

Reproduction/Copyright Factsheet

Reproducing material from the collections for publication or display

The Alexander Turnbull Library encourages the reproduction of items from its collections, and requires certain conditions to be observed. Permission is normally granted provided that acknowledgement is made as specified and, if required, the appropriate fee is paid.

Within the Library's collections are many items acquired by bequest, donation or loan. Some of this material is still in copyright, and some has been accepted under special conditions. The Library has a responsibility to ensure that the material in its care is used in a way consistent with the undertakings made at the time of acquisition, and which takes cognisance of cultural and personal sensitivities, and upholds the integrity of the original item. While every effort is made to ensure that the Library's collections are free of legal restrictions and available for public use, the user has the responsibility for clearing copyright and for meeting any other requirements placed on the item by the owner/donor/creator of the original. For further information, see the Fact Sheet *Copying material from the collections: copyright limitations*.

Conditions of use for reproduction or display

These conditions apply to all reproduction for publication or display of pictorial, manuscript and published materials held by the Library.

Conditions for the reproduction of sound recordings are given in the Fact Sheet *Reproduction and public use of sound and video recordings from the collections (excluding oral histories)* and the information sheet about the Oral History Centre.

Members of the public may not photograph or scan items in the collections, or reproduce a Library image directly from a publication, for example, a book, CD-Rom, internet site, etc. Nor may they re-photograph prints or photocopies supplied by the Library, or re-copy digital images supplied by the Library on CD-Rom.

Procedures

Procedures for obtaining copies of items from the collections vary according to the format of the original. Detailed instructions are provided by each section of the Library and staff will be happy to explain procedures fully. General information can be obtained from Turnbull Library Pictures.

Format of reproduction

The Alexander Turnbull Library requires any reproductions of images from the collections to use a digital or photographic copy supplied by the Library, in order to be assured that the quality of the published image is satisfactory.

The Library can provide a range of formats, including digital or photographic prints, slides and digital copies on CD-Rom, of most items from the collections. Copies need to be ordered on the appropriate order form, and are paid for at the time of ordering.

The publishing of textual items from the collections in a transcribed form that differs from the original manuscript or publication is permitted, provided all other conditions of authorisation and acknowledgment are met.

Reference copies

The Library can supply copies for reference or research only; these may be in the form of photocopies, microfilm print-outs, computer print-outs, and laser copies. Online digital images are also available through the National Library of New Zealand Timeframes website (<http://timeframes.natlib.govt.nz/>) and *Te Waimano*, the Library's website to mark the beginning of the new millennium (www.tewaimano.govt.nz/). Reproduction-quality copies, together with express permission, must be obtained if copies are required for further publication or display.

Restrictions

- The Library does not provide negatives of items in the collections.
- Permission is required for the recording of items from the collections on videotape, film, or any other information storage medium.
- In order to maintain the integrity of the Library's images, no manipulation of the image is allowed (for example, outlining, overlapping, distortion (alteration of the proportions of an image), duotone washes, or other colouring). Sepia toning is permitted.
- Any cropping of an image requires express permission from the Library, and, if allowed, the customer must specify that it is a detail of the image. Similarly, filmmakers need permission to zoom in and out of a detail of a photograph.
- Other writing, such as titles or underlying text, should not intrude on the images.

Authorisation

Permission of the Library is needed before copies of items or quotations and references to textual material may be reproduced or displayed. Details of the proposed use must be given on the application form.

Use of an item is permitted as long as it meets the original purpose, as agreed, or if terms of use are re-negotiated and agreed with the Library.

The Library's collections include items held under special conditions that must be satisfied before the Library will supply photographic copies:

- Users wanting to reproduce copies of originals owned by other institutions or individuals will need to obtain copies from the owner of the original material or obtain written permission from the owner for the Library to supply copies.
- For items still under copyright where the Library does not hold the copyright, users should obtain written permission from the copyright owner.

The Library does not grant wider permissions such as world rights, perpetual rights worldwide, or exclusive rights. The Library reserves the right to refuse applications.

The Turnbull Library does not indemnify its customers against any claims by copyright owners or other proprietors claiming damages for publication or other uses of the images supplied.

Acknowledgment

Acknowledgment to the Library, and a detailed citation for each item, must accompany any reproduction of Library material.

The caption supplied for each image includes citation details and more general information on the content of the image.

The relevant section of the Library will provide further information if required. If the caption information or content supplied by the Library is not used, the sense of the caption must be retained.

The citation must give details of the actual item, including, where applicable, the photographer or artist, the title given by the creator, the name of the collection, and the Library's reference numbers, such as the collection number and negative number. The citation must also include the words 'Alexander Turnbull

Library, Wellington, New Zealand'.

The Library prefers acknowledgment to appear adjacent to the reproduction. Where this is not possible, acknowledgment must appear in a manner that allows clear identification of the item. For television, films, videotapes and audio-visuals, acknowledgment in the credits is acceptable.

Every Library image used on a web site, network or CD-Rom must be accompanied by the following text:

Permission of the Alexander Turnbull Library, Wellington, New Zealand, must be obtained before any re-use of this image.

Acknowledgment must be given for quotations and references to Alexander Turnbull Library textual material from publications and manuscripts and archives.

Reproduction fees

Reproduction fees (for the categories listed) are additional to the processing or copying charge and are invoiced separately. Fees are calculated according to the Library's scale included in this sheet. (Note – the processing or copying charge reflects the actual cost to the Library, and discounts cannot be given.)

The Library requires the payment of reproduction fees as a contribution towards funds for the preservation of items in the Library's collections.

Fees for the reproduction of materials are charged by the Library as proprietor of the material. They are not copyright fees. Any fee payable to a copyright holder other than the Library is additional to the reproduction fee; however, in general, the Library will not charge a reproduction fee where a copyright fee is due.

Reproduction fees are payable unless exemption is granted by the Chief Librarian or a delegated member of staff, normally the Reader Education Librarian.

Where large numbers of images are involved, arrangements may be negotiated for an overall fee.

The reproduction fee applies only to the use described in the application form. Any further use of the image requires a new application and may incur a further fee.

Scale of fees for reproduction

(12.5 percent GST included, except for overseas requests.) Note: fees are not charged for use inside a book, serial or newspaper.

Fees are charged for reproduction in the form of:

- Greeting cards, postcards, calendars, placemats, tea-towels, telephone cards, postage stamps, etc:
\$126.00 per item (\$112.00 overseas)
- Advertising and publicity including labels, packaging, posters, book and record covers:
\$247.50 per item (\$220.00 overseas)
- Decoration and display in public areas:
\$79.20 per item (\$70.40 overseas)
- Reproduction art prints, published separately or in portfolios; facsimiles of complete volumes of books, pamphlets, periodicals, manuscripts, etc; or transcribed texts of manuscripts:
5 percent of the recommended retail price of the entire print run, prepaid or by arrangement.
- Filming (excluding advertising use) of any material filmed under supervision in the Library:
\$90.00 per hour (or part thereof).

Please feel free to discuss any other use with staff members.

**Any enquiries relating to reproductions of material of the Library's collections, including the waiving or reduction of fees, should be addressed to the Alexander Turnbull Library,
PO Box 12349, Wellington North,
Telephone 0-4-474 3113, fax 0-4-474 3063,
e-mail atl@natlib.govt.nz**

Copying material from the collections: Copyright Limitations

Copyright clearance

The user has the responsibility for clearing copyright and for meeting any other requirements applying to the item.

Period of copyright

Under the New Zealand *Copyright Act 1994*, material is protected for different periods of time according to format. (Note: All time periods extend to the end of the calendar year in question.)

Library staff assistance

Staff will assist you with information on the *Copyright Act 1994*, and help you to make a reasonable enquiry to trace a copyright owner. They can suggest where to search for the names and addresses of copyright holders: from the item itself or in Library and other records. Copyright holders and/or publishers' names will be apparent for most published items, and you can check the bibliographic records, or staff may check other Library records.

In some cases the Library will own the copyright as well as the original item; for example, when the copyright owner has transferred copyright to the Library at the time of acquisition.

Where privacy issues may prevent disclosure of the holder's name and address, Library staff may contact copyright holders of unpublished materials on behalf of readers. Library staff may also refer you to other institutions for some items.

Please note: Library staff are happy to discuss any copyright matters with you, but they are not qualified to give a legal opinion, nor will the Library accept responsibility for any decisions about copyright made by users.

Published works

There is copyright in all literary, dramatic, musical and artistic works until 50 years after the death of the author, or creator. With joint authors the date applies to the author who died last. With a work of unknown authorship or a posthumous publication, the copyright period is 50 years after the work was first made available to the public.

Copyright in a typographical arrangement of a published edition (or the particular way a work is laid out, including a new edition of an older work) exists until 25 years after the edition was published. This also applies to typographical arrangements under Crown copyright. If a company is a subsequent owner of the copyright on any work and then ceases to exist without passing on the right, then copyright continues with no one to enforce it.

Crown copyright:

Publications by the Crown dated 1944 or earlier are out of copyright. For publications by the Crown published in 1945 or later, the copyright period is 100 years after the work was made.

Exceptions: The New Zealand Government has excluded from copyright protection many official New Zealand publications: bills, acts, regulations, by-laws, parliamentary debates, reports of select committees or

commissions of inquiry, ministerial inquiries or statutory inquiries, judgements of courts or tribunals (listed under section 27 of the *Copyright Act 1994*).

Unpublished works

For manuscripts, archives, music scores, maps, paintings, and drawings, the copyright period is 50 years after the death of the author, composer or artist. For no known author, composer or artist, the copyright period is 50 years from when first made available to the public.

For photographs where the photographer is known, the copyright period is 50 years after the death of the photographer or, if there is no known photographer, 50 years from when first made available to the public.

For oral histories, music and spoken word sound recordings, the copyright period is 50 years from making, or 50 years from when first made available to the public, whichever is the longer period.

Unpublished works (including photographs) by the Crown dated 1944 or earlier are out of copyright. For unpublished works by the Crown dated 1945 or later, the copyright period is 100 years after the work was made.

Items still in copyright where copying is allowed

Research and private study

Published works:

The “fair dealing” provisions of the *Copyright Act 1994* allow some copying by a librarian of a prescribed library if the person doing the copying takes into account the nature and significance of what is copied in relation to the work as a whole, and the work cannot be purchased within a reasonable time at an ordinary commercial price, and the copying will not be detrimental to the potential market for, or value of, the work.

- For your own research and private study, one copy only may be made, of a “reasonable proportion” from a book, taking into account the amount and substantiality or importance of the part copied taken in relation to the work as a whole: not a whole work, a whole chapter, a summary, or the whole or greater part of the treatment of a particular topic in a work.
- One article from a periodical may be made, or two or more from the same issue if on the same subject.

Note: If you want more than these “fair dealing” allowances, you must obtain the written permission of the copyright owner (see below under “Permissions”).

Unpublished works:

Unpublished works (including theses and letters) can be copied in full by a librarian of a prescribed library or the archivist of an archive for research and private study by a user, provided the copyright owner has not prohibited the copying. One copy only is allowed and there are some restrictions. The Alexander Turnbull Library does not allow copying of the Library’s incoming research correspondence, and there may be limitations on the photocopying of whole manuscripts. Principles of the *Privacy Act 1993* may also apply to letters.

Criticism, review, reporting current events, judicial proceedings

Whole or part copying is permitted “if such fair dealing is accompanied by a sufficient acknowledgment”.

Educational purposes

A teacher can make one copy of the whole or part of an item still in copyright if done in the course of instruction (including preparation). See also *A guide to the Copyright Act (1994) for school libraries* by Richard Niven (Wellington, National Library of New Zealand, 1995).

Permissions

If you want more than the copying allowed from a copyright item and/or if you want to reproduce it, you need the written permission of the copyright owner (the author, or transferees, heirs, legatees or literary executors, or the publishers in some cases). Once you receive permission, please bring or send this to the Library with your request for the copy.

Reproduction and publication

In addition to copyright clearance, clients who want to reproduce any Alexander Turnbull Library materials need the Library's permission (as proprietor and occasionally as copyright owner), and reproduction fees may apply.

See also *Reproducing material from the collections for publication or display*.

Note: In giving original unpublished material to the Library, the donor may impose restrictions on its publication (sometimes including its use), which are independent of, and may continue after, the expiration of copyright.

References

Brown, Brendan (and others). *Intellectual property in New Zealand: copyright and design*. Wellington, Butterworths, 1996 – (loose-leaf).

Niven, Richard. *A guide to the Copyright Act (1994) for school libraries*. Wellington, National Library of New Zealand, 1995.

The Copyright Act 1994: a manual for New Zealand museums. Wellington, Museum of New Zealand Te Papa Tongarewa, 1997, reprinted 2002.

For more detailed information, you should refer to the *Copyright Act 1994*, available at all enquiry desks. Other fact sheets in the "Copying material from the collections" series:

- *Photocopies, print-outs and microforms*
- *Photographic and digital copies, colour transparencies, and filming arrangements*
- *Sound and video recordings (excluding oral histories)*.

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