

Copy it Right!

Copyright and independent schools or colleges

Questions:

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What is copyright?

- Copyright provides a way for creators to receive fair payment for the use of their material.
- It provides copyright owners with certain rights over the use of their works such as copying (eg photocopying and scanning) and distribution such as on an internet or by email or fax.

What does it protect?

- Copyright protects a wide variety of creative and published material.
- A creative work is protected from the time it is first written down or recorded in some way, provided the material is original.
- Protection is free and automatic. Material does not need to carry a © copyright symbol or notice.

Myth 1

Educational institutions are automatically allowed to copy 10% of creative works.

Fact

- In fact, when an educational institution or teacher copies works without a licence or the permission of the copyright owner – it is an infringement of copyright.
- Copyright laws do however acknowledge that you need to use quality materials for teaching purposes.
- But to take advantage of the special copying provisions given to educational institutions, your organisation must be signed up to the statutory educational licence.

What about Fair Dealing?

- Under the *Copyright Act 1968* (the Act), there are exceptions to infringement that allow some uses of copyright material without permission, and free of charge. This includes:
 - **Fair dealing for the purpose of research or study**
 - allows a student or researcher to copy protected material.
 - Copying 10% or one chapter of a published literary, dramatic or musical work of 10 pages or more, and one article from a periodical, is deemed to be fair.
 - Educational institutions however are not eligible for these special provisions – to copy materials without the permission of the copyright owner, you require a statutory educational licence.

Myth 2

But material found on the internet is copyright free!

Fact

- Material on websites is in fact protected by copyright, as is material published in other formats such as DVDs and CDs.
- Some websites have licensing terms and conditions while others may stipulate their material is freely available.
- However, with the statutory educational licence schools and colleges are able to use website material.

What exactly is the Statutory Educational licence?

- Special provisions in the *Copyright Act 1968* enable educational institutions (teachers and administrators) to copy and distribute materials for educational purposes – as long as this is done under the Statutory Educational licence.
- This licence is administered by CAL.

So why do we need a licence?

- Every day your institution relies on the use of materials protected by copyright, such as:
 - Published works: textbooks, journal articles, reports, research papers and newspaper articles.
 - Images: photographs, illustrations, graphs and promotional images.
- If your educational institution copies from these materials, or any other creative works without seeking permission from the copyright owner – you must be covered by the Statutory Educational licence or you are infringing copyright.

How does the licence benefit us?

- The licence gives you the ability to legally copy (within specified limits).
- You don't have to seek permission from each individual creator.
- You no longer need to negotiate rights with the creator of each work you use. This saves you time and money.

What are we able to copy under the licence?

- The licence covers both hardcopy copying and copies made from an original electronic work.
- It enables your institution to do the following, provided it is for educational purposes :
 - Copy from any literary, dramatic, musical or artistic work
 - Give copies to students and staff
 - Copy on your own premises or at another location
 - Copy works without owning the original
 - Make as many copies as you need
- Copies made from a hardcopy document. This includes:
 - Paper to paper copies. For example: photocopying.
 - Paper to electronic copies. For example: scanning from paper or re-keying paper copies and storing them in a digital medium.
- Copies made from an original electronic work:
 - Copies that reproduce works in an electronic form. For example: digital to digital, and digital to paper.
 - Copies that communicate works in electronic form to staff and students. For example: posting copies on an intranet.

Myth 3

So the Statutory Educational licence gives us the ability to copy what we need, when we need it, without limits!

Fact

- Not quite. There are specified limits to how much you can copy under the licence, and all copying must be for educational purposes.
- If you wish to copy in excess of the limits of the Statutory Educational licence, then you will need to obtain permission directly from the copyright owner.

What are the copying limits?

- 10% of number of pages or one chapter if hardcopy original. 10% of words if electronic original.
- All of an item in an anthology, up to fifteen pages.

- One article from a journal or more than one article if the subject matter is the same.
- The whole of an artistic work if it illustrates or accompanies text or music copied, or if it can not be separately purchased.
- 10% of a musical work.
- The whole of a work if that work cannot be obtained within a reasonable time at an ordinary commercial price.

Special note

- When reproducing in **hardcopy** form:

Each *individual* teacher is able to copy 10% of number of pages or one chapter for a particular group of students.
- When reproducing in **electronic** form:

Each *institution* is able to electronically reproduce 10% of the number of words or one chapter. In this case, the 10% usage is on an institutional level, not an individual teacher level.

For example

- A Business Studies teacher copies Chapter 1 of an accounting text. An Accounting teacher down the hall copies Chapter 2 of the same text. This is within the licence.
- The same Business Studies teacher then decides to put Chapter 1 from the accounting text on the institution's website. This is also within the licence.
- However no one else at the institution is able to electronically communicate further material from this text while Chapter 1 remains on the intranet.

Do the copies have to be marked?

- Copies made from a hardcopy document:
 - To recognise a moral right of ownership, copies should be marked with the title of the work and the names of the author and publisher (where known).

Do the copies have to be marked?

- Copies made from an original electronic work:
 - These copies **must** contain the statement:

COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969

WARNING

This material has been reproduced and communicated to you by or on behalf of [insert name of institution] pursuant to Part VB of the *Copyright Act 1968* (the Act).

The material in this communication may be subject to copyright under the Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act. Do not remove this notice.

Are there any other restrictions?

- Copies made from an original electronic work:
 - Your institution must take all reasonable steps to ensure that each communication can only be received or accessed by persons entitled to receive or access it.

How does CAL fit into this?

CAL's role is to ensure easy access to creative material, while ensuring creators receive fair payment.

CAL manages the copyright protection of print materials and artistic works that are reproduced in texts.

CAL acts as a channel between those people who want to use copyright material and those people who own it.

Where does the money go?

- CAL is a not-for-profit organisation appointed by the Attorney-General to administer the statutory licences on behalf of copyright owners.
- When institutions pay a fee for the licence, CAL collects this fee and distributes it to the appropriate copyright owner of the copied works, less administrative costs.
- Approximately 85 cents out of every dollar CAL receives is made available for distribution to copyright owners.

- In this way, the CAL mission remains central: to ensure creators receive fair payment for the copying of their works.

How does CAL know what has been copied?

- CAL conducts surveys from time to time to monitor copying practices.
- Surveys help CAL to determine how much is being copied and which authors and publishers should be paid for the use of their material.

How do the surveys work?

- CAL annually surveys copying activities of a representative selection of institutions throughout Australia.
- CAL is able to capture a large snapshot of what is being copied by licensed institutions.
- Institutions are therefore relieved from the burden of full-time record keeping.

Will we participate in a survey?

- Yes, it's likely that you will, since one requirement of the licence is participation in a survey. Providing this information is essential, as it's used as the basis for distributing moneys to creators.
- Organisations will not be surveyed for any more than three months in any three year period.
- Training materials are provided.

How do I know if my educational institution has a licence?

- For comprehensive information on the Statutory Educational licence and your institution's involvement, contact CAL's Educational Licensing team:

Ph: (02) 9394 7600

Email: educationlicences@copyright.com.au

Website: www.copyright.com.au

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