

# State Library of Western Australia

## CREATIVE COMMONS POLICY

### 1. Purpose

To define the use of Creative Commons licensing by the State Library of Western Australia for its publications and use of its collection materials.

### 2. Scope

The policy covers newly created State Library intellectual property made available to the public from January 2020. These publications include websites, Annual Reports, data sets, strategic plans, newsletters and what's on publications, collection and resource guides, handouts describing services and programs and policy documents.

The policy also covers collection materials acquired after January 2020 for which the State Library owns copyright, or for which State Library is able to negotiate with the copyright owner at the point of acquisition, donation or legal deposit.

For digital publications deposited via National edeposit (NED), publishers are given the option to apply a Creative Commons licence as a part of the deposit process. The State Library does not mediate publisher's decisions regarding Creative Commons licences. The State Library also holds and acquires collection materials for which the copyright term has expired i.e. they are in the public domain. Public domain materials can be used, reused or re-purposed by anyone without restriction. The State Library does not place Creative Commons licences upon these materials.

The policy does not cover existing State Library publications and collection materials. Project work may be done to retrospectively inspect and review publications and materials to update or add Creative Commons licences.

For publications and collection materials that the State Library creates digital derivatives:

- Where State Library owns copyright, a Creative Commons license can be applied as per the Policy;
- Where State Library does not own the copyright, derivatives will be created for the purpose of preservation and access only and no Creative Commons license will be applied, and
- For items in the public domain, the Policy for these materials will also apply to any derivatives.

### 3. Context

The Western Australian Government provides agencies with guidance on the treatment of intellectual property in the *Western Australian Government Intellectual Property Policy 2015*. However, this document doesn't contain guidance on the licencing of government publications. No Western Australian Government guidance is available for the transfer by sale, donation or legal deposit of copyright to an agency.

Many Australian government agencies and cultural institutions have adopted Creative Commons as the default licensing system for the release of their intellectual property, most of which is publicly funded.

Creative Commons facilitates copyright owners' release of their material under a flexible range of protections and freedoms consistent with Australian copyright law and is considered a more effective framework for facilitating long term, open access to information than the traditional copyright framework.

The State Library supports creator's and performer's rights and will continue to inform and educate users about the importance of copyright and continue to work to balance the intellectual property rights of creators, including copyright, with the right of the public to access and re-use information.

The *State Library Creative Commons Policy* facilitates access to State Library intellectual property and provides greater access to Library collections under transparent terms of usage so that they can be used and repurposed.

The policy is informed by the National and State Libraries Australasia (NSLA) Position Statement on Creative Commons.

#### **4. Policy Statement**

***It is the policy of the Library Board of Western Australia that:***

***The State Library will use Creative Commons licences for State Library publications made available after January 2020. The preferred licence for these materials is the Creative Commons Attribution (CC BY) licence.***

***From January 2020, the State Library will use Creative Commons licences for new collection materials for which it owns the copyright. The preferred licence for these materials is the Creative Commons Attribution-NonCommercial (CC BY-NC) licence.***

***From January 2020, when acquiring collection materials, and where appropriate, the State Library will encourage sellers, depositors and donors to consider the use of Creative Commons licences for which they own copyright.***

***Materials owned by the State Library that are in the public domain will be made available without a Creative Commons licence.***

#### **5. Responsibility for this document**

Manager Policy and Research

#### **6. References**

- [Creative Commons Licences](#)
- [Copyright Act 1968 \(Commonwealth\)](#)
- [WA Government Intellectual Property Policy 2015](#)

- [NSLA Position Statement on Creative Commons](#)
- [NSLA Creative Commons Guidelines](#)

## 7. Authorisation and Review

First approved	Library Board 1 December 2011
Review date	Three years after Board approval
Reviewed	XTeam April 2015
Reviewed	XTeam December 2019
Reviewed	XTeam August 2022
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