

## Fairfax Copyright Policy

### 1. Photographs (Copyright Act 1962)

Photographs taken prior to 1945 only received 50 years' protection under the Copyright Act 1962. Accordingly copyright in any photograph taken 50 years before the Copyright Act 1994 (**CA**) commenced is therefore likely to have expired. The following terms of use apply to photographs taken prior to the enactment of the new CA:

- 1.1. Any photographic material within the Collection which is dated prior to 1 January 1944 can be safely assumed to be out of copyright. This material may be used by the public generally without restriction subject to the citation requirements set out in *clause 5* of this Annexure.
- 1.2. Any photographic material within the Collection which is dated 1 January 1944 or later is highly likely to be subject to copyright. Accordingly this material may be used by the public in accordance with the "fair dealing" provisions and any other exceptions to copyright set out in the Copyright Act 1994 (**CA**) as well as the digitisation requirements (Clause 4) and citation requirements (Clause 6) in this Policy.
- 1.3. For the avoidance of doubt Photographs taken after the enactment of the new CA will fall under *clause 2* of this Annexure.

### 2. All other material (Copyright Act 1994)

- 2.1. Any other material (including photographs taken after the enactment of the CA) within the Collection which is dated prior to 1 January 1920<sup>1</sup> may be out copyright. This material may be used by the public generally without restriction subject to the citation requirements set out in *clause 5* of this Annexure.
- 2.2. Any other material (including photographs taken after the enactment of the CA) within the Collection which is dated 1 January 1920 or later is likely to be subject to copyright. Accordingly this material may be used by the public in accordance with the "fair dealing" provisions and any other exceptions to copyright set out in the CA as well as the digitisation requirements (Clause 4) and citation requirements (Clause 6) in this Policy.

### 3. Restrictions on use

- 3.1. For the purpose of this Policy "**Commercial Purpose**" means a purpose which generates income of any kind either directly or indirectly.
- 3.2. For the avoidance of doubt a "**Fair Dealing**" with copyright material does not infringe copyright if it is for the following purposes:
  - 3.2.1. research or private study;
  - 3.2.2. criticism or review; or
  - 3.2.3. reporting current events.

---

<sup>1</sup> This has been determined by assuming that the author lived to age 85 and produced the work when they were 40.

3.3. Use of Copyright Material for a Commercial Purpose will be a breach of Fairfax's copyright in the work. Fairfax takes breach of its copyright very seriously and will not hesitate to act to protect its intellectual property rights.

3.4. The Museum will where possible forward all requests for commercial use of any of the material in the Collection to Fairfax by emailing that request to [syndication@fairfaxmedia.co.nz](mailto:syndication@fairfaxmedia.co.nz)

#### **4. Digitisation**

4.1. Where a work is out of copyright a digital copy of that work may be provided to a member of the public for uses which fall under the Fair Dealing exception or for or personal use, subject to the citation requirements (Clause 6).

4.2. Any requests for digital copies of works which are within copyright must be authorised by the Fairfax syndication team, [syndication@fairfaxmedia.co.nz](mailto:syndication@fairfaxmedia.co.nz), and will be approved on a case by case basis.

#### **5. Future Application**

5.1. The thresholds for determining whether copyright exists in *clause 2* of this Annexure will need to be adjusted for each year subsequent to the date of this Agreement. For example; in 2016 all works dated prior to 1 January 1921 may be assumed to be out of copyright.

#### **6. Citation**

6.1. All material from the Collection which is reproduced under clause 3 in accordance with this Annexure 2 must be sourced as follows:

*Fairfax New Zealand Limited, Taranaki Star Collection [year in which the work was produced if known], [creator of the work if known]*