

# Tracking Down the Copyright Holder

## Hints and Tips



**Disclaimer** - The National Film and Sound Archive does not warrant or guarantee the accuracy, quality, completeness, currency, or validity of any information. The information on this sheet is provided for educational and informational purposes only. It is not intended to provide legal advice and should not be relied on in that respect. The NFSA suggests that you seek independent advice to answer any legal questions.

**The National Film and Sound Archive does not own the copyright in the majority of the national collection. In order to release or copy material from the collection, the NFSA needs to receive permission from the copyright holder.**

It is the client's responsibility to track down the copyright holder and to provide written permission from this copyright holder to the NFSA. NFSA staff will give you any available information to assist with the search. But please note, this information may not necessarily be up to date as it may have been provided many years ago, and the NFSA makes no warranties in relation to the accuracy of this information.

Also, the contact information provided by NFSA staff may not necessarily be those of the person or organisation that holds copyright. This information is a starting point – in some instances the contact will claim rights, in other cases they may refer you to someone else. The copyright holder may be difficult to track down, so we've put together some handy hints to aid you in your copyright search.

If you are looking for an **individual or company in Australia**, try the following resources:

Try the **phone book** – simple but often effective! You can access both the Yellow Pages and White Pages online at: [www.telstra.com.au](http://www.telstra.com.au)

Another option is to do a general **Internet search** on an individual's or company name through a search engine such as Google: [www.google.com.au](http://www.google.com.au) A number of contemporary artists, filmmakers and musicians have a form of web presence. Utilising such **online social utilities** such as MySpace, Facebook or YouTube may also put you in direct contact with a copyright holder.

The website of the **Australia Securities and Investment Commission (ASIC)** has an online searchable business register: [www.asic.gov.au](http://www.asic.gov.au). This is useful if you are unsure of whether a company still exists. Other websites that are useful for business registration include: the **Guide to Australian Business Records** [www.gabr.net.au/gabr\\_home.html](http://www.gabr.net.au/gabr_home.html) ; and **Australian Business Records** [www.abd.com.au/m\\_search.php](http://www.abd.com.au/m_search.php) .

Also consider the **Australian Trade Union Archives**, linking together historical detail, location of archival resources in public archives and libraries, published material, and current information about Australian industrial organisations, from the late nineteenth century to today: [www.atua.org.au/search.htm](http://www.atua.org.au/search.htm)

If you are searching for a production company, producer, director or other film & television practitioners, you may be able to access contact details for them from **state funding bodies**. For example, Screen West has an online searchable directory of West Australian filmmakers, and some funding bodies list films in production so that you may be able to contact the filmmaker via their latest production office.

NB: due to privacy laws, funding bodies are generally unable to give out private addresses.

Talk to **professional associations**. For example, if you are trying to find a film director, try the Australian Directors Guild – the ADG may forward on some correspondence to one of their members on your behalf. Other associations include Australian Cinematographers Society, Australian Writers Guild, Australian Publishers Association, the Screen Producers Association of Australia, and the National Association for the Visual Arts.

NB: due to privacy laws, professional associations are generally unable to give out private addresses.

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Some more tips for looking for an **individual or company in Australia**:

If you are looking for copyright in music, try a **collecting society**, such as APRA – the Australian Performing Right Association in relation to ownership of copyright in the music and the lyrics: [www.apra.com.au](http://www.apra.com.au) or the Phonographic Performance Company of Australia (PPCA): [www.pcca.com.au](http://www.pcca.com.au) in relation to copyright in the sound recording component of the production. Screenrights may be able assist with identifying and locating copyright owners of audiovisual material: [www.screenrights.org](http://www.screenrights.org). The Visual Arts Copyright Collecting Agency (VISCOPY) licenses images and artistic works: [www.viscopy.com.au](http://www.viscopy.com.au)

If you are seeking a production company or broadcaster, you may be able to find contact details in a **moving image practitioner directory** such as the Encore directory (published each year) or online resources such as the Production Book: [www.productionbook.com.au](http://www.productionbook.com.au).

If you are seeking a composer, music publishing house, record company, radio station or performer, you may be able to find contact details in a **recorded sound practitioner directory** such as the Australasian Music Industry Directory: [www.immedia.com.au/amid/](http://www.immedia.com.au/amid/)

If you are unsure whether an individual copyright holder has passed away, try looking at the **Ryerson Index** to Contemporary Death Notices and Obituaries in Australian Newspapers: [www.ryersonindex.org/](http://www.ryersonindex.org/). The following website also lists a few resources for tracking down **birth, death and marriage** details: [www.coraweb.com.au/bdmau.htm](http://www.coraweb.com.au/bdmau.htm)

**Check the credits.** You may recognise the names of some of the other people working with the rights holder, and they may be able to pass on contact details.

Here are some hints if you are seeking a **copyright holder of a work that is not Australian**:

If the work is from the USA, it may be registered through the Library of Congress **US copyright office**. There is a searchable database online at: [www.copyright.gov](http://www.copyright.gov)

An **online database**, such as the Internet Movie Database (IMDB): [www.imdb.com](http://www.imdb.com) may list the producer and production company details.

**Educational resources** such as the British Screen Online (British Film Institute: [www.bfi.org.uk](http://www.bfi.org.uk)) can provide information such as the producer and production company.

**Film festival catalogues** can also prove handy as they often list film sources and contact details for current films. For example, the Rotterdam Film Festival often links through from their program to the sales agent or filmmakers' websites: [www.filmfestivalrotterdam.com](http://www.filmfestivalrotterdam.com)

If you are trying to track down copyright on a film from overseas, it may be worth contacting the **archive** in that country or the **national film funding body**. For a list of international archives, visit FIAF: [www.fiafnet.org](http://www.fiafnet.org)

As with tracking down Australian copyright holders, **Internet** and **phone book** searches are also often fruitful. Phone directories for a large number of countries are available online.

There may be a **local Australian distributor or publisher** who has a current licence for the copyright in the work, and can approve or license your particular use. If this local distributor does not have a current licence in the work, they may be able to pass on contact details for the overseas copyright holder.

Many Australian **collecting societies** have reciprocal arrangements with overseas collecting societies and can put you in touch with the relevant overseas society. See websites for Australian collecting societies above.

**Still stuck?** Some other ideas:

**Think outside the square.** If you are trying to find the copyright holder of a Volkswagen home movie in Melbourne, try the Victorian VW car club. Talk to the enthusiasts! Fan sites are also often very helpful.

Try the **local historical society** – not only are these a repository of local knowledge, but there are usually very helpful citizens who might be able to point you in the right direction.

The **National Archives of Australia:** [www.naa.gov.au](http://www.naa.gov.au) contains details on various government records which may also help you with your search. Research through the **National Library of Australia:** [www.nla.gov.au](http://www.nla.gov.au) as well as your local or state libraries may also be of assistance.

Also consider the public records offices of each state or territory:

**State Records New South Wales** [www.records.nsw.gov.au/staterecords/](http://www.records.nsw.gov.au/staterecords/);

**Northern Territory Archives Service** [www.nt.gov.au/nreta/ntas/](http://www.nt.gov.au/nreta/ntas/);

**Queensland State Archives** [www.archives.qld.gov.au](http://www.archives.qld.gov.au);

**State Records of South Australia** [www.archives.sa.gov.au](http://www.archives.sa.gov.au);

**Archives Office of Tasmania** [www.archives.tas.gov.au](http://www.archives.tas.gov.au);

**Public Record Office Victoria** [www.prov.vic.gov.au/](http://www.prov.vic.gov.au/);

**State Records Office of Western Australia** [www.sro.wa.gov.au/](http://www.sro.wa.gov.au/); and

**ACT Records Office** [www.territoryrecords.act.gov.au](http://www.territoryrecords.act.gov.au)

Consult **reference materials** via accessing a university library, visiting the NFSA library in Canberra, or by subscribing to an online journal database. Similarly, it may be possible to take advantage of research conducted by academics or specialists in the area who have researched the film or music genre in which the production was released and may have particular provenance details for the title which may be of assistance.

The steps outlined above are by no means exhaustive, and there are many other avenues to explore depending on the type of collection item you are hoping to access.

The NFSA cannot give copyright advice, so if you are unsure whether your proposed use of the collection item contravenes copyright legislation, the NFSA suggests that you **seek independent legal advice**.

The Australian Copyright Council also has some very useful information sheets available for download from their website: [www.copyright.org.au](http://www.copyright.org.au). The Arts Law Centre is another good general copyright resource: [www.artslaw.com.au](http://www.artslaw.com.au)