the years. So how long a work is protected can depend on when it was created. Importantly, works that were out of copyright on before 1 January 2005 remained out of copyright and avoided the [Australia - US Free Trade Agreement \(AUSFTA\) copyright term extension](#). This means most works whose creator died before 1 January 1955 are out of copyright.
- Copyright terms tick over on a yearly basis. For example the copyright in a book is protected for 70 years from the end of the year of the author’s death. So a book written by an author who died on 1 June 2000 would fall into the [public domain](#) on 1 January 2071.

It's also worth noting:

- Moral rights have the same duration as copyright.
- Cultural protocols and academic norms may last indefinitely.

## Further resources

[Copyright Duration Table](#) ALCC

[How long does copyright last?](#) National Library of Australia

[Copyright Status Tool](#) National Library of Australia

[Copyright Duration](#) Australian Copyright Council

[How long does copyright last in Australia?](#) Queensland University of Technology

The [Australian Libraries Copyright Committee](#) is the primary policy body for the discussion of copyright issues affecting libraries and archives in Australia. For more information and resources on copyright for libraries, including regular training opportunities throughout Australia, see <http://libcopyright.org.au>.