**How long does copyright last?**

**Updated 14 February 2023**

Copyright protection applies for a finite period of time. This period varies, depending on the type of subject matter and when it was created.

On 1 January 2019 the duration of copyright protection in Australia was standardised. This means that, in general, all [literary](https://smartcopying.edu.au/glossary/literary-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/), [musical](https://smartcopying.edu.au/glossary/musical-works/) and [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) now have a standard term of protection: the life of the author plus 70 years, regardless of whether the material has been made public (previously unpublished works were protected for an indefinite time).

For works where the author is unknown as well as [sound](https://smartcopying.edu.au/glossary/sound-recordings/) and [film](https://smartcopying.edu.au/glossary/film/) recordings, copyright will now last for 70 years after creation, unless those materials are made public within 50 years of creation, in which case copyright will subsist for 70 years after being made public (previously copyright lasted for 70 years from the year of first publication).

For published editions, copyright will last 25 years after the expiration of the calendar year in which the edition was first published.

On 1 January 2005 the duration of copyright changed. The tables below set out the current and pre-1 January 2005 term of copyright protection.

**Current term of copyright protection**

**a. Works**

|  |  |
| --- | --- |
| **Types of Copyright Material** | **Current Term** |
| [Literary works](https://smartcopying.edu.au/glossary/literary-works/) (including unpublished works) | Lifetime of [author](https://smartcopying.edu.au/glossary/author/) plus 70 years |
| [Artistic works](https://smartcopying.edu.au/glossary/artistic-works/) (including unpublished works) | Lifetime of [author](https://smartcopying.edu.au/glossary/author/) plus 70 years |
| [Dramatic works](https://smartcopying.edu.au/glossary/dramatic-works/) | Lifetime of [author](https://smartcopying.edu.au/glossary/author/) plus 70 years |
| [Musical works](https://smartcopying.edu.au/glossary/musical-works/) | Lifetime of [author](https://smartcopying.edu.au/glossary/author/) plus 70 years |

**b. Works – exceptions**

|  |  |
| --- | --- |
| **Types of Copyright Material** | **Current Term** |
| ***Works first made public before 1 January 2019*** | |
| Where the author was known but has died and the work was made public after the author died | 70 years after the calendar year in which the work was first made public |
| Where the identity of the author of the work is not generally known at any time before the end of the 70 years after the calendar year in which the work was first made public | 70 years after the calendar year in which the work was first made public |
| ***Works not first made public before 1 January 2019*** | |
| Pseudonyms and anonymous names | 70 years after creation or the work was made public , unless it is made public within 50 years of creation, in which case copyright last for 70 years after being made public |

**c. Subject matter other than works**

|  |  |
| --- | --- |
| **Types of Copyright Material** | **Current Term** |
| [Sound recording](https://smartcopying.edu.au/glossary/sound-recordings/) and [films](https://smartcopying.edu.au/glossary/film/) | 70 years after creation, unless it is made public within 50 years of creation, in which case copyright last for 70 years after being made public |
| [Published editions](https://smartcopying.edu.au/glossary/published-editions/) | 25 years after the expiration of the calendar year in which the edition was first published |
| Television and radio [broadcasts](https://smartcopying.edu.au/glossary/broadcast/) | 50 years after the expiration of the calendar year in which the broadcast was made |

**d.**[**Crown copyright**](https://smartcopying.edu.au/glossary/crown-copyright/)

|  |  |
| --- | --- |
| **Types of Copyright Material** | **Current Term** |
| [Literary](https://smartcopying.edu.au/glossary/literary-works/), [artistic](https://smartcopying.edu.au/glossary/artistic-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/) and [musical works](https://smartcopying.edu.au/glossary/musical-works/), [films](https://smartcopying.edu.au/glossary/film/) or [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) made under the direction of the Crown | 50 years after the expiration of the calendar year in which the work was made |

**Pre-1 January 2005 term of copyright protection (note that the period of copyright protection changed on 1 January 2005). Use this table to determine if a**[**work**](https://smartcopying.edu.au/glossary/works/)**was still in copyright on 1 January 2005)**

**e. Works**

|  |  |
| --- | --- |
| **Types of Copyright Material** | **Previous Term** |
| [Literary works](https://smartcopying.edu.au/glossary/literary-works/) | Lifetime of [author](https://smartcopying.edu.au/glossary/author/) plus 50 years or 50 years after the date the work was first published, performed in public or broadcast (whichever is the later) |
| [Artistic works](https://smartcopying.edu.au/glossary/artistic-works/) (except photographs) | Lifetime of [author](https://smartcopying.edu.au/glossary/author/) plus 50 years or 50 years after the date the work was first published, performed in public or broadcast (whichever is the later) |
| [Dramatic works](https://smartcopying.edu.au/glossary/dramatic-works/) | Lifetime of [author](https://smartcopying.edu.au/glossary/author/) plus 50 years or 50 years after the date the work was first published, performed in public or broadcast (whichever is the later) |
| [Musical works](https://smartcopying.edu.au/glossary/musical-works/) | Lifetime of [author](https://smartcopying.edu.au/glossary/author/) plus 50 years or 50 years after the date the work was first published, performed in public or broadcast (whichever is the later) |

**f. Works – exceptions**

|  |  |
| --- | --- |
| **Types of Copyright Material** | **Previous Term** |
| Photographs | 50 years from end of year photograph taken |
| Unpublished photographs | 50 years from end of the year [work](https://smartcopying.edu.au/glossary/works/) first [published](https://smartcopying.edu.au/glossary/published/) (whenever that may be) |
| Anonymous [works](https://smartcopying.edu.au/glossary/works/) | 50 years from end of year [work](https://smartcopying.edu.au/glossary/works/) first [published](https://smartcopying.edu.au/glossary/published/) |

**g. Subject matter other than works**

|  |  |
| --- | --- |
| **Types of Copyright Material** | **Previous Term** |
| [Films](https://smartcopying.edu.au/glossary/film/) | 50 years from end of year film first released |
| [Sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) | 50 years from end of year recording first released |
| [Published editions](https://smartcopying.edu.au/glossary/published-editions/) | 25 years from end of year [work](https://smartcopying.edu.au/glossary/works/) first [published](https://smartcopying.edu.au/glossary/published/) |

**Is the work still in copyright?**

For [literary](https://smartcopying.edu.au/glossary/literary-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/), [musical](https://smartcopying.edu.au/glossary/musical-works/) and [artistic](https://smartcopying.edu.au/glossary/artistic-works/) [works](https://smartcopying.edu.au/glossary/works/) you must first determine if the [author](https://smartcopying.edu.au/glossary/author/) is dead or alive:

* if the [author](https://smartcopying.edu.au/glossary/author/) is still alive, the material is still in copyright.
* if the [author](https://smartcopying.edu.au/glossary/author/) is dead, the material will be out of copyright if the author died over 70 years ago and may be out of copyright if the author died less than 70 years ago.

For all other [works](https://smartcopying.edu.au/glossary/works/) ([sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/), [film](https://smartcopying.edu.au/glossary/film/) and [broadcasts](https://smartcopying.edu.au/glossary/broadcast/)), the maker’s death does not matter and you must determine when the material was created and if and when it was first made public.

Just because a [work](https://smartcopying.edu.au/glossary/works/) is still in copyright, does not mean you cannot [copy](https://smartcopying.edu.au/glossary/copy/) it. A [statutory or voluntary licence](https://smartcopying.edu.au/guidelines/copyright-basics/statutory-and-voluntary-licences/) or educational [copyright exception](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/) may apply.