

## Copyright and Content Providers

Exploring Surrey's Past needs to ensure that we adhere strictly to the **Copyright, Designs and Patents Act 1988, any subsequent statutory instruments and related legislation.**

We have put together some brief guidelines. If you require extra information, please contact the project officer Giles Carey, or refer to one of the resources given at the end of this document.

Contributors need to ensure that the copyright of every image selected for the Project has either expired or permission has been given to your institution to use your image in this way. We have attached a form, which all donors should sign. This form gives the project permission to use the resource for a number of different purposes – both off and online. Please remember that you need the permission of both owner and photographer/creator for permission to use an image.

There are a number of guidelines set down by various organisations to help you make judgements on collections you already hold. Changes in the law mean that deciding if a work is still in copyright is complicated.

Tim Padfield has published a flowchart, which provides an overview of these regulations. If in doubt, please contact us for more assistance.

In general terms, choose older photographs taken by photographers who are likely to have died more than 70 years ago, photographs and postcards taken or published by unknown photographers before 1935, and engravings published in the 18th & 19th centuries, particularly before about 1880.

Engravings, paintings, drawings and other unpublished original works of art should be treated with caution; clear evidence of donation must be found, or the creator or their descendants must be contacted for permission to use them.

If a contributor wishes to use post 1935 postcards, where the photographer is unidentifiable, they need to have carried out research to produce evidence that the publisher's business is defunct and the copyright has not been passed on. Local trade directories and newspapers are useful sources in this respect. In some cases, adverts may be taken out in appropriate local newspapers and periodicals appealing for information about firms and photographers, and setting out the intention to use certain images.

**We can use any image for this project if we have written permission from the copyright owner.**

### Key Resources

- Museums Copyright Group advice on Copyright and the Law:  
<http://www.museumscopyright.org.uk/copylaw.htm>

- MDA Fact sheet on Copyright Essentials:  
<http://www.mda.org.uk/cbasics.htm>

- G.P. CORNISH, Copyright: interpreting the law for libraries, archives and information services (Library Association, 3rd ed.1999) pp.86-91

- T. PADFIELD, Copyright for archivists and users of archives (Public Record Office, 2001) pp.26-32 (including a flow chart of copyright legislation).