

## **COPYRIGHT PROCEDURE**

### **1. PURPOSE**

To ensure that the Institute complies with the requirements of relevant copyright legislation and that staff are aware of specific obligations in regard to copyright.

### **2. SCOPE**

This procedure applies to all staff and students of the Institute, and relates to all aspects of copying as defined in the Copyright Act (Cth), 1968, and relevant amendments including but not limited to the Copyright Amendment (Digital Agenda) Act 2000.

### **3. DEFINITIONS**

Examples of work protected by copyright legislation are as follows;

- written works
- artistic works
- musical works
- dramatic works
- computer programs
- films
- sound recordings
- broadcasts
- published editions

Part VA and VB of the Copyright Act allows for the copying of print, audio visual and electronic works for educational purposes within certain guidelines.

The Institute is covered for copying as defined in the Procedure, and by agreements with various copyright agencies as follows.

**Copyright Agency Limited (CAL)** licence allows for the copying of print and electronic material for educational purposes, within guidelines detailed in the [VTA Copyright Model Policy and Procedures \(Appendix 1\)](#).

**Australian Performing Rights Association (APRA)** licence covers live music performances, and playing of radios and televisions.

**Audio Visual Copyright Company (AVCC), trading as Screenrights**, Goulburn Ovens Institute of TAFE will cease to participate in a licensing agreement with this organisation, as at 1<sup>st</sup> November, 2008 and consequently no class is permitted to use taped copies of any broadcast copied after this date. Only purchased copies of television programs can be viewed in class or copies with direct permissions/licences from all copyright owners and registered with the Manager, Library Services.

#### 4. PROCEDURE AND RESPONSIBILITIES

***The Manager, Library Services is responsible for:***

- developing and implementing a procedure dealing with copyright
- investigating and confirming all options for licensing agreements
- conducting awareness sessions within the Institute for staff and students
- complying with the Copyright Act by ensuring copyright notices are affixed as appropriate for print and electronic copying
- establishing a register of Copyright Licences and Agreements
- assist staff with obtaining copyright permissions as required
- ensuring a listing of all copyright produced literature within the Institute, is archived and published on the Library catalogue
- ensuring outsourced Printing Request forms, include a statement on copyright compliance

***The Manager, Human Resources is responsible for:***

- ensuring employment contracts include a statement on each employee's obligations to follow Institute policies and procedures, and ensure Policies and Procedures Staff Acknowledgement Form (FOD-03) includes acknowledgement of Copyright Procedure and is signed by all staff

***The Institute Registrar is responsible for:***

- ensuring enrolment forms include a statement on each student's obligations to follow Institute policies and procedures

***The Manager, ICT is responsible for:***

- ensuring no copies of broadcast materials are kept on the network without permissions/licences in place

***Staff and Students are responsible for:***

- being familiar with Copyright Procedure, E9-P30 and attached VTA policy and guidelines
- being familiar and compliant with Copyright Legislation, Licensing and Agreements
- obtaining written approval from the copyright owner where required, for use not covered by our licences and agreements and sending a copy of any agreements to the Manager, Library Services
- ensuring Copyright owners are acknowledged where use is made of their work in Institute publications
- ensuring 'moral rights' compliance with acknowledgement of creators, where use is made of their work in Institute publications
- staff to foot note all pages of Institute material with © Goulburn Ovens Institute of TAFE [insert year]
- ensuring at induction that staff and students are made aware of their responsibilities

#### 5. BREACH OF COPYRIGHT PROCEDURE FOR STAFF AND STUDENTS

- 5.1 Any breach of this Copyright Procedure for Staff and Students could result in disciplinary action being taken against an individual Staff member or Student according to the Institute's Discipline Policy with potential outcomes ranging from official reprimand to summary dismissal.

6. DOCUMENTATION

- [Intellectual Property Procedure – B-P138](#)
- [Electronic Communications Procedure for Staff – CS27-P61](#)
- [Copyright permission request via email – FLIB-01](#)
- Copyright Act 1968, (Commonwealth), including amendments
- Copyright Amendment (Digital Agenda) Act 2000 (Cth)
- Australian Copyright Council (ACC) [www.copyright.org.au](http://www.copyright.org.au)
- [Appendix 1 – VTA Copyright Model Policy & Procedures \(attached\)](#)



## POLICY

**Purpose:** This document sets out the Goulburn Ovens Institute of TAFE (Institute) overall **Policy**, requirements and provides **Guidelines** and **Summaries** in respect of the use, management and copying and communication of copyright material.

**Scope:** This model policy and procedures relate to copying and communicating of educational materials and under the Educational Statutory Licence within the meaning of the Copyright Act (1968 as amended) available to Goulburn Ovens Institute of TAFE as a party to a current Remuneration Agreement with the Copyright Agency Limited (CAL Agreement)

**Audience of this policy:** All staff of Goulburn Ovens Institute of TAFE responsible for the development design, copying and communicating of educational materials whether as hard copies or electronically.

The **Policy** requirements relate to –

- Management and use of Institute's materials
- Permissions/licences
- Permissions Register
- Attribution
- Use of the Educational Statutory Licence

The **Guidelines** provide information in relation to –

- A. Copyright Overview
- B. Attribution requirements
- C. Copying and Communicating under the Educational Statutory Licence
- D. Non-Remunerable Copying Provisions
- E. Copying for Students with a Print Disability
- F. Copying for Students with an Intellectual Disability
- G. Electronic Use Notice

In addition, a number of **Summaries** are provided to enable quick reference.

It is important to note that if staff have any questions or are not sure about any matter in the Policy, Guidelines or Summaries, to contact the Institute's Copyright Officer Manager, Library Services, Goulburn Ovens Institute of TAFE, Fryers Street, Shepparton Vic 3630 (Ph 03 5833 2641)

The following are not contained in this document and reference should be made to other relevant Institute policies or guidelines –

- Educational Broadcast Statutory Licence (copying 'off-air') – GOTAFE does not have licence, thus not applicable.
- [Intellectual Property Procedure B-P138](#)

All staff are required to familiarise themselves with and adhere to this policy.  
Staff may only use and copy materials in accordance with this policy.



### Management & Use of Institute's Materials –

All copyright materials created by staff in the course of their employment must be properly and effectively identified in accord with the Attribution requirements (see Guidelines – Attribution).

Whenever such materials include any third party material they must be acknowledged in accordance with the Attribution requirements.

### Permissions/Licences –

There are many copyright owners who will grant permission without the need for any payment. This is particularly so for materials created by industry bodies, associations and government agencies and departments.

The Institute requires that, as matter of practice that the permission of the copyright owner is clearly acknowledged.

The Institute wishes to ensure that all materials, where permission exists, are sufficiently identified to ensure that the Institute does not pay for such copying under the Educational Statutory Licence.

In particular the Institute wishes staff to avail themselves of materials which are free to use (such as those marked with a cc licence) for educational purposes, particularly images, photographs and other artistic works.

Your designated copyright officer/contact will have resources which identify the sources of such materials.

Staff are required to use, wherever possible, such resources.

### Permissions/Licence Register –

The Institute maintains a register containing details of permissions and licences that have been obtained on behalf of the Institute.

Whenever the permission or licence of the copyright owner is obtained staff are required to ensure that the original or copy of the licence/permission is provided to the Manager, Library Services, Goulburn Ovens Institute of TAFE, Fryers Street, Shepparton Vic 3630.

### Attribution –

The Institute considers that as a matter of professional and sound educational practice, whenever any non-Institute copyright material is used, staff are required to ensure that there is effective attribution.

The attribution requirements for the Institute's materials and all other copyright material, including other Institutes materials, are set out in the Guidelines – Attribution.



### Agreement with Copyright Agency Limited (CAL) –

From time to time the Victorian TAFE Association (VTA) on behalf of the 14 stand alone TAFE Institutes and CAL negotiate and enter into an agreement in respect of the Institutes' obligations arising from their election to copy under Part VB, Copyright Act 1968 (Educational Statutory Licence).

The agreement may contain confidentiality provisions so accordingly it cannot be copied or provided to anybody without the written approval of VTA.

The key provisions of the Agreement are –

1. Parties – 14 Victorian TAFE Institutes including Goulburn Ovens Institute of TAFE;
2. Term – specifies the period the agreement is valid for;
3. Remuneration – a fixed amount for the Term subject to CPI;
4. Monitoring Systems – implementation of mutually agreed Hardcopy Monitoring System and Electronic Use System;
5. Timing of Payment – Annual in January each year with payment representing 6 months in arrears and six months in advance (ie current financial year);
6. Attribution – Institutes to implement, in co-operation with CAL, an awareness program for staff to attribute materials;
7. The Victorian TAFE Monitoring System Design Report Version 6 dated 25<sup>th</sup> July 2008 forms part of the Agreement;
8. The Victorian TAFE Monitoring System Processing Protocol forms part of the Agreement.

### Use of the Educational Statutory Licence –

The Copyright Act provides that educational institutions may copy, without the need to obtain permission of the copyright owner, certain amounts of literary, dramatic, artistic and musical works for educational purposes.

The Institute has put in place all the procedural requirements to enable staff to copy under the statutory licence.

Staff should be cognisant that copying under the statutory licence requires payment of licence fees to CAL.

This licence fee is a considerable cost to the Institute.

Any copying under the statutory licence must be within the limits and meet the requirements of the statutory licence.

The Institute requires that as matter of practice that the permission of the copyright owner is sought before use and any permission is clearly acknowledged.

Details of the statutory licence copying limits are contained in the Guidelines.



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## GUIDELINES

**Purpose:** These Guidelines provide information about copyright to assist staff. If staff are not sure about any aspect of these Guidelines, they may contact the Institute's Copyright Officer, Manager, Library Services, Goulburn Ovens Institute of TAFE, Fryers Street, Shepparton Vic 3630.

**Scope:** This model policy and procedures relate to copying and communicating of educational materials and under the Educational Statutory Licence within the meaning of the Copyright Act (1968 as amended) available to (insert name of TAFE Institute) as a party to a current Remuneration Agreement with the Copyright Agency Limited (CAL Agreement).

**Audience of this policy:** All staff of (insert name of Institute) responsible for the development design, copying and communicating of educational materials whether as hard copies or electronically.

These Guidelines provide information in relation to the following –

- A. Copyright Overview
- B. Attribution requirements
- C. Copying and Communicating under the Educational Statutory Licence
- D. Non-remunerable Copying provisions
- E. Copying for Students with an Print Disability
- F. Copying for Students with an Intellectual Disability
- G. Electronic Use Notice



## **GUIDELINES**

### **Copyright Overview**

The following is an overview and not a comprehensive coverage of copyright matters.

It is provided to staff as a source of information.

#### **Copyright – What is it?**

Copyright is an intangible form of property within an area of law known as Intellectual Property. This area of law includes patents, trade marks, designs, confidential information and passing off.

In essence, Intellectual Property is a generic term given to a number of legal rights which are original in creation and have been expressed in a material form (such as in writing) by the creator.

It is by virtue of the Copyright Act 1968 that copyright exists. This Act is a Commonwealth law applying to the whole of Australia.

#### **Copyright – What does it cover?**

The Copyright Act 1968 protects materials in two broad categories – Works and Subject Matter.

Works are original literary, artistic, dramatic and musical works.

Literary works include novels, poetry, song lyrics, articles, databases, computer programs.

Artistic works include paintings, sculptures, photographs, plans, maps, drawings, engravings, cartoons and models of buildings.

Musical works include musical scores for opera, orchestral, band and music for songs and jingles be it sheet music or broadsheets.

Dramatic works include plays, radio, television or film scripts and other works intended to be performed (i.e. mime, dance).

For a work to attract copyright protection it must be original — for it to be original it needs to be the result of an author's own intellectual effort, skill and labour and not copied from another's work.

The idea itself is not protected — it is the written version that copyright protects.

Subject Matter are sound recordings (including CDs, audio tapes, cassettes), films (i.e. documentaries, feature films, animated films), broadcasts (i.e. television and radio programs) and published editions of works (what is protected is the typographical arrangement).





## **Copyright – Exclusive Rights**

The Copyright Act 1968, grants to the creator, a number of exclusive rights.

Some of these exclusive rights include the right to reproduce, communicate, publish, broadcast and perform the work.

These are economic and legal rights for the creator or copyright owner to exploit and protect.

## **Copyright – Protection**

The Copyright Act 1968 protects creators' intellectual endeavours by giving them certain exclusive rights.

Generally, anyone engaging in these exclusive rights, without the copyright owner's permission or a legal right to do so infringes the copyright.

The Copyright Act 1968 gives the copyright owner certain legal rights to damages (monetary compensation) and injunctions (right to stop illegal activity).

There are also criminal provisions for certain acts e.g. piracy.

The period of protection for most works (as from 1 January 2005) increased from 50 to 70 years from the death of the author.

## **Copyright – Moral Rights**

In addition to the exclusive rights, there is also the concept of moral rights.

Moral rights have been included as part of the Copyright Act 1968 (effective from December 2000).

The Copyright Act 1968 grants a number of moral rights which are separate to the copyright.

These moral rights are:-

- right of attribution of authorship
- right against false attribution
- right of integrity of authorship

Moral rights cannot be assigned and the rights remain with the author.



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## Copyright – Exceptions

In creating the exclusive rights and legal recourse to protect those rights, the Copyright Act 1968 also created exceptions to the owner's exclusive rights.

These exceptions include fair dealing, library copying, copying by educational institutions and copying to assist persons with a print or intellectual disability.

Fair dealing permits the use of works and is not an infringement of the copyright if done for the purpose of research or study, criticism, or review, reporting news or the giving of professional legal advice.

The Educational Statutory Licence permits educational institutions to copy and communicate works within certain limits.

Library copying permits certain copying by libraries for library users and for other libraries.



## GUIDELINES Attribution

The following are the requirements for attributing the Institute's materials and any use of any third party materials.

### Attribution – Institute's Materials

1. On the verso/imprint page –

“[insert title of resource and other identifying details such as course, module etc]

© Goulburn Ovens Institute of TAFE, [insert year] – (this is mandatory)  
[insert name of Centre/Department/School] (this may be added if required)

All requests and enquiries regarding use and availability should be directed to:  
Manager, Library Services  
Goulburn Ovens Institute of TAFE  
152-200 Fryers Street  
Shepparton Vic 3630

Phone 03 5833 2641

Goulburn Ovens Institute of TAFE wishes to acknowledge the contribution from the following persons in the development of this [insert appropriate descriptor e.g. resource/book/course material].

[insert name of staff – alphabetically, by surname is safest and position/title]”

2. On the footer of each page –

© Goulburn Ovens Institute of TAFE, [insert year]

### Attribution – All Other Materials

For all other copyright material, including other Institutes' materials, the following information must be included –

- title of publication;
- name of author (where available);
- name of publisher; and
- actual page(s) copied.



## **GUIDELINES**

### **Copying & Communicating**

### **under the Educational Statutory Licence**

These Guidelines provide information about copyright to assist staff.

If staff are not sure about any aspect of these Guidelines they may contact the Institute's Copyright Officer, Manager, Library Services, Goulburn Ovens Institute of TAFE, Fryers Street, Shepparton, Vic 3630 (Phone 03 5833 2641)

#### **Statutory Licence – What is it?**

The Statutory Educational Licence is contained in Part VB, Copyright Act.

This Licence permits, within specific limits, educational institutions to copy and communicate works (literary, dramatic, musical and artistic works) for educational purposes. Refer page 10 following.

There are two copying schemes under this licence –

1. Hardcopy Scheme – which includes photocopying and scanning, and
2. Electronic Use Scheme – which applies to works already in electronic (i.e. digital) form.

#### **Statutory Licence – Requirements**

Each educational institution wishing to rely on the licence to copy or communicate is required to issue remuneration notices for either or both the Hardcopy Scheme and the Electronic Use Scheme ([name of Institute] has issued the required remuneration notice).

All copying under the Licence must be –

- solely for educational purposes (i.e. made or used for course of instruction, retained in Library as part of its collection);
- within the copying limits;
- not sold or otherwise supplied for financial profit.



## Statutory Licence – Hardcopy Scheme

The licence imposes limits on how much of any work may be copied –

(a) periodicals (i.e. journal, newspapers, magazines) –

- one article,
- two or more articles, if the subject matter is related;
  - this can be one article from each edition of a periodical, journal, newspaper;
  - ‘subject matter related’ is about whether the articles themselves are on the same subject (i.e. 2 articles in National Geographic on Antarctica).

(b) books or similar publication –

- up to 10% or 1 chapter;
  - this may be up to 10% of the total pages or 1 chapter (even if the chapter is greater than 10%).

(c) anthologies –

- a literary or dramatic work up to 15 pages published in an anthology;
  - this means that the whole of a work (e.g. short story, poem, essay) that is up to 15 pages in length.

(d) artistic works –

- whole work which accompanies or explains text;
  - this means that copying of text which includes artistic works is permitted
- whole work if it is not separately published;

(e) whole works (not including articles in periodical publications) –

- where the work is not separately published, and
- where the work is not available for purchase within a reasonable time.



## Statutory Licence – Electronic Use Scheme

This Scheme applies to works which are already in electronic (i.e. digital) form. The EUS applies where a literary, dramatic, musical or artistic work is in electronic form and is either reproduced or communicated for educational purpose, including:

- copying works from electronic form (such as from a CD-ROM or a website);
- making electronic or digital copies of hardcopy of a work (for example, saving to disk, scanning parts of a textbook, scanning an artwork with accompanying text);
- communicating text by electronic means (via email, intranet or a secure website [*caching*]).

*Copy/Reproduction* includes scanning and photocopying.

*Communication* includes posting a work on an intranet site (such as an Institute's learning management system), sending by email or fax or providing access over a network.

Within certain limits, works can be reproduced or communicated

## Electronic Use – Requirements/Limitations

The Statutory Licence imposes limits on how much of any work may be reproduced or communicated –

(a) periodicals (i.e. journal, newspapers, magazines) –

- one article,
  - this can be one article from each edition of a periodical, journal, newspaper;
- two or more articles, if the subject matter is related;
  - 'subject matter related' is whether the articles themselves are on the same subject (i.e. 2 articles in National Geographic on Antarctica) and not the categorisation of the articles (i.e. they are all on history or they are all fiction).

(b) books or similar publications –

- up to 10% of the words or 1 chapter;
  - this may be up to 10% of the total words or 1 chapter (even if the chapter is greater than 10%).

(c) anthologies –

- a literary or dramatic work up to 15 pages published in an anthology;
  - this means that the whole of a work (e.g. short story, poem, essay) that is up to 15 pages in length.



(d) artistic works –

- whole work.

There are a number of requirements and limitations that must be complied with. These are –

- whenever any work is to be made available online, no other part of the same work may be made available at the same time;
- steps must be taken to limit receipt of or access to the work to staff and students of the Institute;
  - materials available online must not be available for the general public;
  - materials may only be sent by email to staff or students of the Institute.
- whenever any work is to be made available online or sent by email, the Electronic Use NOTICE must be attached –
  - in relation to the Institute's online system each Goulburn Ovens Institute of TAFE staff member who contributes content will ensure the Notice is in place;
  - whenever any copied work is to be sent by email the Notice must be attached to that work;
  - the notice must be viewed before any copyright material is reproduced and communicated under the Statutory Licence.
- where any work remains available for 12 months then it is deemed to be another copy (regardless whether it has been accessed, copied or otherwise) -
  - the Institute (has/will) put in place procedures to ensure that all materials on the Institute's student portal/intranet are reviewed within the 12 month anniversary date.



## GUIDELINES

### Non-Remunerable Copying Provisions

The Copyright Act provides for a number of situations in which copying of works does not require the permission of the owner and does not attract any payment.

These may be summarised as follows.

#### Copying of an 'Insubstantial' Part –

Educational institutions are permitted to make copies of insubstantial parts of literary and dramatic works in certain circumstances.

##### Hardcopy –

- copying must be carried out on premises of Institute;
- 1 or 2 pages;
- more than 2 pages only if the book is greater than 200 pages and nonetheless does not exceed 1% of the total pages;
- 14 days must elapse before copying any other part;
- does not apply to whole, artistic, musical or work.

##### Electronic –

- communication must be carried out on premises of Institute;
- 1% of the total number of words;
- 14 days must elapse before communicating any other part;
- any part made available online must be taken down before any other part is made available online

#### Copying for Examinations –

Educational institutions are permitted to make copies of literary, dramatic, artistic and musical works –

- as part of a question to be answered in an examination; or
- in an answer to a question.

This does not apply to any Communication (i.e. to make available online, email).





## **Fair Dealing Copying –**

The fair dealing provisions allow some copying of works for certain purposes.

The most relevant fair dealing provision is copying for the purpose of research or study.

Individuals (staff and students) are permitted to copy a single copy for purposes of research or study or up to 10% or 1 chapter of works.

It may be possible to copy more than 10% or 1 chapter but the requirements are complex and the Institute does not wish to have staff making such complex judgments.

## **Copying of Published Editions –**

Educational Institutions are permitted to make copies of the whole of a published edition of a work.

A published edition work is one in which the original copyright has expired.

Published edition copyright protects the typeset and not the original work.

An example is the works of Shakespeare – the original copyright has expired so any book of his plays may be copied (but not any editorial or commentary – whether this may be copied refer to Guidelines – Educational Statutory Licence).

## **Linking to Electronic Resources –**

From time to time staff will wish to use materials which appear on websites.

One effective way to do this is to create links to those materials instead of copying them. This applies to text, graphics and audio-visual material on the web.

Linking conveys the exact message as intended by the original creator, and in context.

Suggested procedure for linking –

1. When any link is created, check that the linking technology does not result in any copying or communication of the linked material. In practical terms, set up the link in a way which only brings up the material when you actually enter the linked site.
2. Ensure the statement below appears on the links page(s).
3. To professionally acknowledge and respect any intellectual property on the linked website place the statement below on your links page(s).

“PLEASE NOTE that by clicking on a link you will be directed to third party’s site –

- you should respect the intellectual property on that site;
- you will be leaving the (name of Institute) website and that the Institute does not endorse a linked site or guarantee the accuracy or currency of any information contained on a linked site.”



## GUIDELINES

### Copying for Students with a Print Disability

These Guidelines provide information about copyright to assist staff.

If staff are not sure about any aspect of these Guidelines, they may contact the Institute's Copyright Officer, Manager, Library Services, Goulburn Ovens Institute of TAFE, Fryers Street, Shepparton, Vic 3630 (Ph 03 5833 2641).

Educational institutions may copy or communicate a literary or dramatic work for the purpose of helping a person with a print disability.

#### **Print Disability –**

A person with a print disability is a person –

- without sight or whose sight is severely impaired;
- unable to hold or manipulate books;
- unable to focus or move his or her eyes; or
- with a perceptual disability.

#### **Copying Purpose –**

All copies made of alternate formats of literary and dramatic works must be for the sole purpose of assisting students with a print disability.

#### **What can be copied?**

Educational institutions may –

- make a sound recording of a literary or dramatic work. This includes recording the work onto paper, tape, disk or any other device that records sounds;
- make or communicate a Braille version of a literary or dramatic work where no new Braille version is available within a reasonable time at an ordinary commercial price;
- make and communicate a large print version of a literary or dramatic work where no new large print version is available;
- make a photographic version of a literary or dramatic work where no new photographic version is available.

#### **Marking requirements – Hardcopy**

Currently there are no marking requirements required of the Institute.



### Marking requirements – Electronic

Electronic copies and electronic communications must –

- contain the Electronic Use Notice (see Guidelines – Electronic Use Notice); AND
- all reasonable steps be taken to limit receipt or access to those persons entitled to receive or access it.

### Master copies –

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

- the master is used solely for the purpose of making copies for institutions assisting persons with a print disability; and
- 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.

The Master copy must be marked with –

- the name of the Institute;
- the words “Section 135ZQ, Copyright Act 1968”;
- date on which the copy was made; and
- if an electronic version, it must contain the Notice (see Guidelines - Electronic Use Notice).

### Role of CAL –

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, which is located at <http://masters.copyright.com.au>.

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](mailto:masters@copyright.com.au).

### More Information –

The Australian Copyright Council has produced – Print Disability Copyright Guidelines. The most recent version is available at <http://www.copyright.org.au/disability>.



## **GUIDELINES**

### **Copying for Students with an Intellectual Disability**

These Guidelines provide information about copyright to assist staff.

If staff are not sure about any aspect of these Guidelines, they may contact the Institute's Copyright Officer, Manager, Library Services, Goulburn Ovens Institute of TAFE, Fryers Street, Shepparton Vic 3630 (Phone 03 5833 2641).

Educational institutions may copy or communicate a literary or dramatic work for the purpose of helping a person with an intellectual disability.

#### **Intellectual Disability –**

The Copyright Act does not define 'intellectual disability'.

Whether a person has an 'intellectual disability' will be a matter for medical or other health professional expert in this area.

#### **Copying Purpose –**

All copies made of alternate formats of literary and dramatic works must be for the sole purpose of assisting students with an intellectual disability.

#### **What can be copied?**

Educational institutions may copy or communicate –

- a literary, dramatic, musical or artistic work;
- a sound recording or film;
- published work included in a sound broadcast;
- a television broadcast.

Provided that no new copy of the version of the work is available for purchase.

#### **Marking requirements – Hardcopy**

Currently there are no marking requirements required of the Institute.

#### **Marking requirements – Electronic**

Electronic copies and electronic communications **must:**

- contain the Electronic Use Notice (see Guidelines – Electronic Use Notice); AND
- all reasonable steps be taken to limit receipt or access to those persons entitled to receive or access it.



## Master copies

A copy may be made as a master or template from which copies for specific individuals may be made if –

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

The Master copy 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 –
  - the name of the Institute;
  - the words "Section 135ZT, Copyright Act 1968"; and
  - date on which the copy was made.
- Electronic copy –
  - it must contain the Notice (see Guidelines - Electronic Use Notice).



## **GUIDELINES**

### **Electronic Use Notice**

Each electronic copy and communication of a work under the Statutory Licence must contain the following Notice –

#### **COMMONWEALTH OF AUSTRALIA**

#### **Copyright Regulations 1969 WARNING**

This material has been reproduced and communicated to you by or on behalf of Goulburn Ovens Institute of TAFE 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.



## SUMMARIES

### Policy

This is a summary only of the Policy.

It is designed to be used as a quick reference guide only.

- Always attribute copyright material (Institute's and third party);
- Seek permission wherever practical;
- Send copy of permission to Copyright Officer;
- Copy within limits of statutory licence.



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## SUMMARIES

### Copyright Overview

This is a summary only of the **Guidelines – Copyright Overview**.

It is designed to be used as a quick reference guide only.

- Copyright Act 1968 (Commonwealth)
- Protects works (literary, dramatic, musical and artistic works) and subject matter (sound recordings, films, broadcasts, published editions of works)
- Must be original (intellectual endeavor, skill and labour) - not copied
- Must be expressed in writing or some other material form
- No requirement or system to register – copyright exists automatically (good idea to use the © symbol, set out the name of the creator and year first published)
- Generally lasts for 70 years plus life of author for works
- Does not protect ideas – only their expression
- Exclusive rights to copyright owner
- Exceptions permitting use (fair dealing, library copying and statutory licences)
- Moral rights for creators





## SUMMARIES

### Attribution

This is a summary only of the **Guidelines - Attribution**.

It is designed to be used a quick reference guide only.

#### Institute's Materials –

- attribute on verso/imprint page;
- insert footer on each page.

#### All Other Materials –

- attribute/acknowledge as follows –
  - Title;
  - Author;
  - Publisher; and
  - specify actual pages copied.



## SUMMARIES

### Statutory Licence – Hardcopy

This is a summary only of the **Guidelines – Educational Statutory Licence**.

It is designed to be used a quick reference guide only.

- 10% or 1 chapter;
- article;
- any single work (up to 15 pages) from an anthology;
- whole work if cannot purchase;
  - text books – 6 months
  - other – 30 days.



## SUMMARIES

### Statutory Licence – Electronic

This is a summary only of the **Guidelines – Educational Statutory Licence**.

It is designed to be used a quick reference guide only.

#### What can I copy?

- 10% of words or 1 Chapter;
- article;
- whole artistic work;
- whole work if cannot purchase.

#### Online Requirements –

- no other part of same work available at same time (does not apply to articles);
- must have Notice in place;
- access for staff and students only.



## SUMMARIES

### Non-Remunerable Copying

#### Copying of an 'Insubstantial' Part –

##### Hardcopy –

- literary or dramatic work;
- 1 or 2 pages;
- another 1 or 2 pages every 15 days;
- copied on premises.

##### Electronic –

- 1% of words;
- another 1% every 15 days;
- communicated on premises;
- no other part available online at same time.

#### Copying for Examinations –

- whole work;
- as part of question or answer;
- hardcopy only.

#### Fair Dealing –

- single copy;
- for research or study;
- 10% or 1 chapter.

#### Copying Published Editions –

- whole edition;
- original copyright has expired;
- editorial or commentary not included.