Copyright Dos & Don’ts

DEFINITIONS IN THIS BROCHURE:

**Copying** means reproducing material by any means (into digital or analogue form) – this could include making a photocopy or recording, scanning onto a computer disk, printing out a digital file, etc.

**Communicating** means electronically transmitting a work or other subject matter online – this could include putting the work onto a website, broadcasting or faxing it, emailing digital files containing the work, making it available via an online teaching system or i-lecture, etc.

COPY FOR PRIVATE, DOMESTIC USE

**YES you can:**

- 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., copy a CD onto an iPod

COPY FOR PERSONAL RESEARCH OR STUDY

**YES you can:**

- COPY a 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 (not for teaching)

**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 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: whole work

Audiovisual material (sound recordings, video clips, etc): reasonable portion (amount unspecified), use must be fair

**YES**

**COPY AND COMMUNICATE FOR TEACHING PURPOSES**

Must be for educational/non-commercial use, only for Curtin staff or students. Always acknowledge the source of any third-party copyright material used.

**Academic/Literary Works**

- COPY and COMMUNICATE an academic, dramatic or literary work from a hard copy source

Limits as for “Fair Dealing” above. (Part VB statutory licence)

You can distribute multiple copies to students in hard-copy or electronic form – e.g., a printed course reader.

Copyright material communicated in electronic form (e.g. in PowerPoint, CD) must be accompanied by electronic warning notice.

**Online communication of substantial amount of copyright material, such as a journal article or book extract, must be arranged through the Library Reading Lists service.**

- COPY material from an electronic source (e.g. e-book, e-journal, electronic database) in accordance with specified conditions of use or terms of licence agreement

**Broadcasts**

- COPY and COMMUNICATE material recorded from radio or television (free to air, cable or satellite) broadcasts (Part VA statutory licence)
  - No limits, but must attach label to analogue copies (videos)
Podcasts
- COPY and COMMUNICATE podcasts made available online by radio or television networks (allowed under Part VA statutory licence)

Sound recordings/Music
- COPY sound recordings for use in classroom instruction
- PLAY or PERFORM music at University events (provided no entry fee charged)
- PLAY commercially produced CD or other music recording in class to Curtin students
- COMMUNICATE sound recordings to Curtin students via Intranet or online teaching systems for educational purposes only (downloading by students prohibited)

Artworks
- COPY assorted images or diagrams from electronic source or website, as long as permitted by conditions of use or licence/contractual agreement
- COPY and COMMUNICATE assorted images or diagrams from text books, unless art work has been separately published and is commercially available
  - OK to copy whole artwork
  - Number of images/diagrams you’re allowed to copy isn’t specified – as a guide, don’t exceed 10% of pages

Images communicated to students online or in electronic form (e.g. Blackboard, PowerPoint) must be accompanied by electronic warning notice.

YouTube videos
- PLAY YouTube videos in class for Curtin students, as long as video is legitimate and doesn’t obviously contain copyright infringing material.
- PROVIDE A LINK to a YouTube video or embed a link in Blackboard or a PowerPoint presentation so that students can view the video for themselves.
Copying from internet
- COPY material (such as text, images, diagrams) 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)
  - Tip: To avoid possible copyright issues, provide students with URL so they can access the site themselves.

Using Open Access materials
- COPY or COMMUNICATE any material (text, images, music, etc.) made available under an “open access” licence such as Creative Commons. But need to observe terms and conditions, depending on type of licence (e.g., attribution, non-commercial use, no derivative works, share alike, etc.).

Commercial DVDs, videos, sound recordings
- PLAY or PERFORM commercially-produced DVDs, videos, or sound recordings in class for Curtin students. These materials can also be reticulated simultaneously (e.g., by means of a networked system) from a central source to multiple classrooms (including classrooms on a remote campus).
Insubstantial Portions

• COPY and COMMUNICATE insubstantial portions of an academic, literary or dramatic work
  - Limits: 1-2 pages, or 1% of words or pages (pages must be continuous)
  - Mustn’t reproduce whole work (e.g., brochure, newspaper article) even if less than 1-2 pages. (But you could exceed these limits if copying under Part VB licence – see above)
  - Doesn’t apply to artworks or musical works
  - 14 days must elapse before allowed to copy or communicate another portion of same work. Copying or communication of insubstantial portion must be carried out on the University’s premises.
USE COPYRIGHT MATERIAL FOR CERTAIN “SPECIAL” PURPOSES

New provisions under Section 200AB of the Copyright Act allow copyright material to be used for “special” purposes which benefit the broader Australian community.

Special purposes covered by the new exception are:
• By a library or archives – for maintaining or operating the library or archives or providing library services
• By an educational institution – for giving educational instruction, and
• By a person with a disability or someone else – for obtaining a copy of the material in a form which assists a person with a disability.

Under the Section 200AB provisions you are permitted to COPY or COMMUNICATE material provided:
- The circumstances of the use amount to a “special case”
- The use does not conflict with a normal exploitation of the material
- The use does not unreasonably prejudice the legitimate interests of the copyright owner; and
- The copying is not made for commercial advantage or profit.

There is no established case law to determine what kinds of uses might be permitted under this exception. However, examples of circumstances where s.200AB could apply are:
- Using a work without the copyright owner’s permission because the copyright owner could not be identified or contacted
- Converting a video cassette of teaching material into another format (such as DVD) because the material is no longer commercially available
- Creating a compilation teaching resource by copying short extracts of audio-visual material (eg. from a CD-ROM or DVD) for use in class, when it is not possible to buy a similar resource commercially.

These new provisions cannot be used when other special exceptions or statutory licences (e.g., Part VB or VA licences) are available.

When relying on Section 200AB provisions:
- Only use authorised materials (not pirated copies)
- Don’t break or circumvent digital locks (technological protection measures) to make copies
- Restrict distribution of teaching materials to Curtin staff and students.
COPY FOR EXTERNAL STUDENTS
- COPY materials for external or Distance Education students
  - This can be done outside the Part VB requirements, but normal copying limits apply.

COPY FOR VISUALLY-IMPAIRED STUDENTS
- MAKE MASTER COPY of whole of literary, dramatic or academic work for benefit of visually-impaired students
- MAKE INDIVIDUAL COPY of work for student with a print disability – provided that work is not commercially available in desired format.

COPY FOR OFFSHORE STUDENTS
- COPY materials for Curtin students doing courses offshore, provided the copying is done in Australia
  - Normal limits apply
- COMMUNICATE materials for Curtin students doing courses offshore, provided this communication is done from a server based in Australia

If copying is done overseas, or material is communicated via a server located overseas, you must comply with copyright requirements in overseas country.
COPYING AND COMMUNICATION OUTSIDE PROVISIONS OF STATUTORY LICENCES OR MUSIC LICENCE

In the following circumstances you may not need to rely on the special arrangements that Curtin enjoys under the Part VA or VB statutory licences, or the collective music licence.

YES you can:

COPYRIGHT LAPSED
- COPY any material where copyright has expired (normally life of author/creator plus 70 years)
  - No limits

“CURTIN-OWNED” MATERIAL
- COPY any material in which Curtin owns the copyright (except Confidential papers, etc.)
  - No limits

COPYING WITH PERMISSION
- COPY any material with permission of copyright owner
  - Get permission in writing, comply with any conditions imposed, keep permission correspondence

COPYING FOR EXAMINATIONS
- COPY extracts from literary, dramatic, musical or artistic works as part of exam question
  - If copies made available to students (as examples of past papers etc.), must comply with Part VB limits and conditions.
NO
you can’t:

COMMUNICATE extracts from books, journal articles, etc. online (unless an insubstantial portion)

Since limits apply across the whole University, this has to be arranged through the Library Reading Lists service.

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

COPY OR COMMUNICATE pre-recorded commercial videos or DVDs (except possibly under Section 200AB provisions - see above)

COPY OR COMMUNICATE student work, or work not made available to public (need to get permission)

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

COMMUNICATE any part of a copyright musical work via the Internet or email

COPY sheet music of a complete musical work

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

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) using Curtin computer facilities

COPY OR COMMUNICATE materials created by other people without acknowledging source.
NEED MORE INFORMATION?

USEFUL WEBSITES:
Detailed information on copyright

Curtin’s copyright procedures
http://policies.curtin.edu.au/findapolicy/index.cfm#C

Information on acceptable use of ICT facilities

STAFF CONTACT:
Copyright Compliance Officer
- Ext. 7494 or email a.bellenger@curtin.edu.au