

## Copyright terms and the public domain in New Zealand

### 1 January 2019<sup>1</sup>

*Disclaimer: The contents of this guide do not constitute legal advice and DigitalNZ is not responsible for any loss or damage caused as a result of following it. For simplicity this guide may contain generalisations and you should seek advice from a suitably qualified professional about specific issues.*

Literary, dramatic, musical or artistic works		
Type of work	Copyright term(s)	What was out of copyright in New Zealand as of 1 January 2019
<p><b>Photographs</b>, being anything where an image is produced by recording light or other radiation on media [e.g. <i>prints, negatives, scans, photocopies</i>], but excluding film [see <i>film</i>]</p>	<p>Until 1 January 1995, 50 years from when it was taken [1962 s8(2)]</p> <p>As of 1 January 1995, 50 years after the year the author died [1994 s22(1)]</p> <p>As of 1 January 1995, if the author or the publisher is unknown, 50 years from when it was first made available to the public [1994 s22(3), 1994 s126(4)]</p>	<p>All photographs (published and unpublished) taken before 1944</p> <p>Photographs (published and unpublished) taken in or after 1944 where the author died in 1968 or earlier</p> <p>Photographs first published between 1 January 1944 and 31 December 1968 where the author or the publisher is unknown after reasonable enquiry</p>
<p><b>Literary works</b>, being anything written or spoken that are not dramatic or musical works, including tables, compilations [e.g. <i>anthologies, encyclopaedias, newspapers, magazines</i>] and computer programs.</p> <p><b>Dramatic works</b>, which include works of dance or mime and film scenarios or scripts</p> <p><b>Musical works</b> [e.g. <i>musical scores and arrangements</i>], but excluding lyrics and actions to be performed with the music</p> <p><b>Artistic works</b>, being a graphic work [e.g. <i>a painting, drawing or rendering</i>], photograph [see <i>photographs</i>], sculpture, collage, model, work of architecture or artistic craftsmanship, but excluding layout design, and regardless of artistic merit</p> <p><b>Computer-generated works</b>, being works generated by a computer in a way that means there is no human author</p>	<p><b>Published works</b></p> <p>For works published during the life of the author, 50 years after the year the author died [1913 s6, 1962 s8, 1994 s22(1)]</p> <p>If the author or the publisher is unknown, 50 years from when it was first made available to the public [1994 s22(3), 1994 s126(4)]</p> <p>For works by unknown authors published before 1 January 1995, 50 years from a reasonably assumed death of author [1994 s67(1)]</p> <p>For artistic works applied industrially, 25 years for works of artistic craftsmanship and 16 years for cast sculptures and patterns [1994 s75]</p> <p><i>Applied industrially means making, for sale or hire, over 50 copies of a work in 3 dimensions, or copying a work in 3 dimensions in objects manufactured in lengths</i></p> <p><b>Posthumously published works</b></p> <p>For works published posthumously before 1 April 1963, including engravings but not other artistic works, 50 years from first publication [1994 Sch 1, s19]</p>	<p>Works published during the life of the author where the author died in 1968 or earlier</p> <p>Works published in 1968 or earlier where the author or the publisher is unknown after reasonable enquiry</p> <p>Works by unknown authors published before 1995, where the author is reasonably assumed to have died in 1968 or earlier</p> <p>Works of artistic craftsmanship applied industrially in 1993 or earlier</p> <p>Utilitarian casts and patterns applied industrially in 2002 or earlier</p> <p>Works including engravings but not other artistic works, first published posthumously in 1968 or earlier</p> <p>Artistic works excluding engravings first published posthumously before 1 April</p>

<sup>1</sup> Adapted under a Creative Commons BY-NC licence from the U.S. version 2004-8 by Peter B. Hirtle, Cornell Copyright Information Center

## Literary, dramatic, musical or artistic works

Type of work	Copyright term(s)	What was out of copyright in New Zealand as of 1 January 2019
	<p>For works published posthumously from 1 January 1995, 50 years after the year the author died [1994 s22(1)]</p> <p>For works made and published posthumously between 1 April 1963 and 31 December 1994, the shorter of 50 years from publication or 75 years after the year the author died [1994 Sch 1 s18(2)]</p> <p><b>Unpublished works</b> For unpublished works made between 1 April 1963 and 31 December 1994 where the author died in that period, 75 years after the year the author died [1994 Sch 1, s18(1)]</p> <p>For unpublished works by unknown authors made before 1 January 1995, the longer of 50 years from 1 January 1995, 50 years from first publication, or 50 years from a reasonably assumed death of the author [1994 Sch 1, s17(2)(d)(ii), 1994 Sch 1, s26]</p> <p>For unpublished works, other than photographs, transferred or bequeathed to Institutions by the copyright owner with conditions placed on publication, the conditions remain enforceable after the copyright expires [1994, s117]</p> <p>For all other unpublished works, 50 years after the year the author died [1994 s22(1)]</p> <p><i>These copyright terms for published, posthumously published and unpublished works do not apply to copyright held by the Crown or international organisations</i></p> <p><b>Computer-generated works</b> 50 years from when it was first made [1994 s22(2)]</p>	<p>1963 where the author died in 1968 or earlier</p> <p>Works first published since 1 January 1995 where the author died in 1968 or earlier</p> <p>Unpublished works where the author died in 1968 or earlier, except that conditions placed on publication by the copyright owner remain in place for works, other than photographs, transferred or bequeathed to Institutions</p> <p><i>Unpublished works by unknown authors will not come out of copyright until at least 2046.</i></p> <p>Computer-generated works made in 1968 or earlier</p>

## Sound recordings and film

Type of work	Copyright term(s)	What was out of copyright in New Zealand as of 1 January 2019
<p><b>Sound recordings</b> where the sound can be reproduced including the recording of a literary, dramatic, or musical work</p> <p><b>Film</b>, being any recording on a medium from which a moving image can be produced [<i>including video tape, optical or hard disk, flash media etc.</i>]</p>	<p>Until 1 January 1995, 50 years from when it was completed [1962 s13(3), s14(3)]</p> <p>As of 1 January 1995, 50 years from when it was made or, if within that period it was first made available to the public, 50 years from that date, whichever is later [1994 s23(1)]</p>	<p>All films and sound recordings (published and unpublished) completed before 1944.</p> <p>Unpublished films or sound recordings made between 1 January 1944 and 31 December 1968</p> <p>Films or sound recordings first made available to the public in New Zealand between 1 January 1944 and 31 December 1968</p>

## Communication works including broadcasts

<i>Type of work</i>	<i>Copyright term(s)</i>	<i>What was out of copyright in New Zealand as of 1 January 2019</i>
<b>Communication works</b> , including any wireless broadcast, cable transmission or internet streaming of sounds and visual images for reception by the public	50 years from first communication to the public after 1 April 1963 [1994 s24]	Broadcasts from before 1 April 1963, although the recording itself may be in copyright for 50 years from when it was made [see <i>sound</i> ].

## Typographical arrangements

<i>Type of work</i>	<i>Copyright term(s)</i>	<i>What was out of copyright in New Zealand as of 1 January 2019</i>
<b>Typographical arrangements</b> of published editions, which are editions of the whole or part of one or more literary, dramatic or musical works [ <i>regardless of whether they are in still copyright</i> ]	25 years from publication, including for Crown copyright works [1994 s25, s26(3)a]	Typographical arrangements made in 1993 or earlier, but not including copyright in the works themselves.  Typographical arrangements made in 1993 or earlier of out of copyright works.

## Crown copyright

<i>Type of work</i>	<i>Copyright term(s)</i>	<i>What was out of copyright in New Zealand as of 1 January 2019</i>
<b>Crown copyright</b> works made by a person employed or engaged by the Crown, with the Crown being the Monarch, Minister of the Crown, a government department or an Office of Parliament, but excluding a Crown entity or State-owned enterprise	Until 1 January 1995, 50 years from when it was made [1962 s52(3)]  As of 1 January 1995, 100 years from when it was made [1994 s26]	Crown works made before 1944.  <i>Crown works made in 1945 will not come out of copyright until 2046.</i>
<b>Parliamentary works</b> and court judgements, meaning Bills, Acts, regulations, By-laws, Hansard debates, select committee reports, reports of commissions and inquiries, and tribunal judgements	No copyright [1994 s27]	All works unrestricted by copyright

### Notes:

1. Unless otherwise stated, copyright expires at the end of the calendar year of the last year of the copyright term.
2. Where a work has more than one author, death of the author relates to the last author to die.
3. Published includes making available to the public and assumes the publication was an authorised act.
4. Reasonable enquiry and reasonable assumptions of death need to be defensible in a court of law.
5. Different terms may apply for international organisations that have one or more states as members.
6. Copyright terms only apply within New Zealand. Works may still be in copyright in countries with different terms.



This document is licensed under a Creative Commons Attribution 3.0 New Zealand licence. For more information about the uses of the licence visit <http://creativecommons.org/licenses/by/3.0/nz/>