



## Crown Copyright Guidelines

The Attorney General is responsible for administration of Crown Copyright on behalf of the State of New South Wales. The Attorney General has delegated authority in relation to Crown Copyright dealings to the General Counsel, Department of Communities and Justice.

These Crown Copyright Guidelines are issued with the approval of the Attorney General to streamline the routine administration of Crown Copyright by the State of New South Wales.

### Policy context

The State of New South Wales has a range of policies in relation to management of copyright material, including:

- the New South Wales Open Data Policy;
- the Australian Governments Open Access and Licensing Framework (AusGOAL);
- the NSW Digital Government Strategy for the whole-of-government transformation to a digital public sector; and
- the *NSW Intellectual Property Management Framework for the NSW Public Sector version 2.0 2020* (“IP Framework”).

### Guidelines

In light of these policy developments, these Crown Copyright Guidelines clarify when approval must be sought from the Attorney General or the Attorney General’s delegate in respect of licensing and assignment of Crown Copyright material.

#### 1. Routine management by Crown Agency

Each Crown agency is responsible for managing its Crown Copyright in accordance with:

- its powers and functions; and
- applicable NSW government and departmental policies.

Agencies are encouraged to refer generally to the IP Framework, and to seek legal advice where appropriate.

## **2. Routine third party requests to be managed by Crown Agency**

Crown agencies are expected to manage routine third party requests for licensing of Crown Copyright material.

Requests may be referred to the project sponsor, an agency's branding or media unit, or to its legal advisors as appropriate. A Crown agency should publish information on its website as to where such third party requests should be directed.

Agencies are encouraged to apply an appropriate copyright notice on Crown Copyright material to be publically released. Agencies may refer to the IP Framework for best practice suggestions on licensing models.

## **3. When Crown Copyright requests should be referred to the Attorney General or Attorney General's delegate for approval**

The Attorney General or delegate's approval of a proposal to licence or assign Crown Copyright is required where:

- a Crown agency proposes to exclusively licence or assign the whole or a significant portion, of the Crown Copyright it manages; or
- an unsolicited third party request to exclusively licence or assign Crown Copyright material for commercial purposes is received.

When approval is requested, the delegate will seek the views of the Crown agency which manages the Crown Copyright material in determining whether to approve the licence or assignment.

## **4. Crown Copyright Guidelines remain subject to review**

These Crown Copyright Guidelines remain subject to review or update from time to time, and will apply until revoked or amended with the approval of the Attorney General.