

Position statement on public domain works

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As the public domain embraces the common heritage of society, National and State Libraries Australia (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' by encouraging the 'free' use of public domain collection materials. As such, these materials should be made available to members of the public for reuse, without prior permission, for *any* purpose – not just the personal, research or study uses to which many other materials might be limited. This undertaking acknowledges that there may be other legal restrictions, such as privacy, cultural rights or donor agreements, which will limit NSLA's ability to provide unrestricted access and use of some public domain material.

Usage should respect any rights and where possible acknowledge both the creator and 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.

NSLA libraries are working towards extending the availability of digital copies of all public domain collection items 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 clear rights identification marks such as [CCO](https://creativecommons.org/licenses/by/4.0/) and rightsstatements.org as a way to improve access to and facilitate re-use of works.

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



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