

Copyright

What is copyright?

Copyright law is complicated, and this leaflet aims to provide an introduction to how it relates to archives held at the Somerset Heritage Centre.

Copyright is a form of property, and can be bought, sold, assigned, bequeathed or given away. Once a work is recorded into a fixed format, it is protected by copyright and restrictions apply concerning reproduction without prior consent of the author. Copyright covers the form of the work, so reproducing a literal image breaches copyright, whereas reproducing ideas in a work is plagiarism. Once an item passes out of copyright, there are no limitations on its use.

There are several types of copyright, and those applying at the Somerset Heritage Centre are:

Literary:	Something that is written, spoken or sung, e.g. a letter, minute book, poem or novel
Dramatic:	A work that can be performed before an audience, such as the script of a play or written choreography
Artistic:	This includes any graphic work, such as maps, plans, paintings, drawings, engravings, posters, photographs and collages
Films:	This covers all moving images
Sound recordings:	This may be the actual recording of sounds, or the recording of a literary, dramatic or musical work

General rules and guidelines

Copyright runs for different time periods, depending on the type of work, date of creation or publication, date of the author's death, and whether the author is known. Copyright relates to the creation of an individual item, so in a file containing letters, photographs, maps and publications created by several people over a number of years each item will have its own copyright status, duration and ownership.

The author is normally the person creating the work, such as the author of a novel, a clerk recording minutes, the person writing a letter, or a photographer taking a photograph.

Author's copyright runs for 70 years from the year of the author's death, when the copyright passes to their next of kin, unless bequeathed elsewhere. Therefore, to reproduce substantial extracts from a work the permission of the author or their heirs is needed.

Published works, such as novels and reference books, are included in author's copyright, which applies to the content of the work. However, they are also subject to **Publishers' copyright**. This runs for 25 years from publication and covers the form of the page, such as the typeface and layout of the printed page.

Copyright for **illustrations and maps** normally follows author's copyright and so runs for 70 years after the artist's death, again with copyright passing to the author's heirs after death. However, for items such as Ordnance Survey maps copyright runs for 50 years.

Work created by an officer or servant of the crown comes under **Crown copyright**. (e.g. a civil servant, member of the armed forces or diplomat). Since 1999 Crown copyright has been waived on most unpublished public records held in local record offices. It still exists, but is not enforced in public records that are openly available. Users are free to index, transcribe, and publish records without formal permission, payment of a fee or acknowledgment of copyright to the crown. However, Somerset Archives & Local Studies still needs to be acknowledged and may apply a private publication fee.

Therefore, for most records at the Somerset Heritage Centre copyright duration is the life of the author plus 70 years.

Publishing items covered by copyright

Somerset Archive & Local Studies does not have the responsibility or power to grant permissions for items still in copyright. It is the responsibility of the person wishing to publish a document in copyright to identify and obtain permission from the current copyright owner.

When necessary, Somerset Archives & Local Studies will assist with this process, by contacting depositors, in order to comply with Data Protection legislation. If the copyright owner cannot be traced the decision to publish without permission is taken entirely at the risk of the person undertaking the publication.

As the custodian, Somerset Archives & Local Studies needs to grant permission for reproduction and use of any documents in a publication. This is in addition to the obtaining of copyright permissions.

For more information see *Copyright for archivists and users of archives* by Tim Padfield (2nd edition), or consult Archive and Local Studies Service staff.

Please Note:

Neither these guidelines nor any guidance about copyright offered by any member of Somerset Archive and Local Studies Service staff constitutes legal advice. In all cases a lawyer should be consulted for legal advice.

Chart for the duration of copyright for literary, dramatic, musical and artistic works

Examples of how to use the chart (below)

- ***Vestry minute book for Taunton St Mary, 1854-1896***: In this case copyright expires on 31 December 2039. The author of the volume is unknown as we do not know who was responsible for recording the minutes at any given time. The latest date in the volume is 1896, but it has never been published. However, Vestry minutes are made available in the parish, and thus the volume has been made available to the public since 1854.
- ***World War I diary of Geoffrey Arthur Prideaux, 1915***: For this item copyright will expire on 31 December 2039. The author of the diary is known and it was created before 1989, but has remained unpublished. We also know that Geoffrey Prideaux died during his World War I service, so copyright expires in 2039.
- ***Script of the play "A Worthy House: a celebration of Montacute House, 1601-2001" written by Jennifer Bailey published by the National Trust, 2001***: For this item the author is known but the work was created after 1 August 1989, so copyright expires 70 years after the death of the author.
- ***Poster of events in Dunster to celebrate the Coronation of King Edward VII and Queen Alexandra, 1902***: For this item the author or artist is unknown, but we know that it was created before 1 January 1969. It is not a photograph but was published before 1 August 1989, so the copyright expired in 1972, 70 years after first publication.
- ***Photograph of South Street Baptist Chapel, Wellington, 1934***: For this item the author is unknown and the image was created before 1 January 1969. However, it is a photograph created before 1 June 1957, so copyright expired at the end of 2004

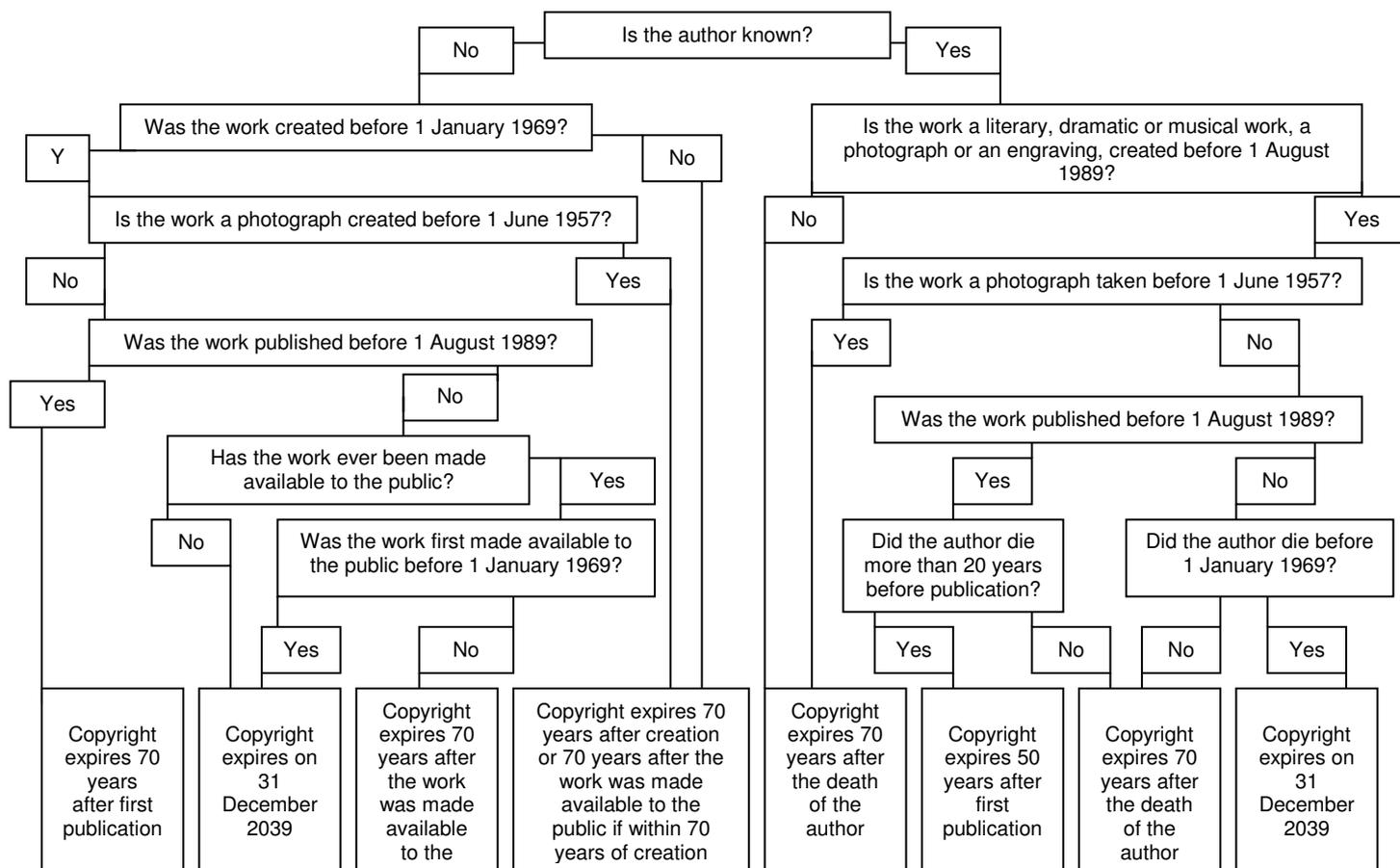
If the author is unknown, duration is either 70 years after the year of creation or, if the item is made available to the public within that period (e.g. being placed in a public archive), 70 years after first being made publicly available. For works not published before 1989, and with unknown authors, copyright expires on the 31 December 2039. (See the chart overleaf for further clarity).

What can and can't I do?

- Copyright protects the whole or substantial part of the work, so insubstantial parts can be reproduced without infringement. This usually amounts to a single chapter in a book or 5% of a whole work. Full acknowledgment should be cited for quotations from documents held with Somerset Archives & Local Studies.
- You can obtain a single copy of any item (whole or part) held with Somerset Archives & Local Studies, as long as you follow the in-house photocopying guidelines and have signed a copyright declaration. Copies can only be used for private study or non-commercial research.
- The person completing the copyright declaration must be the person who will use the copy. This person cannot make multiple copies for a third person. An individual acting for another (e.g. record agents or research assistants), must obtain the client's signature on the declaration before requesting a copy. The person signing the declaration is responsible for any infringement of copyright resulting from an inaccurate declaration.

- Unpublished literary and dramatic works over 100 years old, where the author has been dead for over 50 years and the copyright owner is unknown, can be published without infringing copyright, and without needing to identify the copyright owner. (This does not include artistic works).

Once an item is free of copyright it can be reproduced, published or adapted without infringement, as long as relevant publication permissions have been gained from Somerset Archives & Local Studies.



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