

Copyright Information

The following information is from training materials produced by the Australian Copyright Council.

Miscellaneous Information

Educational institutions operate under five copyright licences paid for by the State and Territory education departments. The five licences are:

- **Copyright Agency Ltd (CAL)** which covers published works and digital works
- **Australasian Mechanical Copyright Owners Society (AMCOS)** which covers print music
- **Australasian Performing Rights Association (APRA)** which covers performance
- **Screenrights** which covers radio, television, satellite and cable broadcasts
- **Australian Record Industry Association (AMCOS/ARIA)** which covers sound recordings of music

1. There is a limited basis for how much an educational institution can be held liable for breaches of copyright made by its' students.
2. Provided that there are copyright notices visible from any technology used for reproduction, including computers, scanners, printers and photocopiers, the educational institution should not be liable for students who breach copyright. The fact that some students may not understand the language is not relevant.
3. Students are covered by the regulations of 'fair dealing', which allows reasonable copying of copyright materials for the purposes of research and study.

Text and Images for Educational Institutions

1. Under the CAL schemes, materials can be copied to:
 - Hand out in class
 - Prepare books of course readings, etc.
 - Add to the library collection, i.e. vertical files
 - Any reasonable education purpose
2. There is no limit to the amount of any literary work that a teacher can handwrite, including tracing of artwork, for the purpose of classroom use. This may not be reproduced in any way (unless copied by individual students) including photocopying, scanning or the use of electronic whiteboards.
3. Photocopying, scanning, hand copying and tape recording (for reproduction) are permitted under the CAL schemes; however translating and arranging are not.
4. Text and images may be reproduced and communicated, which may be in the form of:
 - Handing out in class
 - Distributing via the school book (not for profit)
 - Emailing
 - Posting to an intranet or secure website

5. There is no limit to the number of copies that can be made as long as they are for educational purposes.
6. There is a moral obligation to always acknowledge the creators of any copied materials.
7. If you are posting copied materials to an intranet or Internet site you must ensure that:
 - Only relevant people have access, i.e. students/school community
 - A specific notice accompanies the material
 - The institution does not, as a whole, exceed the limits for what can be used at any one time
8. Software cannot be copied at all.
9. For the purpose of examinations (any test that measures the progress of students over a period of time):
 - There is no limit to the amount of a literary work that can be included in the exam itself or used as part of an answer
 - This includes copying and adaptations i.e. translations
 - Parts of literary works must not be made public, e.g. It could be burnt to CD but could not be put on an intranet or on the Internet
 - Parts with literary works are also not to be photocopied for purposes other than the sitting of the exam, i.e. for revision the following year

Amounts that can be Reproduced and Communicated

Literary Works

- All of a literary work that is an anthology and is no more than 15 pages in length
- Anything that has not been separately published, or is unpublished
- Anything that is not available in any format, in a reasonable time and at an ordinary commercial price
- A 'reasonable portion', identified as 10% of the number of pages or 1 chapter

Electronic Literary Works

- One entire article may be copied
- Any articles on one topic from a periodical may be copied
- Anything that has not been separately published, or is unpublished
- Anything that is not available in electronic format, in a reasonable time and at an ordinary commercial price
- A 'reasonable portion', identified as 10% of the number of words or 1 chapter

Articles (Journals, Periodicals)

- One entire article may be copied
- Any articles on one topic from a journal/periodical may be copied

Music and Dramatic Literary Works

- Any portion that is reasonable under all educational circumstances can be copied from a book, a play or a piece of print music, for use with students in your class (usually 10% of the number of pages)
- All of a dramatic work that is in an anthology and is no more than 15 pages in length
- Anything that has not been separately published, or is unpublished
- Anything that is not available in any format, in a reasonable time and at an ordinary commercial price

- A 'reasonable portion', identified as 10% of the number of pages or 10% of the number of words if it is in an electronic format

Art Works

- All of a piece of art may be copied if it is being used to illustrate or explain, as long as it is not separately published or cannot be separately purchased
- Any image which is required to accompany a piece of text being appropriately copied
- Pictures in a picture book are subject to the same rules; however, the words may not be copied
- Digital images may be copied at any time, if they are kept in electronic format
- Digital images may be printed individually but must not be photocopied
- Anything that is not available in any format, in a reasonable time* and at an ordinary commercial price

Unpublished Material

- As much of an unpublished material as is reasonable and needed, for educational purposes, may be copied

Copying for Students with Disabilities

- Copying materials for a student with a print disability applies to literary works but not to music
- Copying materials for students with a print disability may include copying into Braille, large print, audio or electronic formats, as long as the works are not commercially available in that format already

(Note: Refer to the Copyright Australia website for more specific information on this topic)

*** 'Reasonable time' is generally considered to be 6 months for textbooks and 30 days for all other types of work.**

TV, Radio and Video (including DVD and ClickView) for Educational Institutions

Screenrights Material

1. Screenrights refers to any material recorded from TV or radio, also known as 'off-air', 'free-to-air' or broadcast. It also covers material that is streamed, as long as it is streamed simultaneously to a TV or radio broadcast.
2. Any screenrights material may be copied, without limit to quantity, at any time, by the institution that owns the material. Included in this is the ability to change format (e.g. Video to ClickView).
3. Anyone may tape screenrights material (for use in the classroom) and it does not have to be taped at the institution. However, materials may only be kept as 'preview copies' for 14 days, at which time they become the property of the educational institution and should be added to the collection.
4. Screenrights materials must not be lent outside of the educational institution that copied them. However, the educational institution that owns the copies may make a copy to give to another educational institution.

5. Screenrights videos/DVDs/ClickView recordings must be labelled with broadcast and copying details and reference to the Copyright Act.
6. Screenrights materials that are communicated (i.e. ClickView, emailed or put onto the Intranet) must be communicated with a copyright regulations warning label.
7. Screenrights materials must have the credits recorded on any copies. These should also be shown each time the material is viewed.

Non-Screenrights Material

1. Materials broadcast prior to 1990 are not screenrights and may not be copied or transferred into another format.
2. Non-screenrights refers to material including commercial videos, DVDs, CDs, Podcasts, materials archived online, materials recorded from TV or radio prior to 1990 and materials streamed by a non-broadcaster or not streamed simultaneously.
3. Non-screenrights materials can be shown to classes because it is not labelled as being 'in public'. If anyone other than staff and students are present i.e. parents, it becomes 'public' and should not be shown.
4. Non-screenrights materials must not be copied or communicated. This includes copying to a different format and emailing or putting on an Intranet or Internet, even if it is password protected.
5. Backups may be made of some material, including language tapes/CDs, but only if there is express permission from the copyright owners.
6. If one item from a set has been lost or irreparably damaged, and it is not singularly, commercially available, a copy of that item may be made.
7. Even if an item is no longer commercially available it still may not be copied.
8. Non-screenrights items may be lent and borrowed by other educational institutions.
9. Parts of non-screenrights materials may not be copied to make a compilation of materials (however, there may be some exceptions in the case of music compilations).
10. Non-screenrights materials on the Internet may only be copied with express permission from the copyright owner.
11. Pirated copies of materials may not, under any circumstances, be shown. This also applies to 'copies' purchased overseas.

Please refer to the relevant websites for more copyright information. If you need assistance with any copyright issues then please contact MESC library staff.