This is a guide to copyright on items held within Oxfordshire History Centre. Please note that we cannot give legal advice; the following is our current understanding of the law, on which you act at your own risk. Definitions of *Standard Copyright* and *Crown Copyright* are at the very end of the guide in section 9.

**1. General guidelines**

Most of the material held in Oxfordshire History Centre is covered by copyright legislation, and in most cases that copyright is not held by us – it may not even be held by the person who deposited the material.

We cannot, therefore, give permission to take copies for anything other than private research (which can only be a small proportion of any work or document) and particularly not for publication.

If you wish to publish, it is your responsibility to obtain permission from the copyright owner, which will often mean investigating who the copyright owner is.

We can only supply multiple copies or substantial extracts of material which is out of copyright, or which is Oxfordshire County Council copyright.

**2. Copying material for commercial purposes**

Under Regulations from October 2003 the copying of copyright material for commercial purposes without permission or licence is forbidden.
3. Copyright and publication right

Copyright and Publication Right in any copies or electronic files supplied by us are reserved by Oxfordshire County Council.

You will acknowledge the Council’s ownership of copyright in the copies we supply and the copyright of the materials being copied, and you will do nothing to prejudice either copyright.

Copyright and publication right in copies supplied by us under licence are reserved by the relevant copyright holder; should you ever consider further reproduction you must obtain the permission of the copyright holder.

4. Published material – literary works

Books, pamphlets and reports

The amount of copies supplied from books, pamphlets and reports may not exceed one chapter or extracts amounting to more than 5% of the whole work. For short works without chapters, up to 10% may be copied, provided that the extract does not exceed 20 pages.

Newspapers and periodicals

Only one article from one issue may be copied, or up to 5% of an issue from Newsquest Oxfordshire newspaper titles.

5. Published material – artistic works

Artistic works (including Ordnance Survey maps)

Staff are not permitted to copy copyright artistic works on behalf of users. This affects photographs, engravings, maps and plans. But under special licence with Ordnance Survey, up to FOUR copies of ONE A4 sized extract not exceeding 625cm², and at the original size, may be copied from copyright OS maps.

Only ‘fair dealing’ photocopies of copyright Ordnance Survey maps can be provided by Oxfordshire History Centre, and these are limited to up to four copies of one A4 extract from each map.

Business licences held by some companies only allow them to reproduce Ordnance Survey maps in their own possession. They do not allow the copying of library and archive material.

The British Geological Survey also permits the copying of A4 extracts from its maps at 1:50,000 and smaller scales for non-commercial private study.

Also under licence, staff can provide unlimited extracts of Experian Goad shopping centre plans, but only at A4 size and at the original 1:1000 scale. Such extracts cannot be supplied in electronic form.
6. Sound recordings

When dealing with oral history recordings separate copyright exists in 1) the words spoken and 2) the sound recording.

Copyright law allows the recorded content (the words spoken) of oral history interviews to be copied for research for a non-commercial purpose, private study, criticism or review, but there is **no such concession** for the copyright in the sound recording. Copies may therefore only be supplied in the following circumstances:

- BBC Radio Oxford recordings: the copyright in these rests with the BBC and copies can be supplied for research, private study or educational use, but not for commercial purposes.
- Oxfordshire County Council recordings: these are County Council copyright. Recordings made before August 1989 can be copied. Recordings made since 1 August 1989 can be copied unless the interviewee has withdrawn consent.
- Other recordings: unless you have obtained written permission from the copyright owner of the sound recording we will not copy these recordings. We also reserve the right not to copy recordings whose copyright is unclear.

7. Archives’ Copyright

**Who Owns Copyright?**

**Borough Records:** Boroughs hold copyright in material created by the people working for them **after 1911.** Before that the employee had rights, but the principle of equitable ownership still gives the Borough a claim to copyright in practice. However, many Borough files contain material in the copyright of others: letters from the public, Government circulars, etc. Boroughs ceased to exist in 1974; Oxford Borough became a District Council known as Oxford City Council, while the other Oxfordshire boroughs became Parish Councils (usually known as Town Councils). Copyright descended to these successor authorities, who can give copyright permission for material created by the pre-1974 Boroughs but not for material from outside. **Standard Copyright.**

**Business records:** Anything created by the employees of the business after June 1912 is in the copyright of the business; anything they created before that time is probably in the copyright of their descendants. Anything the employees didn’t create (letters received, orders, accounts created by external accountants, reports from external consultants unless there was an agreement to the contrary) is in the copyright of whoever created it. Directors are seldom employees, and any records they create as managers may well be in their individual copyright; if they take on non-management tasks, those records are probably in the copyright of the company. This is true even if the director is the owner of the company. If a company is taken over its copyrights go to the new owner; if it goes into receivership, the receiver may sell off the copyrights to raise money and only he will know where they went. If a company is simply dissolved without debts, the copyrights may revert to the Crown (but this only happens if no one is left around to be the successor). **Standard Copyright** or **Crown Copyright.**
Coroner’s Court records: public records: whether published or unpublished a copy can be supplied to any person irrespective of the permission or prohibition of the copyright owner. The actual court holding authority is Oxfordshire County Council (OCC), who has the copyright. Standard Copyright.

County Council records: Local authorities hold copyright in material created by the people working for them after 1911. Before that time the employee had rights, but the principle of equitable ownership still gives local authorities a claim to copyright in practice. However, many local government files contain material in the copyright of others: letters from the public, Government circulars, etc. We can give copyright permission for material created by or on behalf of OCC, but not for material from outside. Standard Copyright.

Diocesan records: The Diocese holds copyright in material created by the people working for them after 1911. Before that time the employee had rights, but the principle of equitable ownership still gives the Diocese a claim to copyright in practice. Material not created by the Diocese or its employees is in the copyright of the creator; for example the Clergy Answers, which were requested by the Diocese but created by the parish clergy, are in the copyright of the current incumbent of the relevant parish. Standard Copyright.

District Council records: Local authorities hold copyright in material created by the people working for them after 1911. Before that time the employee had rights, but the principle of equitable ownership still gives local authorities a claim to copyright in practice. However, many local government files contain material in the copyright of others: letters from the public, Government circulars, etc. The legal officer of the relevant District can give copyright permission for material created by or on behalf of that District and its pre-1974 predecessor, but not for material from outside. Standard Copyright.

District Valuation records: public records: whether published or unpublished a copy can be supplied to any person irrespective of the permission or prohibition of the copyright owner. The maps and documentation are all Crown Copyright, which means they’re all out of copyright.

Electoral Registers: Any registers before July 1912 count as published works of unknown authorship for which copyright has expired. Thereafter, until August 1989, they are Crown Copyright and as published works are therefore out of copyright after 50 years. From August 1989 they are copyright of the local authority which employed the electoral registration officer who created them and remain in copyright until 70 years after his death. Standard Copyright.

Enclosure Awards: public records: whether published or unpublished a copy can be supplied to any person irrespective of the permission or prohibition of the copyright owner. Awards and maps post 1845 are Crown Copyright, so the map copyright has expired but not the award. Before that date, the commissioners would have joint copyright in the award, and the surveyor copyright in the map so Standard Copyright.

Health: Regional/Area Health Authorities: public records: whether published or unpublished a copy can be supplied to any person irrespective of the permission or prohibition of the copyright owner. Copyright belongs to the relevant authority or its successor, and these change so frequently it can be difficult to track them down; from 2011
it was NHS South of England, First Floor, Rivergate House, Newbury Business Park, London Road, Newbury, Berkshire RG14 2PZ Tel: 01635 275500 Fax: 01635 33983. Experience indicates they don’t know this, and will tell enquirers the Oxfordshire Regional records are nothing to do with them as they’re only a year old. Researchers should persevere.

**Magistrates’ Court records**: public records: whether published or unpublished a copy can be supplied to any person irrespective of the permission or prohibition of the copyright owner. The actual copyright owner is: up to 1851, the justices’ clerk; 1851-78, the justices’ clerk or the local authority (hence by succession OCC); 1878-1951 the local authority (hence OCC) (all **Standard Copyright**); 1951-2005 the successor to the Magistrates Court Committee, who is the Lord Chancellor, hence **Crown Copyright**; since April 2005 **Crown Copyright**.

**Manorial and Estate records**: Copyright is owned by the lord of the manor or owner of the estate who created the records, or (after 1912) who employed the bailiff etc who created the records. Most estate documents were created by people brought in for the job (lawyers, surveyors, etc) who were working under contracts for services; they retain copyright of anything they created – this applies to most title deeds or accounts. The present owner of the estate or manorial lordship is unlikely to have copyright in any but a few recent records unless they’ve been passed down through inheritance, and even then not if someone else actually created them. It is therefore almost impossible, to find out who has copyright on an estate record from mid-C18th. **Standard Copyright**.

**Nonconformist records**: Legally the ministers of nonconformist churches, unlike parish clergy, are regarded as potentially employees. This means that their actual status depends on the agreement the nonconformist body has made with them. If they are employees, the records they have created since 1911 are in the copyright of the parent body of the church outright, and those before 1911 in the copyright of the parent body on equitable grounds. If they are not employees, the copyright remains with them or the group of body which administers the church (e.g. the Quaker Monthly Meeting). Enquiries should be directed to the parent body of the church or the individual minister. **Standard Copyright**.

**Parish Council records**: Parish Councils hold copyright in material created by the people working for them (e.g. the Clerk to the Council) after 1911. Before that time the employee had rights, but the principle of equitable ownership still gives the Parish Council a claim to copyright in practice. However, many Parish Council files contain material in the copyright of others: letters from the public, Government circulars, etc. The Parish Council can give copyright permission for material created by or on behalf of the Council and its pre-1974 predecessor, but not for material from outside. **Standard Copyright**.

**Parish records**: The clergy are not employees of the Church but free agents; they are therefore the copyright owner of records they themselves created (but not parish registers – see below). For records created by previous clergy, there is equitable ownership by the present incumbent and/or the Parochial Church Council. The primary assumption is that copyright rests with the current incumbent to whom enquiries should be directed. However, where a priest is an employee (e.g. chaplain to a school), the records (s)he creates in that capacity are the copyright of the employer. **Standard Copyright**.
**Parish Registers:** There is no copyright of any sort in parish registers, though the clergy/PCC owns the actual physical registers and so have practical rights over whether they are copied. Reasonable copying is permitted at our discretion.

**Petty Sessions:** public records: whether published or unpublished a copy can be supplied to any person irrespective of the permission or prohibition of the copyright owner. The actual copyright owner is: up to 1851, the justices’ clerk; 1851-78, either the justices’ clerk or the local authority (hence by succession OCC); 1878-1951 the local authority (hence OCC) (all **Standard Copyright**); 1951-2005 the successor to the Magistrates Court Committee, who is the Lord Chancellor, hence **Crown Copyright**; since April 2005 **Crown Copyright**.

**Photographs:** The copyright owner is the “author”, but the definition of the author has changed:
- Before July 1912: the person who actually took the photo.
- July 1912 to July 1989: the person who owned the material on which the photo was taken.
- Since August 1989: the person who actually took the photo.

But if someone paid a “valuable consideration” for the photo to be taken before 1989, they took the copyright. If the person who took the photo was an employee of another party and took it as part of their work, that other party is the copyright owner. **Standard Copyright**.

**Police records:** Records of the Oxford Police Force were transferred to the Thames Valley Police Authority in 1968; although we claim right of salvage over the records themselves, Thames Valley hold copyright (**Standard Copyright**). However, individual police officers are not employees of Thames Valley Police Authority but of the Crown, so any records created by individual officers (as distinct from the administrative staff) are **Crown Copyright**.

**Poor Law Union records:** Although an employee of the Poor Law authorities had rights, the principle of equitable ownership gives the authorities a claim to copyright in practice. However, Poor Law files may contain material in the copyright of others: letters from the public, Government circulars, etc. The equitable rights have descended to the County Council as successor authority (Local Govt Act 1929). We can give copyright permission for material created by the Unions on behalf of OCC, but not for material from outside. **Standard Copyright**.

**Private papers:** The copyright owner is the person who wrote it; letters are not in the copyright of the person they were sent to. **Standard Copyright.** The problem starts when working out who got the copyright after the writer died: see **Descent of Copyright** below.

**Public records:** whether published or unpublished a copy can be supplied to any person irrespective of the permission or prohibition of the copyright owner.

**Quarter Sessions:** public records: whether published or unpublished a copy can be supplied to any person irrespective of the permission or prohibition of the copyright owner. Despite OCC taking on many of the functions of Quarter Sessions after 1889, the Crown was the court holding authority and the records are **Crown Copyright**.
School records: Where the schools are in the control of the local authority, they follow the path of local authority records. Local authorities hold copyright in material created by the people working for them after 1911. Before that time the employee had rights, but the principle of equitable ownership still gives local authorities a claim to copyright in practice. However, many local government files contain material in the copyright of others: letters from the public, Government circulars, etc. Schools devolved on County Councils who are therefore copyright holders for all the records. We can give copyright permission for material created by or on behalf of OCC, but not for material from outside. However, Church schools are managed by the Diocesan Board of Education who are the copyright holders; the same provisos exist as for local authority schools, and it is possible that schools papers pre-1911 found in the parish records are copyright to the current incumbent/PCC. **Standard Copyright.**

Surveyors of the Highways records: Although an employee of the Surveyors had rights, the principle of equitable ownership still gives the Surveyors a claim to copyright in practice. However, Highways files may contain material in the copyright of others: letters from the public, Government circulars, etc. Legislation was very vague about the transfer of ownership of the records when the Highway Boards were discontinued, but for practical purposes OCC claims the copyright in what has been deposited with us. We can give copyright permission for material created by the Surveyors on behalf of OCC, but not for material from outside. **Standard Copyright.**

Tithe Awards: public records: whether published or unpublished a copy can be supplied to any person irrespective of the permission or prohibition of the copyright owner. They are all **Crown Copyright**, so the map copyright has expired but not the award.

Turnpike Trusts: Turnpike Trusts were private bodies, so copyright in their records did not automatically pass to the local authority bodies who took on responsibility for the roads. It is now practically impossible to determine copyright ownership; could be joint ownership by Trust members and their descendants or ownership by the local attorney who acted as Clerk. We cannot grant copyright permission, nor point researchers to anyone who can. **Standard Copyright.**

Wills: Depending on how the will was drafted, copyright could be with the testator and his heirs, or with the lawyer who drafted the will and his heirs. Copyright is assumed in law to be with the testator and his heirs. However, copyright of an inventory is with the executor who drew it up. **Standard Copyright.** In both cases, proving the person to whom the copyright has descended is likely to be very difficult: see Descent of Copyright.

8. Descent of Copyright

If copyrights are specifically bequeathed in a will, that takes precedence. Otherwise they go to the residuary beneficiary (or beneficiaries) who gets “everything else”. If the copyright owner dies intestate, they go to the next of kin. If there are several people in any “next of kin” category (e.g. several children, two cousins) they become joint owners of the copyrights and any decision on copyright matters has to be agreed by all of them. If there is no next of kin, the copyrights go to the Crown. It doesn't take many generations to create a large number of joint owners whose identities are uncertain, many of whom don't even know they are.
Before June 1957, if the creator of a work bequeathed that work (i.e. the manuscript etc) to a person or institution, the copyright was held to go with it, provided it hadn’t been published. After that, up to July 1989, this also applied to any copyrights they hadn’t created but had acquired. From August 1989 this was expanded to include computer materials. A copyright can be assigned to someone else, but it must be done formally in writing; with businesses it must be a legal undertaking with a consideration paid.

9. Duration of copyright - how long does it last?

Duration of copyright is extremely complex; the detailed categories below still only cover about 95% of cases. But as a very quick guide to how it will usually work in practice, anything which hasn’t been published will usually still be in copyright until 2039 at least, anything published before 1880 is almost certainly out of copyright, and more recent published material is in copyright for 70 years after publication or after the death of the creator if his/her identity is known.

Definitions:

“Published”: Publication means issuing copies to the public by sale or transfer of ownership or on an electronic system; just letting someone see something or giving a few individuals a copy doesn’t count. Neither does illegal publication without permission.

“Made available to the public”: This term hasn’t got a proper legal definition, though it has to mean the copyright owner has given permission for it to happen. Simply being in OHC doesn’t mean a document etc has been made available, and it seems unlikely (though not certain) that allowing someone to see an item in the searchroom constitutes making it available for copyright purposes.

Crown Copyright is operated by the Controller of Her Majesty’s Stationery Office and Director of the Office of Public Sector information, which operates through The National Archives (TNA). Researchers should contact TNA over Crown Copyright matters.

Standard Copyright: documents:
- Creator known (e.g. he signed the document) but it wasn’t published before August 1989: expires end 2039
- Creator known and it was published before August 1989: expires 50 years after publication
- Creator unknown and it was created after 1968: expires 70 years after creation (or, if made available to public during that time, the 70 years starts at that point)
- Creator unknown and it was published before August 1989 or made available to the public after 1969: expires 70 years after publication or being made available
- Creator unknown and it has not been published before August 1989 and it has never made available to the public or only made available before 1969: expires end 2039

Standard Copyright: maps and images
- Creator known and it was created after July 1989 or is a photo taken before June 1957 or was published before August 1989 and the creator didn’t die earlier than 1969: expires 70 years after death of creator
- Creator known and it isn’t a photo or an engraving: expires 70 years after death of creator
- Creator known and it is a photo created after May 1957 or an engraving:
Work published before August 1989 and creator died more than 20 years before publication: expires 50 years after publication
Work not published before August 1989 and creator still alive in 1989: expires 70 years after death of creator
Work not published before August 1989 and creator died before 1969: expires end 2039
- Creator unknown and it was created after 1968 or is a photo created before June 1957: expires 70 years after creation (or, if made available to public during that time, the 70 years starts at that point)
- Creator unknown and it was published before August 1989 or made available to the public after 1969: expires 70 years after publication or being made available
- Creator unknown and it has not been published before August 1989 and it has never made available to the public or only made available before 1969: expires end 2039

Crown Copyright: documents:
- Created before 1915 and unpublished: expires end 2039
- Created after 1914 and unpublished: expires 125 years after creation
- Created and published before 1989: expires 50 years after publication
- Created before but published after 1989: expires 125 years after creation or end 2039, whichever is later
- Created and published after 1989: expires 50 years after publication

Crown Copyright: maps and images:
- Non-photos/engravings created before 1989, published and unpublished: expires 50 years after creation
- Photographs taken before June 1957, published and unpublished: expires 50 years after creation
- Photographs taken after May 1957 and published before August 1989: expires 50 years after publication
- Everything unpublished created after August 1989: expires 125 years after creation
- Everything created and published after August 1989: expires 50 years after publication