

Position statement: Moral rights for staff, contractors and volunteers

Published July 2018; updated August 2022

Moral rights connect creators to their work and are found in copyright law.

They cover authors and performers (hereafter, “creators”) of literary, dramatic, musical or artistic works, computer programs and cinematographic films (hereafter, “work”). Moral rights generally last for the same period as copyright. In Australia, generally this is 70 years following the creator’s death.

Moral rights are distinct from other rights bestowed by copyright: they are personal, non-economic rights that can only apply to the creator of a work. Moral rights cannot be bought, sold, or given away and they may continue after a creator’s death; however, it is possible to consent to an act that would otherwise infringe moral rights.

There are three moral rights:

- the right of attribution,
- the right against false attribution, and
- the right of integrity. The right of integrity includes any material alterations, or manipulation of the work that could affect the creator’s honour or reputation, and for artistic works, this includes exhibiting in public.

The moral rights of staff and contractors in NSLA libraries may be specified by contract.

Principles

1. NSLA libraries support a balanced approach to copyright, which includes upholding both the legal and moral rights of copyright creators, as well as the rights of the users of copyrighted material.
2. As an employer, NSLA libraries own the copyright in works that employees, contractors, and in most cases volunteers, create during the course of their employment, while moral rights remain with the individual creator.
3. NSLA libraries aim to ensure employees, contractors and volunteers understand the differences between copyright and moral rights, and how these are managed in practice within each library.
4. While NSLA libraries undertake best efforts to respect and identify the authorship of employees, contractors and volunteers, it is acknowledged that in some circumstances it



is reasonable not to identify the creator of a work. However, individuals retain the right to request attribution.

5. The decision to attribute an employee, contractor or volunteer is dependent upon the purpose and manner in which the work was created and was intended to be used, and whether the work is considered substantial or requiring considerable creative effort.
6. NSLA libraries may request that employees, contractors and volunteers consent, on an individual or general basis, to activities which would otherwise infringe their moral rights. Ideally consent is managed via contracts or agreements; it is generally given in advance but may sometimes occur in arrears.
7. Where a NSLA library attributes a creator, that attribution should be clear and prominent.
8. Where a NSLA library uses a Creative Commons Licence, the creator of the work will be attributed by default.
9. NSLA supports extending moral rights to Indigenous communities and acknowledge the right of attribution, or naming of the community connected, with Indigenous Cultural and Intellectual Property. See the [NSLA Position Statement on Indigenous Cultural and Intellectual Property](#).

There are some small differences between the approach to moral rights in Australia and in New Zealand:

- For more information on moral rights in Australia, see the [Copyright Council's fact sheet](#).
- For more information on performers' rights in Australia, see the [Copyright Council's fact sheet](#).
- For more information on moral and performer rights in New Zealand, see [the IPONZ summary](#).