


## Some useful copyright info for Murdoch University undergraduates

**n.b. for students taking courses outside Australia:** you are subject to the copyright laws of the country in which you are studying – however, much of the legislation is similar to that of Australia, and you will still be expected to abide by the terms of the University’s own policies in respect of copyright, IP, and the use of electronic resources in general

<b>Copyright Overview</b>		
<b>question</b>	<b>response</b>	<b>is there anything else?</b>
What is copyright?	Copyright is the legal system intended to balance the requirements of both creators and users of intellectual works.	Under Australian law (and most international jurisdictions) a work is automatically protected by copyright as soon as it is created in material form.  'Material forms' include text, sound recording, email, film, photograph, digital formats, etc.  Even if you do not see the copyright symbol - © - you should assume that a work is protected by the copyright laws.
What does copyright mean for authors and other creators of works?	Creators have 'exclusive rights' that control the reproduction and use of their work so that they may be rewarded for their skill, time, and resources, and encouraged to create more works.	
What does copyright mean for people who need to use copyright protected works?	Copyright law makes certain 'exceptions' to those rights so that the public can use those works for teaching or research, for instance.	
What is a 'work'?	A 'work' is the tangible or material expression of an idea: fiction and non-fiction books, journal and newspaper articles, photographs, diagrams, plays, film scripts, musical scores, poems, computer programs, websites, etc. etc.	Films, television and radio programs, sound and music recordings, etc. are also protected by copyright.
What is a 'third-party work'?	Copyright protected works are often referred to as 'third-party copyright protected works' – as well as 'third party works' or 'third-party material' – as a reminder of their classification and the need to pay attention when using them.	
Who owns the copyright in a work?	Usually the creator of a work is the first copyright owner; copyright can be sold or given to other people.  Copyright in films and sound recordings is usually held by the producer; and copyright in radio and tv broadcasts is owned by the broadcaster.	If two or more people collaborate on a work, they have joint ownership in the copyright.  Employees do not usually own the copyright in work that they create as part of their employment.

<p>What are the 'exclusive rights' of a copyright owner?</p>	<ul style="list-style-type: none"> <li>. to reproduce or copy a work</li> <li>. to publish a work</li> <li>. to perform a work</li> <li>. to make an electronic communication of a work</li> <li>. to adapt a work</li> </ul>	<p>Performers also have rights under copyright legislation: the right to grant or refuse consent for the reproduction and communication of certain performances; co-ownership of copyright in some recordings; and the right to be attributed.</p>
<p>How long does copyright protection last?</p>	<p>Copyright in most published works lasts for 70 years from the death of the creator.</p> <p>The length of copyright protection is different for photographs, films, sound recordings, performances, and published editions.</p>	<p>When © expires the work enters the 'public domain' which means that anyone can do anything they like with it.</p> <p>Info-sheet: <a href="#">Duration of Copyright</a></p>
<p>What are the 'exceptions' to a copyright owner's exclusive rights?</p>	<p>The most relevant exception for undergraduate students is 'Fair Dealing for Research &amp; Study'.</p> <p>This provision allows you to copy a 'reasonable portion' of a work without having to ask permission from the copyright owner, or having to pay any royalty fee, if it is for your studies.</p> <p>You can also rely on Fair Dealing to use audio-visual works in your study and assessment, but these must not be put online, or submitted for competitions or festivals.</p>	<p>The <i>Copyright Act</i> also provides an exception for the licences that allow educational institutions to use copyright protected works for educational purposes without having to seek permission from individual copyright owners.</p> <p>Any readings supplied to you by the University are protected by copyright and/or licences – <i>they must not be copied and passed on to anyone else.</i></p> <p>Info-sheet: <a href="#">Fair Dealing</a></p>
<p>What is a 'reasonable portion'?</p>	<p>A reasonable portion of a book is 10% of the pages or 1 chapter; you can copy 1 article from any one issue of a journal or newspaper – you can copy 2 or more articles from the issue if they're all for the same research or course of study.</p> <p>You can copy a work of fewer than 15 pages from an anthology.</p> <p>It is also considered 'reasonable' to reproduce 'artistic works' (e.g. maps, diagrams, graphs, etc) that accompany and illustrate/explain a text being copied under Fair Dealing.</p>	<p>Info-sheet: <a href="#">A Reasonable Portion to Copy</a></p>

<p>Are there any exceptions to the 'reasonable portion' limits?</p>	<p>Yes, if copyright has expired in the book you can copy as much as you like.</p> <p>Yes, if the book is out of print – please contact the Library if you think this may be the case.</p> <p>Yes, if you need the book in a different format because you have a print disability – please contact the Library if this is the case.</p>	<p>Info-sheet: <a href="#">Duration of Copyright</a></p> <p>Info-sheet: <a href="#">Copying Out of Print Material</a></p> <p>Info-sheet: <a href="#">Copying for Students with a Print Disability</a></p>
<p>What about the internet?</p>	<p>The internet is not a copyright-free zone: check any copyright information or terms-of-use on the site.</p> <p>Many websites offer the option to download copies of articles etc – if you see a printer or PDF icon, for instance, this gives you implicit permission to do so for your personal use e.g. for study.</p> <p>It is against the law, and the University's code of practice if you use university equipment or network, to download infringing materials – unauthorised copies of films, music, and so on.</p> <p>These activities can be traced very easily and incur severe penalties – including the risk of exclusion from the University.</p>	<p>Info-sheet: <a href="#">Using Text &amp; Images from the Internet</a></p> <p><a href="#">University code of practice in the use of computing and network facilities</a></p>
<p>Is there anything that is not automatically protected by copyright?</p>	<p>Ideas, concepts, and facts are not protected by copyright.</p> <p>Names, single words, short phrases, and titles are not covered by copyright.</p>	<p>It is the particular expression of an idea that is protected e.g. as a song, a novel, or a diagram.</p> <p>The <i>Trade Marks</i> or <i>Trade Practices Acts</i> may apply to business names, etc.</p>
<p>"some rights reserved" versus "all rights reserved"</p>	<p><a href="#">Creative Commons</a> is a licensing system for creators (musicians, artists, authors, institutions) to cede some of their 'exclusive rights', allowing their works to be used more freely by the public.</p> <p>You can find CC licenced works through Google, Yahoo, etc. as well as the <a href="#">Creative Commons</a> site</p>	<p>to use a Creative Commons licenced work click on the link to see what activities are allowed</p> <p>e.g.</p>  <p>Except where otherwise <a href="#">noted</a>, content on this site is licensed under a <a href="#">Creative Commons Attribution 3.0 License</a></p>

<b>Study and Assessment</b>		
Can I photocopy from books?	<p>yes, you can copy a 'reasonable portion' of a book: 10% or 1 chapter, whichever is greater.</p> <p>You can also copy a work of fewer than 15 pages from an anthology (e.g. a book of poetry, or short plays)</p>	Info-sheet: <a href="#">A Reasonable Portion to Copy</a>
Can I ever copy more than a reasonable portion of a book?	<p>Yes, if copyright has expired in the book you can copy as much as you like.</p> <p>Yes, if the book is out of print – please contact the Library if you think this may be the case.</p> <p>Yes, if you need the book in a different format because you have a print disability – please contact the Library if this is the case.</p>	<p>Info-sheet: <a href="#">Duration of Copyright</a></p> <p>Info-sheet: <a href="#">Copying Out of Print Material</a></p> <p>Info-sheet: <a href="#">Copying for Students with a Print Disability</a></p>
Can I download or copy from e-books?	you should be able to copy at least a 'reasonable portion' of an e-book; their terms-of-use may allow more, so check each e-book for the specific amount permitted.	
Can I photocopy articles from newspapers and journals?	<p>You can copy one article from any one issue of a periodical.</p> <p>You can copy more articles from the issue if they are all required for the same research or course of study.</p>	Info-sheet: <a href="#">A Reasonable Portion to Copy</a>
Can I download copies of articles from LMS and/or ECMS, or from one of the databases in the Library's catalogue?	<p>If you have been given access to an article via your unit site or find it in ECMS, you can download a copy of it for your own study.</p> <p><u>Databases</u> The terms of use vary among the journals available via databases – generally it will be made clear if you have access to the full text of any particular article and can download it for your own study.</p>	

<p>What about all the stuff on the internet?</p>	<p>The internet is not a copyright-free zone.</p> <p>Unless otherwise stated on a website, you should assume that the contents, as well as the layout etc, of the site are protected by copyright.</p> <p>Despite this, many websites offer the option to download copies of articles etc for private, non-commercial use – &amp; if you see a printer or PDF icon, for instance, this gives you implicit permission to do so for your study.</p> <p>The reasonable portion allowance applies to websites: i.e. you can copy 10% of the words of a work, but it is often difficult to identify what actually constitutes an online work.</p>	<p>Check the terms-of-use or copyright statement before you make any assumption about whether and how much you can copy from a web-site.</p> <p>Info-sheet: <a href="#">Using Text &amp; Images from the Internet</a></p> <p>If you are still in doubt contact the <a href="#">Copyright Coordinator</a></p>
<p>Can I use images from a website in an assignment?</p>	<p>Unless a subscription or click-through agreement forbids it, you can use images from a website for your own research and study – including assessment.</p>	<p>Info-sheet: <a href="#">Copying Text &amp; Images from the Internet</a></p> <p>You can only use these images for assessment - do not upload them to your own website or any other.</p>
<p>Can I use third-party copyright protected material in a multimedia work that I'm creating as an assignment?</p>	<p>You can rely on Fair Dealing for Research or Study to use audio-visual works for study and assessment, but any work you create that includes third party material used under this exception must not be put online, or submitted for competitions or festivals.</p>	<p>Consider using original music, text, etc; or look for suitably licenced Creative Commons material; or seek permission to use third-party works.</p> <p>Please seek advice (from your course coordinator or the copyright coordinator) if you want to use copyright protected works for more than assessment.</p>
<p><b>Your Own Work</b></p>		
<p>Who owns copyright in my assignments?</p>	<p>You do.</p> <p>If you create works with other students or staff, copyright will be shared between all of you – except in certain situations, e.g. the copyright in some film productions may be owned by the university</p>	<p>It is a condition of enrolment that you grant the University a non-exclusive licence to use any work you create as a student: details of this licence are in the University's <a href="#">Intellectual Property Regulations</a></p>

<p>How do other people know that my work is protected by copyright?</p>	<p>As soon as you create a work it is protected by copyright. You can choose to mark your work with the copyright symbol and your name and date (e.g. © Peggy Brown, 2008) if you want to signal that you assert copyright in the work, but it isn't a necessary step in order for copyright protection to apply.</p>	<p>You may want to use a <b>Creative Commons</b> licence on your own work.</p>
<p>What are Moral Rights?</p>	<p>Moral Rights are held by the author of a work - they include:</p> <p>The Right of Attribution – the right to named as the author. Failure to correctly attribute a work is an infringement of the legislation.</p> <p>and</p> <p>The Right of Integrity – a work must not be treated in a derogatory way. It cannot be altered in any way that impugns the author's honour or reputation.</p>	<p>The creator of an original work retains their Moral Rights regardless of who owns the copyright (including their employer) – Moral Rights cannot be sold or transferred; under certain circumstances a creator can consent to waive their rights.</p> <p>Moral Rights have the same duration as copyright.</p> <p>Info-sheet: <b>Moral Rights</b></p>
<p>for even more information go to the <b>University's copyright website</b></p> <p>or contact the Copyright Coordinator  email: <a href="mailto:copyright@murdoch.edu.au">copyright@murdoch.edu.au</a>  phone: (08) 9360 7491</p>		