



Related Merici Policies

Plagiarism
Media Usage
Technology

Rationale/Purpose

Special provisions for use of copyright material by educational institutions.

There are provisions in the Copyright Act that allow educational institutions to use copyright material for educational purposes without permission from the copyright owner.

The main provisions are in Part VB (copying and communicating text, images and notated music) and Part VA (copying and communicating TV and radio programs). Most of the provisions are only available to “educational institutions” (as defined in the Act) that are covered by a remuneration notice with Copyright Agency Limited (for Part VB) or Screenrights (for Part VA). A remuneration notice is an undertaking to pay for the uses made.

Copyright Agency (www.copyright.com.au) and Screenrights (www.screenrights.org) are non-profit companies that collect copyright fees from educational institutions to distribute to copyright owners.

There are some other provisions apart from those in Parts VA and VB. These include Section 200AB (the “special case” or “flexible dealing” exception) and section 28 (playing music and showing films in class).

Definitions

Copyright

In Australia, Copyright Law is contained in the Commonwealth Copyright Act 1968 (Copyright Act). Copyright is a separate right to the property right in an object. For example, this means that the person who may own a book or painting will not also own the copyright in the book or painting unless it has been specifically assigned to them.

A simple definition of 'copyright' is that it is a bundle of exclusive rights in certain creative works such as text, artistic works, music, computer programs, sound recordings and films. The rights are granted to the copyright owner to reproduce the material and, for some material, the right to perform or show the work to the public. Copyright owners can prevent others from reproducing or communicating their work without the owner's permission.

http://www.smartcopying.edu.au/guidelines/1_1.html

Educational Institution

Schools, universities and TAFE colleges are “educational institutions” for the purposes of the Copyright Act.

Policy

Merici College follows the [Catholic Education Policy on Copyright](#). The rights to copy or reproduce are not unlimited and when making electronic copies of, or communicating electronically, broadcasts or works teachers must adhere to the following restrictions:

Works :

Reproduction of:

- up to 10 per cent of the number of pages of a print work, this also applies when a work is scanned or digitised may be made.
- up to 10 per cent of the number of words in an electronic work, e.g. reproduction from an Internet site.
- up to one article in a magazine or two or more articles if they relate to each other, and up to 15 pages in an anthology.
- the whole of an artwork (including maps, charts and diagrams).

Whenever an electronic copy of a work (i.e. literary, dramatic, musical or artistic work) is made, and whenever a copy of a work is communicated electronically, the copy or communication must be accompanied by a notice stating that:

- (a) the copy or communication is being made under Part VB of the *Copyright Act*.
- (b) any work or other subject matter contained in the copy or communication might be subject to copyright protection under the *Copyright Act*, and
- (c) in the case of a communication, the work must not be communicated to anyone else.

WARNING

This material has been copied and communicated to you by or on behalf of Merici College 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 copying or communication of this material by you may be the subject of copyright protection under the Act.

DO NOT REMOVE THIS NOTICE

Procedures

Whilst the Coordinator of Information Services, Teacher Librarian and AV technician will assist in providing information, copyright issues in the school need to be addressed by all staff members.

For further information on specific copyright issues Merici’s Local Copyright Manager is:

Catholic Education Commission, Australian Capital Territory, CEC for the Archdiocese of Canberra and Goulburn, Library services Officer ,

Dennis Granlund
Tel: (02) 6234 5455
Dennis.granlund@cg.catholic.edu.au

References

Australian Copyright Council

<http://www.copyright.org.au/>

The Australian Copyright Council is an independent not for profit organization which provides information, advice and training about copyright in Australia. The site contains many information sheets

CEO policy on copyright

<https://intranet.cg.catholic.edu.au/StaffServices/Forms/Lists/Policies/Attachments/1252/Copyright.pdf>

Copyright Agency Limited (CAL)

<http://www.copyright.com.au/>

Copyright Agency Limited (CAL) is an Australian copyright management company whose role is to provide a bridge between creators and users of copyright material. CAL represents authors, journalists, visual artists, surveyors, photographers and newspaper, magazine and book publishers as their non-exclusive agent to license the copying of their works to the general community. The site contains information sheets, including guidelines for schools. Extensive fact sheets covering specific instances can be found here:
<http://www.copyright.org.au/find-an-answer/browse-by-a-z/>

National Copyright Guidelines

<http://www.smartcopying.edu.au/guidelines/index.html>

The National Copyright Guidelines have been produced on behalf of the Copyright Advisory Group, a committee of the Schools Resourcing Taskforce (SRT) of the Australian Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA). The Guidelines have been designed to provide a quick reference guide to copyright issues affecting Australian schools. They are not intended to provide a detailed response to specific copyright questions or legal advice.

Smartcopying

<http://www.smartcopying.edu.au>

The "Smart Copying Website" is developed by the Copyright Advisory Group (CAG), a committee of the Schools Resourcing Taskforce (SRT) of the Australian Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA). The site provides a comprehensive guide to copyright issues affecting Australian Schools.

Forms

PRESCRIBED FORM OF NOTICE FOR SECTIONS 39A AND 104B OF THE COPYRIGHT ACT 1968, IN
RELATION TO THE REPRODUCTION OF WORKS AND THE COPYING OF PUBLISHED EDITIONS
COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969

WARNING

Copyright owners are entitled to take legal action against persons who infringe their copyright. A reproduction of material that is protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including:

- a reproduction that is a fair dealing under the Copyright Act 1968 (the Act), including a fair dealing for the purposes of research or study, or
- a reproduction that is authorised by the copyright owner.

It is a fair dealing to make a reproduction for the purposes of research or study, of one or more articles on the same subject in a periodical publication, or, in the case of any other work, of a reasonable portion of a work.

In the case of a published work in hardcopy form that is not less than 10 pages and is not an artistic work, 10% of the number of pages, or one chapter, is a reasonable portion.

In the case of a published work in electronic form only, a reasonable portion is not more than, in the aggregate, 10% of the number of words in the work.

More extensive reproduction may constitute fair dealing. To determine whether it does, it is necessary to have regard to the criteria set out in subsection 40(2) of the Act.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

Detailed digital information, copyright licence requirements and copies of copyright notices are available from the Smartcopying website: <http://www.smartcopying.edu.au/scw/go/pid/565>

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Merici Contact Officer: Deputy Principal Learning