



COPYRIGHT & STYLE GUIDELINES FOR REPRODUCING WORKS OF ART

The National Gallery requires that the quality of reproductions of art works shall meet the highest standards, and that copyright and the moral rights of the artist as well as the integrity of the work be maintained. It is imperative that:

- the appropriate acknowledgements of the work be correctly stated in the published caption.
- copyright requirements and the Gallery's reproduction terms and conditions must also be adhered to.

This is in line with the [Copyright Act 1968](#), and an infringement of these guidelines or the artist's moral rights may be subject to legal and economic redress.

COPYRIGHT and MORAL RIGHTS

What is Copyright?

Copyright is a collection of rights which entitle the owner of the copyright to prevent another person or body corporate from reproducing the work of art without their consent, as well as awarding the owner the right to economic remittance for each usage as they see fit.

The only time copyright approval and remittance is not required is if the reproductions are employed under the 'fair dealing' provision (see below for details).

Copyright at the National Gallery

Although the National Gallery may own a work of art, this does not mean it automatically owns the copyright. In some cases, copyright has been assigned to the Gallery, however, in most cases it is owned by the artist, the artist's estate or an agent for the artist or their estate. For example, many artists have assigned 'The Copyright Agency' or 'Aboriginal Artists Agency' to act on their behalf regarding the reproduction of their works.

Therefore, whenever the Gallery wants to reproduce a work that is still in copyright it **MUST** seek approval from the copyright owner before proceeding unless a case can be made for the 'Fair dealing' provision. The Moral rights of the artist must always be respected.

Fair dealing provision

The only exception to the above is the 'fair dealing' provision, which allows for the use of images still in copyright to be used without permission for the following purposes.

- **for the purpose of research or study: for private use and not to be communication to the public to comply**
- **criticism or review: must directly reference the artwork to comply**
- **reporting the news (editorial): must directly reference the artwork to comply**

In all instances moral rights are still applicable therefore in keeping with the Moral Rights Legislation:

- images **must be reproduced in full** with **no cropping, overprinting or distortion**.
- images **must be accompanied by the full caption** in the format provided including the copyright credit line.

Further information regarding Australia's 'fair dealing' exceptions can be found in Division 3 of the Copyright Act 1968.

Moral rights

'Moral rights' are the rights of the artist in relation to works they have created. Moral rights always remain with the creator/artist and are in addition to and separate from the rights of the copyright owner.

The Moral rights of the artist are as follows:

- **attribution** (the right to be attributed in a way which is clear and reasonably prominent whenever his or her material is used, including when it is reproduced or communicated to the public)
- **false attribution** (not to have a work falsely attributed to someone else, and the right not to have a work which has been altered by somebody else attributed as being unaltered)
- **integrity** (the right not to have the work subjected to treatment that would prejudice the creator's honour or reputation including but not limited to cropping, overprinting, manipulation or overlaying of text.)

Galleries & Museums: A Copyright Guide B123V01 – Australian Copyright Council

Captions

ALL reproductions of works of art for any purpose must be accompanied by a full caption and may or may not require an additional © by-line. This caption is to be placed as near to the image as possible and failure to include it is an infringement of the Moral rights of the artist.

For media purposes, see below for caption format:

Artist, *Title*, year, owner, credit line, © by-line and photographic credits where specified

eg. Jackson Pollock, *Blue poles*, 1953, National Gallery of Australia, Canberra, purchased 1974, © Pollock-Krasner Foundation. ARS/Copyright Agency

SUMMARY

- **ALL reproductions must use high-resolution images.**
- **ALL reproductions must have copyright approval unless the works are out of copyright, copyright has been assigned to the National Gallery, or the use comes under the 'Fair dealing' provision.**
- **ALL reproductions must be accompanied by full caption details including a © by-line when requested.**
- **ALL reproductions must not alter the appearance of the work except with prior agreement of the artist.**