

**Practical advice for enhancing  
your teaching and learning**

**Copyright**

**issues**

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**THE UNIVERSITY OF  
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# What is copyright?

Copyright is a set of legal rights that gives the owner control over what happens to their material. The underlying principle of copyright law is to grant authors and other creators rights over their work. This ensures they are rewarded for the time and effort required to put an idea into a material form.

University staff and students are required to comply with the provisions of the Copyright Act 1968 (Cth) (and amendments) and the Copyright Amendment (Digital Agenda) Act 2000.

Copyright for most literary, dramatic, musical and artistic works (except photographs) lasts for the life of the author plus 50 years. The duration for copyright for a published edition lasts for 25 years from publication.

Photographs, films, sound recordings, performances, broadcasts, works in which the government owns the copyright and works unpublished at the time of the author's death are subject to different periods of duration of copyright and further information should be sought as required.

Once the copyright in a work expires, it becomes "public domain" and can be copied without having to obtain permission.

# What rights are protected under copyright law?

- **Reproduction**  
Includes photocopying, digitally copying, hand copying, recording, filming, scanning into and printing from a computer.
- **Publication**  
Making the printed or electronic work available to the public.
- **Performance in public**  
Includes live or recorded performances. "Public" is defined as any non-domestic use.
- **Broadcast**  
Online, radio, television or cable transmission to a subscriber.
- **Adaptation**  
For a literary or dramatic work this could be a translation or novelised version, or the rearrangement of a musical work.
- **Communication**  
This is defined as "making available online" and "electronically transmitted". Work is made available online when it is uploaded and made available on a server. Work is electronically transmitted when it is sent as a file attachment or email to another person.

# Why can universities make copies of material for students?

The Copyright Act provides a Statutory Licence for educational institutions to make copies of copyright material for educational purposes.

The Copyright Agency Limited (CAL) is the society appointed by the Attorney-General to administer the Statutory Licence. All universities are able to make copies under the Statutory Licence because they pay for a CAL licence to do so. The CAL Licence allows copying within certain limits for educational purposes. Copying beyond those limits is not authorised.

The Digital Amendment (2000) to the Copyright Act (1968) now gives academic staff greater freedom to include electronic copies of print and graphic works for educational purposes. Academic staff are not required to seek the permission of copyright owners in order to make these works available online or to make digital copies within certain limits. However, works copied by digital means or made available online must be done in accordance with the procedures contained on the University Copyright website or available from the Copyright Officer (contact details for both are on the back page of this booklet).

# How much are you allowed to copy?

The CAL Licence allows print and digital copying for educational purposes within the following limits:

- **Books**  
10% or one chapter, whichever is the greater.
- **Journals**  
One article from an issue, more if they are on the same subject, for example, a special edition.
- **Electronic database documents**  
The summary from electronic databases may not be further copied. The original material stored on microfiche may be further copied.
- **Digital material (CD-ROMS or online sources)**  
10% of the total words in the work or, if it is divided into chapters, one chapter, whichever is the greater.
- **Student work**  
Only if you can present written permission of the student for its inclusion in your course.
- **Anthologies**  
Such a work or the whole of such a work may be reproduced only if the work is no more than 15 pages in the anthology. This includes published collections of conference proceedings.

- **Whole works (out of print)**  
The whole work may be reproduced providing the work can be shown to be unavailable within a reasonable time (6 months for set textbooks, 30 days for other works).
- **Unpublished works**  
Unpublished works, including unpublished conference papers, require the authors' written permission to reproduce.
- **Newspapers**  
One article from an issue, more if they are on the same subject, for example, a special edition. Advertisements and cartoons are excluded as they are considered to be complete works and require specific written approval (see below).
- **Artistic works**  
Maps, illustrations, drawings and pictures can be copied if they form part of the material to be copied and are not separately published.
- **Separately published photographs, illustrations, posters, maps, cartoons and other artistic works**  
These are not covered by the CAL Licence and cannot be copied without written permission.

# What notices do you need to insert when copying material for students?

## 1. The reproduction right for print copying

The following statement details the copyright provisions under which the creation and supply of print-based learning materials, such as course readers, is allowed. The University recommends that this notice should be inserted in the front of all hard copies of course materials.

All material reproduced herein has been copied in accordance with and pursuant to a statutory licence administered by Copyright Agency Limited (CAL), granted to the University of Western Australia pursuant to Part VB of the Copyright Act 1968 (Cth).

Copying of this material by students, except for fair dealing purposes under the Copyright Act, is prohibited. For the purposes of this fair dealing exception, students should be aware that the rule allowing copying, for fair dealing purposes, of 10% of the work, or one chapter/article, applies to the original work from which the excerpt in this course material was taken, and not to the course material itself.

## 2. The communication right for electronic copying

The following remuneration or electronic use notice details the copyright provisions under which the electronic copying and communication of online or electronic information in course materials is allowed. This notice must be prominently displayed on each licensed electronic copy or communication (i.e., made available online or electronically transmitted).

**COMMONWEALTH OF AUSTRALIA**

Copyright Regulations 1969

**WARNING**

This material has been reproduced and communicated to you by or on behalf of The University of Western Australia 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.

It is important that the above notice appears either before or at the same time as the material being communicated appears on the screen.

### 3. The communication right for audio-visual copying

The following notice details the copyright provisions under which the electronic copying or communication of audio-visual material is allowed. If you wish to make a copy of a broadcast available online, or to electronically transmit such a copy (e.g., by email) to students or another member of staff, you must ensure this notice appears either before or at the same time as the material being communicated appears on screen.

**COMMONWEALTH OF AUSTRALIA**

Copyright Regulations 1969

**WARNING**

This material has been reproduced and communicated to you by or on behalf of The University of Western Australia pursuant to Part VA 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.

Note: New procedures that take into account the digital amendments have yet to be finalized. Until further notice, you should continue to use the existing Copying Record Forms.

# FAQs regarding copyright

## **Where can I find out more detailed information?**

Contact the University Copyright Officer or check out the relevant web sites (see details on back page of this booklet).

## **What is the Copyright Registration Directory?**

This is the record on the University Copyright web site where staff members are required to document details of print or graphic work they intend to make available online.

## **Who has access to copyright works made available online?**

It is a requirement that the University takes "all reasonable steps" to ensure that the material electronically communicated in reliance on the Part VB licence can be received or accessed only by students or staff entitled to do so.

## **If a work is read in a lecture (e.g., a poem) and the lecture is audio-taped, is copyright infringed? If a transcript of the audio is then put on a unit web site, is copyright infringed?**

If the work is out of copyright (e.g., the author has been dead for 50 years), then there is no problem in copying in this way. However, if the work is still in copyright, technically copyright is infringed when the lecture is taped (or put online) because more than a reasonable portion is being copied.

## **For more information**

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For more complete information about the Copyright Act 1968 (Cth) and the Copyright Amendment (Digital Agenda) Act 2000:

contact the University Copyright Officer, Laurence Shepherd, ph 9380 1248

or visit the UWA web site at  
<http://www.admin.uwa.edu.au/legal/copyright/>

or see Australian Copyright Council Online Information Centre at  
<http://www.copyright.org.au/>

**Booklets in this series are available at**  
<http://www.catl.uwa.edu.au/resources/advice.html>