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## ***Copyright issues for museums and galleries***

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Museums and galleries can encounter copyright issues in many of their activities: for example, when copying material to use in exhibitions, catalogues and merchandise, screening films or playing sound recordings, or putting material from the collection online on websites or intranets.

Many things are protected by copyright, apart from obvious things like artworks: letters, sketches and diaries are likely to be protected, as well as diagrams and plans for machinery or buildings, jewellery, medals, buildings and models of buildings.

As well as copyright, you need to remember that creators of copyright material generally have “moral rights” to be attributed, and not to have their work treated in a way that prejudices their honour or reputation.

A few key points to bear in mind when working out whether you have a copyright issue:

- Ownership of copyright is separate from ownership of a physical item. When you acquire a painting, book or CD, for example, what you get is the physical item. You do not normally receive any rights to copy it, or use it in the other ways reserved to the copyright owner, unless you get permission separately.
- A single item may contain several different copyrights. For example, in a music CD, copyrights are likely to include the music (and any arrangement of the music), the lyrics (and any translation of them), and the sound recording (the recording of that particular performance of the music and lyrics). Sometimes, you will need to get permission from each copyright owner.
- Copyright in some types of material (for example, unpublished literary, dramatic and musical works) lasts indefinitely—so even very old material of this sort may still be protected by copyright.
- In some cases, even after copyright has expired, access to material, and use of it, can be controlled by contract. For example, if copies of a particular photograph are not available from anywhere except your gallery, you may be able to limit what people do with transparencies you supply.

It can be difficult to keep track of when permission is needed, and whether permission has been obtained. Good recordkeeping can help, and a useful strategy is to use standard checklists or forms when acquiring material for the collection and when asking for permission to use the material in the ways reserved to the copyright owner.

Remember that the person donating or selling items may not be the copyright owner. However, in some cases they may be able to provide information that will help you identify the copyright owner and/or the creator.

The Australian Copyright Council will publish a book called *Galleries & Museums: A Copyright Guide* later this year, dealing with copyright and moral rights issues. We are also running seminars on copyright and moral rights in 2005 in Adelaide, Brisbane, Canberra, Melbourne, Perth and Sydney. For details, see our website: [www.copyright.org.au](http://www.copyright.org.au).

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