



National and State Libraries Australasia

Position statement on public domain works

As the public domain embraces the common heritage of society, National and State Libraries Australasia (NSLA) supports the principle that public domain works should be publicly accessible and available for re-use. NSLA also endorses the principle that in a democratic society, the public domain and copyright are of equal importance: both drive social and economic benefits through innovation and the creation of new knowledge.

Public domain works are commonly referred to and defined as works that are 'out of copyright'. The collections held by NSLA libraries contain a large number of public domain works that are no longer protected by copyright because the duration of copyright has expired.

NSLA supports the principle that public domain is a permanent state: the digital conversion of public domain works undertaken by NSLA libraries does not create a new copyright. NSLA is working to ensure that public domain works are, to the greatest extent possible, accessible and available for unrestricted re-use by the public. These aims are being realised by NSLA libraries through an ongoing process of identification and digital conversion of public domain collections for web-based access for the benefit of future generations.

NSLA aims to remove, as far as possible, the 'permissions barrier' through an expansion of the traditionally narrow range of 'free' use of collection materials without prior permission requirements for personal, research or study to use for *any* purpose. This undertaking acknowledges that there may be other legal restrictions, such as privacy or donor agreements, which will limit NSLA's ability to provide unrestricted access and use of some public domain material. Usage should respect any creator and/or community moral rights and acknowledge the NSLA library collection from which the work has been sourced. Acknowledgement when using collection material is deemed to be best practice: it establishes provenance and authenticity of digital collection materials, and enables future users to identify and link back to the original source material.

At this stage the majority of public domain works held by NSLA libraries that have been converted to digital objects for web-access are pre-1955 Australian and pre-1944 New Zealand photographs, where copyright has expired: the focus on digitising photographs has been driven primarily by the relative ease of establishing the copyright status of photographs comparative to other types of material.

NSLA libraries are working towards extending the availability of digital copies of all public domain collection items in this way, through recording and displaying rights information at the item level, continuing their digitisation programs and increasing the quality of copies available online. NSLA also supports the use of [Creative Commons](#) licensing as a way to improve access to and facilitate re-use of, in-copyright works.

While acknowledging there may be some technical difficulties in implementing these recommendations and, in some cases, a shift in culture, this change will provide much greater opportunities for innovation, engagement, creativity and deeper understanding of our collections.

