



COPYRIGHT AGENCY LIMITED®

Guidelines for schools, TAFEs and independent educational institutions

Updated July 2009



More information

Copyright Agency Limited
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Website: www.copyright.com.au

Copyright and education

By providing a statutory licence for educational institutions, the *Copyright Act 1968* (the Act) aims to balance the copying needs of educational institutions with the rights of authors and other creators. The statutory licence allows educational institutions to make copies of copyright works for educational purposes. A licence fee is collected by Copyright Agency Limited (CAL) on behalf of the authors and creators. Limits apply to the extent of copying.

There are two statutory licence schemes for copying and communication of works by educational institutions. These are the:

- **the Hardcopy licence**, applying to copies made from a hard copy document. This includes paper-to-paper copies and paper-to-electronic copies; and
- **the Electronic Reproduction and Communication licence**, which applies to reproduction in an electronic form (e.g. digital to digital) and communication of copies in a digital form (e.g. posting on an intranet).

Who is licensed?

Hardcopy licence – all government and Catholic schools and TAFE institutes throughout Australia are licensed. Many other independent schools and educational institutions are licensed, however you will need to check with your administrators to ensure that you are licensed.

Electronic Reproduction and Communication licence – all government, Catholic schools and TAFE institutes throughout Australia are licensed. This scheme commenced on 4 March 2001 and some independent schools and educational institutions have not yet indicated whether they wish to participate in this licence. You will need to check with your administrators to ensure that you are licensed.

Independent colleges and institutions are likely to be eligible for the licence.

What is CAL's role?

CAL has been appointed by the Federal Attorney-General to administer the licence. CAL's mission is to secure fair payment for authors and publishers and to provide users with a legal and practical copying system.

How much does a licence cost?

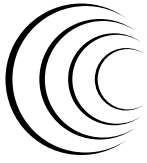
An annual fee per student is calculated in accordance with a formula and varies from year to year. The fee also varies according to the educational sector and the commercial status of the institution.

Who gets the licence fees?

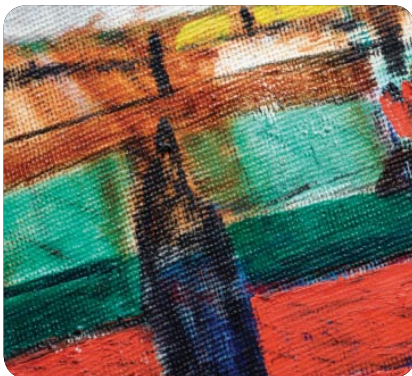
The licence fees are collected by CAL from the relevant school or TAFE authority. Surveys of copying practices are conducted to determine levels of copying and to identify the works being copied. CAL distributes payments annually to copyright owners based upon the survey results.

What do the licences cover?

The licences allow the copying and communication of works for educational purposes, within certain limits. Use beyond these limits is not authorised under the licences.



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From which publishers' and authors' works can we copy?

Any literary, dramatic, musical or artistic work. That is everyone, worldwide, within the copying rights.

Who can we give the copies to?

The purpose of the copying must be for the educational purposes of the educational institution. This would include students and staff. If you are unsure on this issue you should seek the advice of your administrative authority.

Can we copy at another location?

Yes. An institution may make copies on their own premises or have the copying undertaken at another location. The most important point is that the copying is undertaken for and on behalf of the educational institution, not where it is made.

Do we have to own the original work?

No.

How many copies can be made?

There is no limit to the number of copies you may make. However, the number of copies you make need to be for the educational purposes of the institution and within the copying rights.

Can we sell the copies?

Yes. However material cannot be sold for a financial profit.

Can we copy more for students with a disability?

In most cases, yes. Different copying rights apply to copying for a person with a print or intellectual disability. Please contact CAL for more information.

CAL's Surveys

A requirement of the licence is your participation, when selected, in a survey.

Each year, CAL surveys the copying activities of a representative selection of institutions throughout Australia. The licence fees collected by CAL, less operating costs, are distributed on the basis of the information gathered during the survey.

Surveys take regular snapshots of the copying practices of institutions around Australia. CAL can then obtain information that is sufficiently accurate to use as the basis for distributing moneys to creators. The survey is structured to take into account variations such as size, location and type of institution.

Institutions participating in a survey are required to provide CAL with sufficient information to determine the amount of copying and the identification of the works being copied.

The advantages of a survey

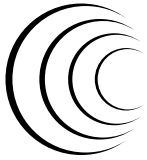
Most institutions find it administratively difficult to keep records of all copying all of the time. Under a survey system, institutions are relieved from the burden of full time record keeping. Institutions find it easier to provide complete and accurate records of copying if they are only required to do so for a short period of time.

Each year a sample of institutions are selected to participate. On average, a TAFE institute will participate no more than once in five years and a school once in eight years. The survey gives reasonably accurate data, without the administrative cost of keeping and processing records of all copying all of the time.

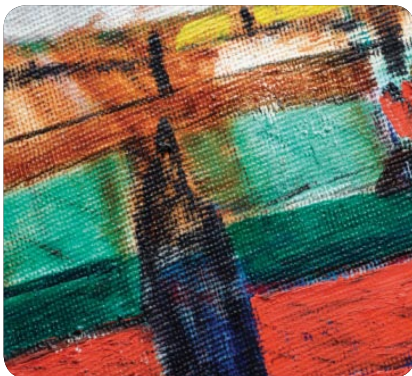
How does the survey work?

Staff at selected institutions are required to keep copying records for the duration of their institution's participation in the survey. Staff are trained before each survey. These training sessions explain the detail of the records to be kept during the survey period.

Survey field officers visit the institutions to assist in the conduct of the survey and a survey hotline number is also provided.



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How is the money distributed?

CAL distributes annually to those members whose works have been recorded as copied during the survey.

Do the copies have to be marked?

Hardcopy licence:

Currently there are no marking requirements if a survey system is being used. However, 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).

Electronic Reproduction and Communication licence:

Electronic copies and electronic communications must:

- a. contain the following 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.

and

- b. the 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.

The Electronic Reproduction and Communication licence

This licence deals with an original electronic work and allows educational institutions to reproduce and communicate it to their staff and students. Note that the work must already be in an electronic form.

If you intend to rely on this licence, you should contact CAL to see which system applies to you.

How much can be reproduced from electronic originals?

Literary and dramatic works:

- 10% of number of words;
- all, if not published or published on its own; and
- all, if not available within a reasonable period of time at an ordinary commercial price.

Periodical publications:

- One article or more if the same subject matter.

Musical works:

- 10%;
- all, if not published or published on its own; and
- all, if not available within a reasonable period of time.

Artistic works:

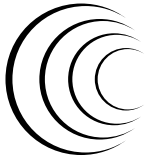
- all of an artistic work.

What will we be able to communicate?

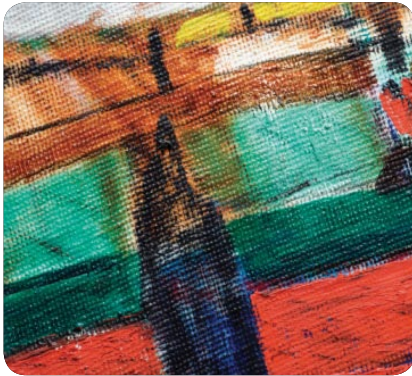
No more than the above limits from one work can be made available at any one time.

Typical methods of communication would include:

- emailing;
- making available on an inter/intranet site; or
- narrowcasting, i.e. video conferencing.



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The Hardcopy licence

Single or multiple copies of works may be made by or on behalf of an educational institution within the limits set out in Division 2, Part VB of the Copyright Act 1968 if:

- a. a remuneration notice is in force;
- b. the copying is for educational purposes; or
- c. the copies are not supplied to anyone for a profit.

Books and other separately published works

In respect of a literary, dramatic or musical work contained in a published edition of that work, being an edition of more than 10 pages in length, a reasonable portion may be copied which means the greater of:

- a. 10% of the number of pages in that edition; or
- b. one chapter of that edition.

This does not apply to the copying of an article in a periodical publication.

Periodical publications

- a. the whole or part of an article contained in any issue of a periodical publication; or
- b. the whole or part of two or more articles contained in any issue of a periodical publication if those articles relate to the same subject matter.

Anthologies

The whole or part of a literary or dramatic work in a published anthology of works if that work comprises not more than 15 pages of that anthology.

Artistic works

An artistic work may be copied in whole or part if:

- a. that artistic work accompanies a literary or dramatic work for the purpose of explaining or illustrating the literary or dramatic work copied (and the literary or dramatic work has been copied within these limits); or
- b. it is not separately published.

If an artistic work has been separately published, no more than a reasonable portion of that work can be copied unless a new copy of the artistic work cannot be obtained within a reasonable time at an ordinary commercial price.

Works not separately published

The whole or part of a literary, dramatic, musical or artistic work (other than an article in a periodical publication) which is not separately published.

Unavailable works

The whole or part of a literary, dramatic, musical or artistic work (other than an article in a periodical publication) if a new copy of that work cannot be obtained within a reasonable time at an ordinary commercial price.

Definitions

For the purpose of copying unavailable works (including artistic works) 'reasonable time' means six months in respect of course materials which are textbooks intended to be issued to or otherwise obtained by any student enrolled in any program of study and 30 days in respect of other works. In relation to text books an institution should contact CAL if it is unable to purchase the work within that 'reasonable time'.

Artistic works: maps, illustrations, drawings, pictures.

Dramatic works: plays, script.

Literary works: short stories, text, poem.

Anthologies: books of readings, collections of works.

Periodical publications: newspapers, magazines, journals.

Musical works: sheet music.