

Position statement: Copyright

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Copyright law provides a legal framework that aims to balance the rights of creators with those of users. The law endeavours to protect the rights of creators and, in the public interest allow some level of access (through an exception or limitation on rights) to copyright works to encourage sharing and development of knowledge and ideas. The balance between rights holders and users, eroded under the weight of globalisation and digital disruption, represents a major challenge for legislators. This has had a negative impact on public rights to access material, leading many to question the relevance of copyright law, and in some cases disregard it altogether. For libraries, this disparity represents a major barrier that limits their ability to perform activities that support the public interest.

Members of the National and State Libraries of Australasia (NSLA) have a mandatory responsibility to build, preserve and provide equitable access to Australia and New Zealand's cultural heritage. In undertaking these activities, NSLA supports and respects the rights of creators (including their personal, moral rights), copyright owners, and those who seek to access and use the large number of works held in our collections. NSLA has made a commitment to make optimum use of the copyright exceptions to improve the accessibility, use and re-use of collection materials, and to build and maintain access to public domain collections. As copyright is complex law, NSLA works to inform and educate staff and users about the importance of copyright, as well as their rights, obligations and liabilities.

NSLA works with other peak bodies such as the [Australian Library and Information Association](#) (ALIA), the [Australian Libraries and Archives Copyright Coalition](#) (ALACC), and the [Library and Information Association of New Zealand Aotearoa](#) (LIANZA) to ensure we have a common understanding of current copyright issues, and to advocate for a balanced copyright regime, which supports learning, creativity, innovation, information and knowledge sharing.

NSLA welcomed the changes to the Australian Copyright Act, as part of the *Copyright Amendment (Disability Access and Other Measures) Act 2017*. It removed the barriers that prevented libraries and archives from creating accessible copies for those with a print disability, crucially blind and vision impaired Australians, including students. The changes also replaced Australia's existing copyright term provisions with new rules that make unpublished works subject to a copyright term. There is now more consistency for duration of copyright for different materials and clearer rules for materials whose author is not known. As a result, a large amount of heritage materials held in Library collections were freed for use by all. NSLA also welcomes the ratification of the Marrakesh Treaty in New Zealand to provide access to works for those with print disabilities, via the *Copyright (Marrakesh Treaty Implementation) Amendment Act 2019*.

NSLA supports further work to modernise Australian and New Zealand copyright law and advocates for:

- introducing an additional open, fair and flexible general exception
- protecting all exceptions from technological and contractual measures
- extending the existing inter-library loan and document supply exceptions to all publishing formats
- including a general orphan works exception.

NSLA further acknowledges and supports work on culturally appropriate guardianship, management, and access to Indigenous cultural property and the principles of [Indigenous Cultural and Intellectual Property \(ICIP\)](#).



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