



Maps & Charts

This information sheet is for creators and copyright owners of maps and charts. It is also for people who want to use maps and charts.

In this information sheet, we discuss copyright law as it relates to maps and charts, including street directories, diagrams and scientific maps (e.g. hydrographic charts, topographical maps, demographic maps, sky maps).

Other information sheets that may be relevant include *Artworks: Getting Permission* and *Databases, Compilations, Tables & Forms*. Our book *Historians & Copyright* may also be relevant.

The purpose of this information sheet is to give general introductory information about copyright. If you need to know how the law applies in a particular situation, please get advice from a lawyer.

Key points

- Maps and charts may be protected by copyright.
- You will usually need permission to use a map or chart created by someone else.

Copyright overview

- Copyright is automatic; there is no need to register for copyright protection (see our information sheet *An Introduction to Copyright in Australia*).
- Copyright does not protect ideas or information (see our information sheet *Ideas: Legal Protection*).
- Copyright has a term of protection, usually the life of the creator plus 70 years (see our information sheet *Duration of Copyright*).
- Copyright can be owned by people other than the creator (see our information sheet *Ownership of Copyright*).

How does copyright apply to maps and charts?

Copyright protects maps and charts as “artistic works”, if they are:

- original, not merely copied from something else (that is, there must have been some degree of skill or labour exercised in creating it); and
- recorded in “material form” (that is, in a form which can be reproduced, for example, on paper or on a computer disk).

Explanatory text and compilations of information that are part of a map or chart may be classified as “literary works” for copyright purposes and may be separately protected.

For information on compilations, see our information sheet *Databases, Compilations, Tables & Forms*.

Do I need permission to use a map or chart?

It is an infringement of copyright to use all or a “substantial part” of a work in a way reserved for the copyright owner without permission and if an exception does not apply.

For maps and charts, this means to:

- reproduce a map or chart (for example, by photocopying, hand copying, scanning, saving onto a digital file or printing);
- communicate a map or chart to the public (for example, by faxing or emailing to an office, or uploading to a website or an intranet); or
- publish a map or chart for the first time (for example, in a newsletter or a guidebook).

You can display a map or chart in its original material form (for example, by hanging it on a wall). However, unless an exception to infringement applies, you will need permission to reproduce or communicate all or a substantial part of a map or chart (for example, on a photocopy, on an overhead transparency, in an email, or on the internet). A “substantial part” means any **important, essential** or **distinctive** part. Even a very small part of a map or chart may be “substantial” for copyright purposes.

If you are creating a map or chart, the risk of infringing copyright will be reduced if you create your own work using information from a number of different sources or create it entirely from your own observations.

Exceptions to infringement

There are some exceptions to infringement set out in the Copyright Act that allow you to use material protected by copyright without permission. For example, the fair dealing provisions may be available to you if your dealing with the copyright work is “fair” and is for the purposes of research or study, criticism or review, parody or satire, or reporting news.

For further information, see our information sheets, *Fair Dealing: What Can I Use Without Permission*, and *Research or Study*.

There are also exceptions for copying by libraries, educational institutions and governments. For further information, see our information sheets *Libraries: Introduction to Copyright*, *Education: Copyright Basics* and *Governments: Commonwealth, State & Territory*.

Maps and charts on the Internet

If you wish to copy a map or chart that is in digital format on the internet, you may find a statement on the relevant website giving you permission to reproduce the material under terms and conditions. This is an express licence.

In some other cases it may be clear from all the circumstances that you have permission to use it in a particular way. This is an implied licence. Examples may be a print or share button that allows you to reproduce (print) or communicate to the public (share).

If there is no express licence and it is not clear from all the circumstances that you are permitted to copy the material, then if you want to use a map or chart from the internet for any purpose that is not covered by one of the exceptions to infringement set out in the Copyright Act, you’ll need to request permission from the copyright owner, or from the website proprietor who may be licensed to give you permission.

You might also need to consider whether the copyright owner has applied any technological protection measures or applied electronic rights management information to the map or chart.

For further information, see our information sheets *Assigning and Licensing Rights*, *Internet: Copying & Downloading* and *Protecting Your Copyright*.

Maps and charts in other digital formats

Use of a map or chart that is available in other digital formats, such as a chart on purchased software, is usually governed by an express licence. You need to check the terms of the licence to see what uses of the map or chart are permitted.

Moral rights

The creators of maps and charts have moral rights in their work, even if they do not own copyright. This means that if you are using the map or chart you will need to consider the creator's moral rights.

These include the right to:

- be attributed as the creator;
- not be falsely attributed; and
- not have the work treated in a derogatory manner.

For more information, see our information sheet, *Moral Rights* and our book, *Moral Rights: A practical guide*.

Common questions

Can I copy a map from an online directory to put onto my website to show customers where my business is located?

First, check whether or not the website offers a licence to use the map in this way. Note that a statement such as "email to a friend" does not permit you to use the map in a commercial context. If there is no express licence on the website, to avoid infringing copyright, you will have to obtain permission by contacting the copyright owner, or the website proprietor if it is licensed to give you permission.

Can I place a link on my website to a map or chart on another website?

Providing links to material on other websites does not generally raise copyright issues, unless you have reason to suspect that the material on the website you are linking to was put there without the copyright owner's permission.

However, providing such links could raise issues under other areas of law, especially if:

- the link is "framed" so that the material looks like it is on your website;
- the link, or the way it is contextualised on your website, could cause viewers to confuse your site or products with those of a commercial rival; or
- the proprietor of the website that you want to link to has asked you to agree not to provide such links.

Can I make a tourist map of a local area based on an existing map if I make changes?

If the existing map is protected by copyright, even if you make changes, you might still infringe copyright if you use a substantial part. If you wish to avoid the risk of copyright infringement, you could create your own map from scratch. To be on the safe side, use as many different sources of

information as possible, and only use the information, not the particular way it is drawn or laid out. Otherwise you may still be at risk of infringing copyright.

Who owns copyright in a new map I created based on an existing map (with permission)?

If the map you have created is a new artistic work, unless you made it as part of your job, or for the government, you will probably own copyright in it. However, any use of your map will also use the original map or chart (the “underlying work”) and therefore will require permission from the owner of copyright in the underlying work. For this reason, it is a good idea to make sure, when you are seeking permission to use copyright material in work you are creating, that you cover all likely uses of that copyright material.

Can I hand draw a chart of marine features from one that is already available?

If the chart is protected by copyright, you can infringe copyright by an indirect reproduction, including by hand. The question is whether a substantial part has been taken. Depending on the circumstances, you may be able to rely on an exception to infringement such as fair dealing for research or study.

Can I reproduce maps and charts that are in books or on posters that I own?

Copyright in a work is separate from the thing in which it is embodied. Just because you own a copy of a book, it doesn't mean that you own copyright in the literary and artistic works in the book. If you want to reproduce maps and charts that are protected by copyright, you are likely to need permission from the copyright owner if an exception does not apply.

Can a government department or agency reproduce my local area map in a publication?

If the department or agency is part of a Commonwealth, State or Territory government it can rely on the special exception for copying by the government, if it is copying for the services of the government. If you own copyright in the map and you are a member of the Copyright Agency, you will be eligible to receive a payment for use of your map by the government.

For more information, see our information sheet *Government: Commonwealth, State & Territory*. The government copying exception does not apply to local governments; they need to obtain your permission.

Further information

For further information about copyright, and about our other publications and training program, see our website – www.copyright.org.au

If you meet our eligibility guidelines, a Copyright Council lawyer may be able to give you free preliminary legal advice about an issue that is not addressed in an information sheet. This service is primarily for professional creators and arts organisations but is also available to staff of educational institutions and libraries. For information about the service, see www.copyright.org.au

Reproducing this information sheet

Our information sheets are regularly updated - please check our website to ensure you are accessing the most current version. Should you wish to use this information sheet for any purpose other than your reference, please contact us for assistance.

Australian Copyright Council

The Australian Copyright Council is an independent, non-profit organisation. Founded in 1968, we represent the peak bodies for professional artists and content creators working in Australia's creative industries and Australia's major copyright collecting societies.

We are advocates for the contribution of creators to Australia's culture and economy; the importance of copyright for the common good. We work to promote understanding of copyright law and its application, lobby for appropriate law reform and foster collaboration between content creators and consumers. We provide easily accessible and affordable practical, user-friendly information, legal advice, education and forums on Australian copyright law for content creators and consumers.

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Australian Government



The Australian Copyright Council has been assisted by the Australian Government through the Australia Council, its arts funding and advisory body.

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