



COPYRIGHT AGENCY LIMITED®

Statutory licence for institutions assisting people with a print disability

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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 a print disability

The Act provides certain concessions to institutions assisting people with a print disability. The Act permits, on certain conditions, the making of sound recordings, Braille versions, large-print versions, 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 3

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 a person with a print disability;
- mark any copies made in the manner prescribed by the Act; and
- ensure that 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 a print disability if, as one of its primary functions, it provides works to people with a print disability and, if it has been declared by the Attorney-General to be an institution assisting people with a print 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 alternate formats of published literary and dramatic works may be made by, or on behalf of, institutions assisting people with a print disability under Part VB Division 3 of the Act where each record or version is made for the sole purpose of assisting people with a print disability.

Where a sound recording, Braille version, large print version, photographic or electronic version of a work has been separately published, the provisions do not apply unless the person who wishes to make that version (or cause 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 currently charge a fee for copying under this licence.

CAL surveys

A requirement of the licence is your participation, when selected, in a sample survey. This means your organisation is required to keep detailed records of all copying of copyright material for a limited period. This saves your organisation from having to keep these detailed records all the time.

Though participation in a sample survey is a requirement of the statutory licence for the print disabled, CAL has not enforced this component of the licence. CAL and licensees have, however, developed the Masters' Catalogue. CAL requires that licensees report master copies made in reliance of the Print Disability Licence in the Masters' Catalogue within three months.

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

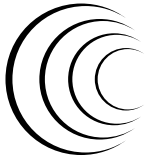
This material has been reproduced and communicated to you by or on behalf of [insert name of institution] pursuant to Part VB of the *Copyright Act 1968* (the Act).

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.

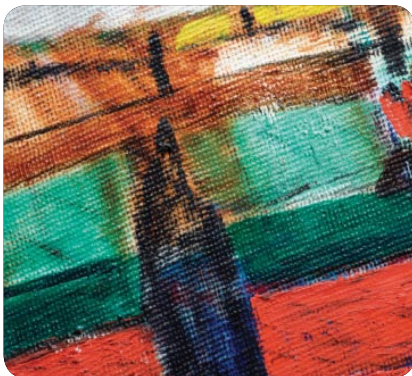
Do not remove this notice.

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.



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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 a print disability; and
- b. the institution has given to CAL a notice, within three months after making the master or communicating it, which specifies the name of the institution, the work and date made.

Mark the master with:

- a. the name of the institution for which the administering body made the reproduction or caused it to be made;
- b. a reference to Section 135ZQ of the Act;
- c. the day on which the reproduction was made; and
- d. if an electronic version, it must contain the electronic use statement (see section on marking requirements).

CAL provides users under this licence a searchable catalogue of master copies held by institutions free of charge. The information provided for this catalogue is with the approval of the institution making the master copy. Only institutions eligible for copying under the statutory licences for institutions assisting people with disabilities may register to use this catalogue. Contact CAL for more information.

Institutions should contact CAL for assistance and information on how to provide their records of master copies by sending an email to masters@copyright.com.au.

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 a print 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.