

AN 'INSUBSTANTIAL PORTION' OF A WORK TO COPY

The Copyright Act, under section s.135ZG, provides for educational institutions to copy and communicate an 'insubstantial portion' of a literary and dramatic work without infringing copyright in that work and without paying a royalty for that use. (Under the Act, 'literary' refers to most fictional and non-fictional written material, including tables, computer programmes, and instruction manuals; 'dramatic' indicates play scripts, film scripts, choreographic scores, and scenarios. This provision does not apply to music or artworks, unless the latter is incidental to a text being copied.)

There are a number of stringent requirements to this provision that must be taken into account when relying on it for copying and/or communication.

An 'insubstantial portion' is:

- not more than 2 pages or 1% of a work, whichever is greater;
- not more than 1% of the words in a work, if the work is in electronic form.

NB A whole work may never be copied under this provision: an item such as a pamphlet, a journal article, or a work in an anthology - even if it is only one or two pages long - may not be copied in its entirety under the provision.

Other terms of the provision which must be observed are:

- the copying must take place on the premises of the University;
- single or multiple copies may be made, but they must only be used in specific courses of instruction at the University (i.e. not for inclusion in the library, nor for research or study, nor for the use of another institution);
- at least 14 days must elapse before you may copy another part of the same work;
- any part of work made available electronically must be taken down before any subsequent part of the work is made available electronically;
- as well as the usual citations, a copy made under this provision should be marked with a reference to the section (s.135ZG) of the Copyright Act, and the date on which it was made;
- the limits imposed by this provision apply to individual units of study when making hardcopy reproductions of part of a work; but
- the limits on electronic copies apply across the institution: such copies must be held in ECMS/e-reserve [<http://wwwlib.murdoch.edu.au/ereserve/ecmsguide.html> or phone 9360.2745].