



COPYRIGHT AGENCY LIMITED®

Statutory licence for institutions assisting people with an intellectual disability

Updated March 2009



More information

Copyright Agency Limited
Level 15, 233 Castlereagh Street,
Sydney NSW 2000

Tel: 1800 066 844
Fax: +612 9394 7601

Email: info@copyright.com.au
Website: www.copyright.com.au

The nature of copyright

Copyright law in Australia is set out in the *Copyright Act 1968* (the Act).

Copyright is the exclusive right given to authors and makers of original material to do, and to authorise others to do, certain specified acts in relation to that original material.

The Act divides material into 'works' (literary, dramatic, artistic and musical) and 'other subject matter' (films, sound recordings, broadcasts and the published editions of works).

Infringement of copyright

Reproducing copyright material without the copyright owner's permission may be an infringement. Dealing with part of a work may also infringe copyright if that part is important to the work.

Copyright may also be infringed by authorising or facilitating the infringing act of another party, importing articles containing infringing copyright material, and by selling infringing articles.

The Act and institutions assisting people with an intellectual disability

The Act provides certain concessions to institutions assisting people with an intellectual disability. The Act permits, on certain conditions, the making of sound recordings, Braille versions, large-print versions, adaptations, photographic and electronic versions of copyright works without infringing the copyright owners' rights.

Copyright Agency Limited (CAL) is the collecting society approved by the Attorney-General to administer the statutory licence for institutions assisting people with an intellectual or print disability.

The statutory licence scheme — Part VB Division 4

For an institution to operate under the statutory licence, it must:

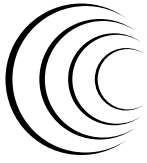
- give a remuneration notice to CAL;
- make copies solely for the purposes of assisting people with an intellectual disability;
- mark any copies made in the manner prescribed by the Act; and
- ensure that any record keeping requirements are met.

All universities, TAFEs and most schools are covered by the licence. If you are not an educational institution but you are an institution assisting persons with a disability, you need to apply for the licence.

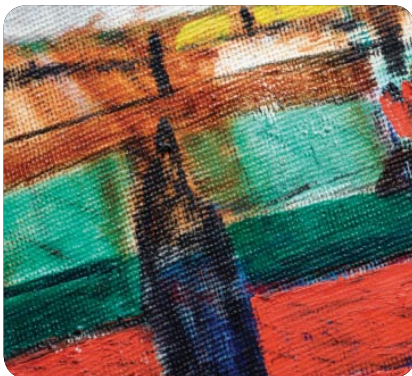
Who can copy?

An organisation may copy material for people with an intellectual disability if, as one of its primary functions, it provides material to people with an intellectual disability and has been declared by the Attorney-General to be an institution assisting people with an intellectual disability for the purposes of the Act.

A draft application letter to the Attorney-General can be located on CAL's website at www.copyright.com.au under the section *Institutions assisting people with disabilities*.



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Purpose for which copies may be made under the statutory licence

Multiple copies of copyright works may be made by or on behalf of institutions assisting people with an intellectual disability under Part VB Division 4 of the Act where each work is made solely for the purpose of assisting people with an intellectual disability.

Where a published literary, dramatic, musical work (or adaptation thereof) or a published artistic work or sound recording has been separately published, the provisions do not apply unless the person who made that version (or caused that version to be made) is satisfied, after reasonable investigation, that no new copy of the version of the work can be obtained within a reasonable time at an ordinary commercial price.

Remuneration notice

The remuneration notice is a document that must be sent to CAL in order for the institution to copy under the statutory licence. Its purpose is to specify that the institution agrees to pay fair remuneration for copying and the system of records to be kept under the licence.

Payment for copying

CAL, representing publishers and authors, does not charge a fee for copying under this licence.

Marking requirements

Hardcopy and analogue copies

Currently there are no marking requirements if a sample 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

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

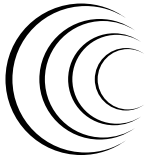
- b. the institution must take all reasonable steps to ensure that each communication can only be received or accessed by persons entitled to receive or access it.

Master copies

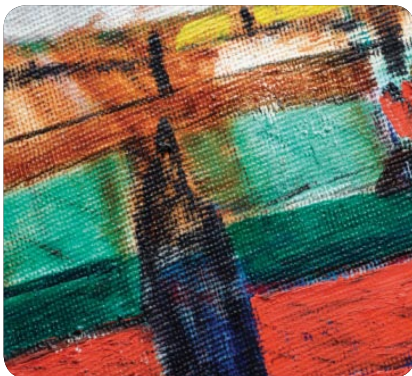
Additionally, a copy may be made as a master or template from which copies for specific individuals may be made if:

- a. the master is used solely for the purpose of making copies for institutions assisting persons with an intellectual disability; and
- b. the master has the relevant marking requirements; and
- c. for masters in hardcopy or analogue form it is destroyed not later than three months after the day on which it was made.

CAL also provides users with a searchable catalogue of master copies free of charge.



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Master marking requirements

Each master must be marked as follows:

Sound recordings

“This is a sound recording made on (day on which the recording was made) in reliance on section 135ZT of the *Copyright Act 1968* (the Act) that is to be destroyed, in accordance with that section, not later than three months after the day on which it was made.”

Hardcopy or analogue form

- a. the name of the institution for which the administering body made the master or caused it to be made;
- b. a reference to Section 135ZT of the Act; and
- c. the day on which the reproduction was made.

Electronic copy

It must contain the electronic use statement (see section on marking requirements).

Unauthorised use of licensed copies

If unauthorised use is made of licensed copies of works, the statutory licence does not apply, and shall be taken never to have applied, to the making of the copy.

Unauthorised use includes:

- a. selling or supplying copies for a financial profit;
- b. use for purposes other than for assistance to a person with an intellectual disability; and
- c. giving (or selling) copies to an institution that does not have a remuneration notice in force with CAL.

Breach of statutory licence

It is a breach of the statutory licence if copies are made and:

- a. a remuneration notice is not in force;
- b. a record of the copying has not been made; or
- c. the copies are not marked as required.

Who is CAL?

Copyright Agency Limited (CAL) is a not-for-profit company set up by Australian authors, journalists, visual artists, photographers and publishers to manage part of their copying and communication rights. CAL is owned by its members, membership is free and members give CAL a non-exclusive licence in respect of their works.

Code of Conduct

CAL is a signatory to the Code of Conduct for Copyright Collecting Societies (the Code). It is designed to ensure that the rights of all members and licensees are clearly stated, and that the operations of collecting societies are transparent and accessible.

The Code includes requirements for the Complaints Handling and Dispute Resolution procedures that collecting societies must follow. The Code and these procedures are available from CAL's website and on request.