

Photography by various photographers and some slides from unknown sources

Scenario: Academic D wishes to digitise and upload a series of analogue photographic prints, created by various known and unknown photographers. She obtained the prints some years ago and

them in her teaching over the years. She also has five slides taken from magazines that have been used on her course. She only remembers the publication from which three of the slides were taken.

Rights Issues: There have been a few amendments to the law over the years regarding photography and some particular care should be taken in attributing rights. Photographs taken since 1996, by a known photographer, are in copyright for 70 years from the death of the photographer. If the photographer is unknown then the duration of copyright is 70 years from the time the photograph was taken, or made public. In the case of the slides, the images captured from magazines may have a typographical arrangement that is copyright of the publication if published in the last 25 years. The publisher may or may not also own the copyright of the work or article being depicted. If the publication does not own the copyright in the work or article, the original author or artist's copyright will apply.

Resolution: The photographs with known creators are likely to be in copyright, unless the photographer died more than 70 years ago. Those of unknown authorship are more difficult to assess. If they are more than 70 years old the repository is likely to be safe in distributing them. Anything more recent will require a decision by the institutional expert based on associated risks. The slides where the publication is known are likely to have to go through the process of clearing rights with all relevant parties – which could include the publisher and the original creators of the content being depicted. Those slides of unknown origin will require assessment by the institution's copyright expert.