



## Book Covers

This information sheet outlines issues relating to copyright in book covers.

The use of book covers by libraries and educational institutions raises specific issues that are considered in this information sheet. If you need information on copyright issues concerning educational institutions or libraries generally, see our information sheets [Education: Copyright Fundamentals](#) and [Libraries: Introduction to Copyright](#).

**The purpose of this information sheet is to give general introductory information about copyright. If you need to know how the law applies in a particular situation, please get advice from a lawyer.**

A Copyright Council lawyer may be able to give you free preliminary legal advice about an issue not addressed in an information sheet. This service is primarily for professional creators and arts organisations but is also available to staff of educational institutions, archives and libraries.

We have a range of information sheets on a number of topics and publish books that analyse specific areas of the law. We can provide this information sheet in an accessible format on request. Check our website for information about our publications [here](#) and details of our seminar program [here](#).

### Key points

- A book cover will often contain artistic works protected by copyright.
- A particularly unique book cover design may itself be protected by copyright.
- The Australian Publishers Association (APA) has taken the policy position that its members should allow libraries to use book covers for promotional purposes without the need for permission or payment.
- In 2016, the APA and the Australian Library and Information Association (ALIA) came to an agreement to allow libraries to use book covers to promote books and authors without seeking permission each time. If a book cover contains protected copyright material, in order to reproduce it you will need to either rely on a specific copyright exception or satisfy yourself that the reproduction is promotional use by a library within the meaning of the APA/ALIA agreement. Alternatively, you will need to seek permission from the copyright owner (usually the publisher).

### What does copyright protect?

Copyright protects literary works such as books, novels, journal articles and poems, as well as artistic works such as paintings and drawings. Most book covers feature some kind of imagery which would be considered an artistic work protected by copyright (examples of artistic works include paintings, drawings, prints, diagrams, graphs, maps, logos and photos). In some cases, a particularly unique book cover design may itself be protected as an artistic work. For more information on what copyright protects, see our information sheet [An Introduction to Copyright in Australia](#).

While copyright protects a range of textual material as literary works (such as a novel) it does not protect names or titles. On this basis, if a very plain book cover features only a title and the name of an author, it may not be protected by copyright. In such a case, copying and communicating the material is unlikely to raise a particular issue.

For further information, see our information sheet [Names, Titles and Slogans](#).

### **Protection is automatic**

There is no registration system for copyright in Australia. Copyright protection is free and applies automatically from the moment the material is written down, drawn or otherwise captured.

The “©” symbol is not required to obtain copyright protection, but it notifies people that the work is protected and lets them know who is claiming the rights. Therefore, it can be helpful when working out who you need to approach to seek permission. The notice consists of the symbol ©, followed by the name of the copyright owner and the year the work was first made or published, for example: “© Australian Copyright Council 2020”.

### **What are the rights of a copyright owner?**

The exclusive rights of the copyright owner include the right to:

- **reproduce** the work (e.g. by reproducing book covers on worksheets); and
- **communicate** the work to the public (e.g. by featuring book covers on a library website or emailing them to staff).

### **Who owns copyright?**

In most cases, the creator of a work owns copyright in it. However, this position can be altered through a signed written agreement to the contrary. In relation to book covers, the publisher is likely to own copyright in the material. Cover art is often designed by in-house artists at the publisher in the course of their employment. Unless the contract with the publisher states otherwise, the author will not own the copyright in the book cover. If an independent artist created the book cover, that artist may own copyright in the cover.

For more information, see our information sheet [Ownership of Copyright](#).

### **When does copyright expire?**

If the artistic works on a book cover are no longer protected by copyright under Australian law, you can use the material within Australia without raising a copyright issue. The general rule is that copyright lasts for the life of the creator plus 70 years. However, if the creator of an artistic work died before 1 January 1955, or if a photo was taken before 1 January 1955, copyright will generally have expired in the material. There are some additional exceptions. For detailed information, see our information sheet [Duration of Copyright](#).

### **When is copyright infringed?**

Generally, it is an infringement of copyright to deal with all or a substantial part of copyright material in any of the ways exclusively reserved to the copyright owner without the copyright owner’s permission, unless copyright has expired or a special exception applies. In most cases, where you are using book covers, you are likely to be using the entire cover. On this basis, if the book cover features artistic works or it is an artistic work in itself, you will be using a substantial part of the work. This generally requires permission.

## Exceptions to copyright infringement

The *Copyright Act* sets out some exceptions to infringement, which allow certain uses of copyright material without permission.

### *Educational institutions*

Educational institutions are able to copy and communicate various amounts of text and images for educational purposes under the statutory education licence administered by Copyright Agency.

Essentially, educational institutions can copy and communicate any artistic work in hardcopy or electronic format, provided it is for the educational purposes of the institution. This would allow, for example, printing of a copy of a book cover from the internet or communicating a digital version of a book cover on an internal school blog (provided access was restricted).

Examination papers for subjects such as high school English may contain visual texts to be analysed by students such as book covers, posters or still frames from movies. If the book cover is copied or communicated as part of the questions to be answered in an examination, then such use does not infringe copyright.

### *Libraries*

Libraries have a number of exceptions available to them to reproduce copyright material without permission. For example, if a book cover is damaged, a library may rely on a copyright exception to make a replacement or preservation copy of that book cover.

Libraries can also copy and communicate works (including artistic and literary works) for internal administrative purposes. This might be useful for internal cataloguing purposes (although this exception does not cover public access).

### *Fair Dealing*

Libraries, educational institutions and other persons may be able to apply one of the fair dealing exceptions to reproduce book covers without permission. In each case, the dealing must be “fair” so these exceptions are never clear-cut. To avoid all risk, permission should be sought.

Writers and bloggers reviewing a book may wish to use an image of the book cover in connection with their review. One of the fair dealing exceptions is for the purpose of criticism or review. There is an issue as to whether the cover of a book falls within the scope of the exception, however it will often enhance the review or commentary about the book. Book covers can promote the sale of a book and generate discussion amongst future readers, so such reviews can be of marketing benefit.

For more detailed information see our information sheet, [Fair Dealing: What Can I Use Without Permission?](#)

### *Special case exception*

Both educational institutions and libraries may in some circumstances apply the special case exception (section 200AB) to use book covers without permission where no other exception would apply to the particular use. In each situation, it is necessary to establish why the particular case is a special case. For more information about this exception see our information sheet, [Section 200AB: The Special Case or Flexible Dealing Exception](#).

## The 2016 APA/ALIA book covers agreement

In August 2016, the Australian Publisher’s Association (APA) agreed with the Australian Library and Information Association (ALIA) that APA members should allow libraries to use book covers for promotional purposes, such as posters, library displays, catalogues, bookmarks, other

marketing materials, websites and social media, without needing to seek prior permission or make payments to copyright owners ([alia.org.au/copyright-and-book-covers](http://alia.org.au/copyright-and-book-covers)).

The APA/ALIA agreement applies to libraries, including libraries within educational institutions. For educational institutions in general, or library non-promotional uses not covered by the APA/ALIA agreement, you will need to consider whether an exception to copyright infringement applies to your intended use of book covers. If an exception does not apply, you can always seek permission directly. Publishers can generally license the use of copyright material contained on book covers.

If a publisher cannot provide you with a licence directly, it should be able to put you in touch with the relevant artist or designer. It is a good idea to obtain any licences in writing so that you have a record of what was agreed. For more information see our information sheets, [Permission: How to Get It](#) and [Assigning and Licensing Rights](#).

## **Moral rights**

Creators have moral rights in their creations, regardless of whether they also own the copyright. These include the right to be attributed as the creator, the right not to be falsely attributed, and the right not to have the work treated in a derogatory manner. When it comes to the use of book covers, you should ensure you attribute the relevant artist or designer (provided he or she is attributed within the book), and that you do not distort the material in a way that might prejudice the creator's honour or reputation.

There are some exceptions to an infringement of moral rights including where the creator consents, and in some cases, where you can establish that the treatment was reasonable. For more information, see our [Moral Rights](#) information sheet.

## **Frequently Asked Questions (FAQs)**

### ***We want to use thumbnail images of book covers to review books on our blog. Do we need permission?***

Most book covers contain images that are protected by copyright. In some cases, even a distinctive layout for a book cover may be protected by copyright. Given this, you will have to consider:

- whether a fair dealing exception can apply to your intended use (e.g. fair dealing for the purpose of criticism or review);
- whether your intended use is use by a library for promotional purposes under the APA/ALIA agreement; or
- if neither of the above apply, whether you can get permission to use the book cover from the book's designer or publisher.

If you are in an educational institution with a Copyright Agency agreement, and you are looking to use book covers for an educational purpose, you may be able to rely on the educational statutory licence to use the book cover.

### ***Our library is holding a Book Week event, and we want to create posters featuring famous book covers. Does this come under the APA/ALIA agreement?***

A library will be permitted to use book covers to make posters to promote an event under the APA/ALIA agreement. Publisher members of the APA have adopted a policy of allowing libraries to use book covers to promote library programs and collections and to connect readers with books and authors. A use of a book cover will likely fall under this agreement where:

- the use is by a library; and

- the use of the book cover is for promotional purposes. This is likely to cover most library activities (e.g. on posters, newsletters, library displays, catalogues, marketing materials, social media posts and web pages).

If you are not a library, you do not come under the APA/ALIA agreement and will need to either rely on a copyright exception to use the book cover or seek permission to do so. If you are a library, but you wish to use the book covers in a way that is not for promotional purposes (e.g. to create merchandise for sale or fundraising), this will not come under the APA/ALIA agreement and you will either need to rely on a copyright exception or seek permission.

***We work in a school library and want to digitise book covers for cataloguing purposes. Is this permitted?***

Assuming the book covers contain material that is protected by copyright, libraries are able to copy and communicate these for administrative purposes. This would enable a library to digitise book covers for cataloguing purposes as long as access was provided only on the library premises and restricted to the library staff.

The administrative copying exception does not apply where the public can access the content. You may, however, allow public access to such digitised book covers in a catalogue for promotional purposes under the APA/ALIA agreement.

***We want to use a book cover from a self-published book. From whom do we get permission?***

If a book was self-published by the author and has a cover with an artistic work in which copyright subsists, then you will need to seek permission to use the book cover from the self-published author. Cover art for a self-published book might also be created by an independent artist or a book cover service, in which case you will require a licence from the relevant artist or designer.

### **Further information and advice**

Information on the statutory education licences administered by Copyright Agency may be found on [the Copyright Agency website](#). For information about book publishers, contact the Australian Publishers Association ([publishers.asn.au](http://publishers.asn.au)).

If you meet our eligibility guidelines, Copyright Council lawyer may be able to give you free preliminary legal advice about an issue not addressed in an information sheet. This service is primarily for professional creators and arts organisations but is also available to staff of educational institutions and libraries. Information about this service may be found under the 'Legal Advice' tab on our website ([copyright.org.au](http://copyright.org.au)).

### **Reproducing this information sheet**

Our information sheets are regularly updated - please check our website to ensure you are accessing the most current version. Should you wish to use this information sheet for any purpose other than your reference, please contact us for assistance.

### **About Us**

The Australian Copyright Council is an independent, non-profit organisation. Founded in 1968, we represent the peak bodies for professional artists and content creators working in Australia's creative industries and Australia's major copyright collecting societies.

We are advocates for the contribution of creators to Australia's culture and economy; the importance of copyright for the common good. We work to promote understanding of copyright law and its application, lobby for appropriate law reform and foster collaboration between content creators and consumers.

We provide easily accessible and affordable practical, user-friendly information, legal advice, education and forums on Australian copyright law for content creators and consumers.



**Australian Government**



*The Australian Copyright Council has been assisted by the Australian Government through the Australia Council, its arts funding and advisory body.*

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