



COPYRIGHT OVERVIEW FOR STAFF

WHAT IS COPYRIGHT?

The Copyright Act gives creators of original 'works' the exclusive right to reproduce, publish, communicate, and adapt their material; and to control the way it is used by other people. These rights come into effect when a work takes material form; they do not apply to ideas or facts.

The Copyright Act provides statutory licences for the educational use of copyright protected materials: the Copyright Agency Limited (CAL) Licence covers 'reasonable portions' of print based works e.g. for use in course readers and in ECMS; the Screenrights Licence applies to audiovisual works, as used in Lectopia for instance; and the Tertiary Music Licence (TML) covers sound and music recordings used in Lectopia etc.

What are 'works'?

Works protected by the Act are defined as:

- literary - most fictional and non-fictional written material, including tables, computer programmes, and instruction manuals;
- dramatic - play scripts, film scripts, choreographic scores, and scenarios;
- musical - scores or other notations (lyrics are protected as literary works);
- artistic - paintings, sculptures, etc., technical drawings and models, photographs, diagrams, and buildings;
- cinematograph film - the visual images and sound track of a film, including those available on video, DVD, cd-rom, or a website;
- sound recordings - any analogue, digital, or electronic recording, including MPEG or MP3 files;
- published editions of works - the way in which an individual edition of a work is presented, including typesetting etc.

Exceptions

There are exceptions to the exclusive rights enjoyed by copyright owners. For instance, there is no copyright infringement in using material for the University's educational purposes when:

- the copyright is owned by the University;
- the material has been supplied to the University with a licence to copy;
- upon request, written authorisation is given by the copyright owner;

- the material is in the public domain, or available under a licence such as Creative Commons 2.5;
- the proposed copying and/or communication falls within provisions in the Copyright Act that allow 'insubstantial amounts' of copying without payment; or
- the copying is of 'third party unauthorised' material, and is covered by one of the statutory licences – CAL, Screenrights, or the TML.

THE STATUTORY LICENCES AND 'THIRD PARTY UNAUTHORISED' COPYRIGHT MATERIAL

The statutory licences cover the 'unauthorised' copying of copyright protected materials for the educational purposes of the University.

This means that you do not have to seek permission ('authorisation') from individual copyright owners when you want to use their material in a unit reader, for instance. Instead, the University pays substantial annual royalty fees to the agencies that manage the licences; the agencies regularly sample each University's use of 'unauthorised' materials, and disburse the royalties to the copyright owners.

The CAL Licence is administered by the Copyright Agency Limited, and covers the copying and communication of 'third party unauthorised' literary, dramatic, and artistic works, in both print and digital formats. Staff must ensure that any copyright material used under the CAL Licence:

- is provided only to students who are enrolled in an award based course at Murdoch University;
- falls within the '**reasonable portion**' limits set by the Act; e.g. 1 chapter or 10% of a book; or one article (under the licence, more articles may be copied only if they relate to the same subject matter as the first) from a journal issue; and
- is fully attributed

It is University policy that all *online* readings of 'third party unauthorised' materials must be managed through the **Electronic Course Materials Service** (ECMS).

LMS sites may host third-party materials only if:

- the copyright is owned by the University;
- the material has been supplied to the University with a licence to copy;
- the material is in the Public Domain;
- the copyright owner authorises use of their work – either by written permission (which must be noted on the item, with a copy kept for records) or through an appropriate licence such as **Creative Commons 2.5**.

Apart from the above instances, **all online 'unauthorised' copyright items must be delivered to students via ECMS.**

The ECMS delivery requirement includes PowerPoint presentations (except those delivered through Lectopia) incorporating copyright protected items such as photos,

maps, or graphs, or more than an 'insubstantial amount' of text (an 'insubstantial amount' is considered to be less than 1% of a work).

NB Links to items in databases etc. can be provided to students via their unit LMS site or the Library catalogue.

Teaching Materials for Students Offshore

The CAL licence only covers the reproduction of works when that activity takes place in Australia. Therefore book chapters, journal articles, etc. are to be delivered via ECMS to enrolled students studying overseas – the partner institution will provide access and facilities for the students to download these materials.

The Screenrights Licence covers the copying and communication of broadcast transmissions recorded off-air from television (including free-to-air, satellite, and cable) and radio (including podcasts of broadcast material).

Screenrights copies of films, documentaries, etc., may be played in lectures to be recorded in Lectopia for communication online to staff and students of the institution.

Screenrights copies can be made at home, or by AVS on request. Copies may also be obtained from Screenrights online resource, EnhanceTV, or from other university libraries.

The Screenrights licence does **not** cover the copying or communication of commercially purchased or hired videos/DVDs or sound recordings, which are protected by a number of copyright restrictions. This needs to be taken into consideration when preparing lectures that are to be recorded.

The Tertiary Music Licence (TML) allows the University to perform, copy, and communicate music and other sound recordings in which copyright belongs to members of the music societies APRA, ARIA, AMCOS, and PPCA.

The TML makes a number of provisions governing the use of these materials – e.g. Guild activities are not covered – but some of the purposes that may be licenced include:

- playing ©music directly from an original source in a lecture;
- providing students with ©music 'listening' via ECMS;
- dubbing ©music to disc and distributing copies to students;
- and making video recordings of University events that include ©music or sound recordings from the repertoire; etc.

NB the TML does not cover any music downloaded from the internet, even when it is acquired from a legitimate source.

FAIR DEALING

Anyone can copy a 'reasonable portion' of a copyright work for their own use when it is a:

fair dealing for the purpose of research or study

You may copy 10% or 1 chapter of the published edition of a book; or 1 article from any one issue of a journal (individuals may copy more than one article if all the articles are required for the same research or course of study) for study or research

or a:

fair dealing for the purpose of review or critique

Copyright work may be copied for inclusion in, for instance, a conference paper or journal article for the purpose of commenting critically on the material.

Any such use should cite the work and author (unless the author is anonymous or has agreed or directed that they not be named).

OUT OF PRINT WORKS

If a copyright protected work – whether required for teaching or for research – is out of print or otherwise unavailable, it may be possible to copy more than a reasonable portion. Please contact your subject librarian for more detail on obtaining out of print materials.

MAKING COPIES OF WORKS FOR STUDENTS WITH A PRINT DISABILITY

The Copyright Act allows educational institutions to copy and communicate whole literary and dramatic works in appropriate formats to assist people with a print disability, providing the required format is not commercially available.

Copies of unit readers and textbooks for students with a print disability

For information and assistance with copying unit materials please contact the Equity Office on 9360.6084 or at equity@murdoch.edu.au .

More detailed information for topics such as 'insubstantial amounts', copyright & Lectopia, copyright & LMS, copyright in respect of your own work, etc. can be found at

<http://www.murdoch.edu.au/copyright/infosheets.html>

For advice on copyright matters, please contact the Copyright Coordinator on 9360 7491 or at copyright@murdoch.edu.au