

a quick guide to

Copyright

for curtin students

do's & don'ts

WHAT IS COPYRIGHT?

Copyright isn't just about copying – it covers a whole bundle of exclusive rights that copyright owners have in relation to their works. These include the rights to:

- reproduce the work (e.g., photocopy, print, download or scan it);
- publish it (e.g., distribute copies for sale);
- adapt or translate it;
- perform it in public;
- communicate it to the public (e.g., make it available online, send it by email).

Using a "substantial part" of a work in one of these ways without permission will usually infringe copyright.

Copyright owners also have "moral rights" – i.e., the right to be properly attributed as the creator, and to have the integrity of their work respected.

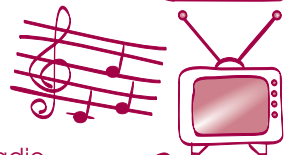
Copyright generally lasts for 70 years after the death of the author or the date of first publication/performance, whichever is the later.

Breaching someone else's copyright is a serious matter and can result in a lawsuit or disciplinary action.

WHAT'S PROTECTED?

Under Australian law and through international agreements, a wide variety of material is protected by copyright, including:

- literary works (e.g. text books, novels, poems, essays, journals, newspapers, computer programs);
- dramatic works (e.g. plays and screenplays);
- musical works (e.g. sheet-music);
- artistic works (e.g. paintings, sculptures, cartoons, photographs, illustrations, graphs);
- sound recordings; films; animation; television and radio broadcasts.



Material in all formats is covered: hardcopy, electronic, on the Internet, etc.

Copyright protection in Australia is automatic: material doesn't need to have a copyright symbol © on it to be covered.

WHO OWNS THE COPYRIGHT IN STUDENT WORK?

Students normally own the copyright in work they produce as part of their Curtin course. This means that if a Curtin staff member or another student wants to use some of your work (e.g., as a teaching resource) then they need to get your permission in writing first.

If you produce work in association with someone else, such as your thesis supervisor, or as part of a group project (e.g., a film production) then the copyright will normally be shared amongst all the participants.

SO WHAT ARE STUDENTS ALLOWED TO COPY?

Fortunately there are exceptions in the Copyright Act that allow students to copy limited amounts from some (though not all) kinds of copyright material, provided you do so only for non-commercial, educational purposes.

Here's a handy summary of what you ARE allowed to do.



You can do the following:

COPYING FOR PRIVATE, DOMESTIC USE

- ⊙ **RECORD** a television or radio broadcast to watch or listen to at a more convenient time (Time shifting).
- ⊙ **COPY** certain types of material that you own into a different format – e.g., scan a hardcopy book, magazine article or photograph into an electronic format (Format shifting).
- ⊙ **COPY** a sound recording that you own, such as a CD, solely for private and domestic use – e.g., rip a CD to an ipod.

COPYING FOR PERSONAL RESEARCH OR STUDY, CRITICISM OR REVIEW

- ⊙ **COPY** reasonable amount of material for purpose of research or study, criticism or review.

Allowed under **Fair Dealing** provisions – usually just a single copy, for your own use or for inclusion in an assignment.

Multiple copies might be permissible if your purpose is “criticism or review” -e.g., if you’re making a presentation which involves commenting on the work and you need to provide a copy to all the students in your tutorial group.

Limits apply:

Literary or dramatic works (includes academic texts): 10% of words/pages in book or one chapter (whichever is greater)*, one article in a periodical (more than one if required for same course of study or research project), 15 pages from an anthology.

*** You can COPY more than 10% or one chapter if book is out of print and not commercially available within a reasonable period.**



Artistic works (paintings, sculptures, cartoons, photographs, illustrations, etc): you can copy the whole work.

Audio-visual material (sound recordings, video clips, etc): reasonable portion (unspecified), use must be fair.

Material in a digital format, not covered by a licence or other “contractual agreement”: one chapter (if the work is in chapters) or 10% of number of words.

Broadcasts: you can copy all or part of a broadcast recorded directly off-air from radio or television (free to air, cable or satellite).

Podcasts: you can download a podcast made available online by a radio or television network.

Always acknowledge the source of any third-party copyright material used.

COPYING OR COMMUNICATING MATERIAL IN OTHER CIRCUMSTANCES

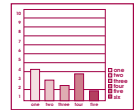
What about if you need to use other types of copyright material? Or if you want to COMMUNICATE material by including it in a publication, film or thesis that is to be made available outside Curtin?



You can do the following:

Short quotations or assorted images

- ⊙ **INCLUDE** brief quotations or one or two images (including graphs, diagrams, illustrations, etc.) from another publication, provided that you acknowledge the source.



Copying from Internet

- ⊙ **COPY** and **COMMUNICATE** material from Internet sites, provided this is allowed under any Conditions of Use or Agreement posted on the site.

If no conditions specified, normal limits apply as for “Fair Dealing” above (e.g., 10% of words or one chapter).

Where no explicit or implied permission is granted, you’ll need to obtain written permission from the organisation controlling the website.



Electronic products and resources

- ⊙ **COPY** and **COMMUNICATE** material obtained from an electronic resource or database (e.g., CD-ROM, DVD, e-journal, e-book, electronic database), but only if this is permitted under the terms and conditions of the contract or licence agreement under which the item was obtained. You may need to check with the Library what conditions apply. Make sure you abide by any conditions imposed.

If no permission is granted in the conditions of use/licence agreement, you’ll need to obtain written permission from the publisher or distributor.

Sound recordings / music

- ⊙ **PLAY** a commercially produced CD or cassette in class to fellow Curtin students as part of a presentation.



- ⊙ **PLAY or PERFORM music at an official University event** (such as a Graduation Ceremony or art exhibition opening) provided that no entry fee charged.
- ⊙ **MAKE AN AUDIO OR VIDEO RECORDING of music played at an official University event**, but only for your own use.
- ⊙ **INCLUDE EXCERPTS OF RECORDED MUSIC IN A FILM OR VIDEO WORK that is submitted for assessment at Curtin.** However, if you want to show the film/video outside Curtin (e.g., at a film festival or public screening) you'll need to get permission from the copyright owners of the music.

In all these instances you must only use recorded music that has been acquired legitimately – it's illegal to use music that has been obtained from a pirate CD/DVD, or from an illegitimate peer-to-peer Internet site.



Artworks

- ⊙ **COPY and COMMUNICATE a limited number of incidental images or diagrams from text books, where these illustrate or explain text that is also being copied.**

If you want to copy numerous images of artistic/graphic works from the same printed source, or artistic/graphic works not accompanied by printed text, you should seek permission from the publisher or copyright holder.

- ⊙ **COPY and COMMUNICATE assorted images or diagrams from electronic sources**, as long as this is permitted by conditions of use or licence/contractual agreement.

Copyright Lapsed

- ⊙ **COPY and COMMUNICATE any material where copyright has expired** (normally life of author/creator plus 70 years). No limits on amount that can be copied.



“Curtin-owned” material

- ⊙ **COPY and COMMUNICATE any material in which Curtin owns the copyright** (except Confidential papers, etc.).

No limits on amount that can be copied, but it's courteous to acknowledge the source.

Make sure that Curtin is actually the copyright owner – the copyright may be held by an individual academic staff member or may have been assigned to an external party (such as a publisher).

Copying with Permission

- ⊙ **COPY and COMMUNICATE any material in your publication or thesis with permission from copyright owner.**

Get permission in writing (an email is usually acceptable), comply with any conditions imposed, and keep a copy of the correspondence received in case any questions are raised later.

In your publication or thesis refer to the fact that permission has been granted to use the material in question.

COPYRIGHT DON'TS

Here's a list of actions that definitely AREN'T permitted.



You can't do the following:



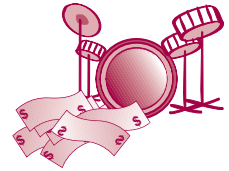
COPY or COMMUNICATE pre-recorded commercial CDs, videos or DVDs (except limited extracts only, for personal research/study or criticism/review, as permitted under "Fair Dealing")



COPY or COMMUNICATE material (e.g., from Internet or electronic journal/database) in violation of licence/contractual conditions or agreement



PLAY or PERFORM copyright music in commercial premises located within the University (including those run by the Guild); or at University events where an entry fee is charged (you'll need to obtain a separate licence for these uses)



COPY or COMMUNICATE material that hasn't been made available to the public (e.g., private letters, manuscripts, company reports and documents, questionnaires, etc.).

If you want to include such material in your publication or thesis you'll need to get written permission from the owner.



DOWNLOAD, COPY or SHARE any software outside the terms of the licence agreement.



DOWNLOAD, STORE or SHARE copyright-infringing material (such as music or movie files) via the Internet or email, using Curtin computer facilities



COPY, STORE or FORWARD any music made available in teaching materials supplied via a Curtin Intranet system (such as WebCT or Blackboard).



COPY or COMMUNICATE teaching materials for use by people who aren't students or staff at Curtin (or another Australian university).



ACKNOWLEDGING YOUR SOURCES

Always be sure to provide a full citation for any copyright material that you include in your thesis or publication. In the case of Internet material cite the relevant url.

Such acknowledgement is not only standard academic practice but is also a requirement under the "moral rights" provisions of the Copyright Act.



IS BREACHING COPYRIGHT THE SAME AS PLAGIARISM?

Plagiarism means presenting the work or property of another person as one's own, without appropriate acknowledgement or referencing. The University places the highest importance on the principles underpinning academic integrity and has taken a tough stance against plagiarism.

Copyright only applies to the material form in which ideas or imagination are expressed – i.e., in the text or work of art. Thus a student may be guilty of plagiarism even if he/she has not reproduced exactly the same words or images used in the source text. For example, plagiarism may occur where a student uses someone else's ideas or research data without due acknowledgment; or paraphrases sentences, paragraphs or themes from the original text too closely.

WHAT ABOUT COPYING BY STUDENTS BASED OVERSEAS?

Australian copyright law only applies when copying is done in Australia or materials are communicated via a computer server based in Australia. If you're doing a Curtin course in an overseas location then for any copying or communication that you wish to undertake yourself you'll need to comply with the copyright legislative requirements of the country in which you are based. Most countries, however, have provisions similar to the Australian "fair dealing" exception (see above) which permit limited copying for personal study and research.



NEED MORE INFORMATION?

USEFUL WEBSITES:

Detailed information on copyright

- <http://www.copyright.curtin.edu.au/>

Curtin's copyright procedures in full

- http://policies.curtin.edu.au/documents/copyright_procedures.doc

STAFF CONTACT:

Copyright & Compliance Officer

- Phone 9266-7494 or email copyright-office@exchange.curtin.edu.au



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