



Literary works books, poems, articles, computer programs, course guides, manuals
 Dramatic works plays, film scripts, scenarios
 Musical works written music, scores
 Artistic works photos, paintings, cartoons, diagrams, buildings, sculptures
 Films movies, documentaries, home videos, television commercials
 Sound recordings tape, CD, MP3
 TV and radio broadcasts

Is it okay to download music or movies?

Most music or movies available for free on websites, or by file-sharing software (e.g. BitTorrent, LimeWire) are not made available with the copyright owners' consent and are illegal copies. When you download an illegal file, you too are making a copy in breach of copyright. Furthermore, using University equipment to download illegal copies is a breach of the University's IT Acceptable Use Policy.

What about making copies of music or movies?

It is now legal to make copies of sound recordings from legitimate records that you own (e.g. if you have purchased an original CD, or have downloaded an MP3 legally) for your own private use, subject to certain conditions (see www.copyright.org.au/pdf/acc/infosheets_pdf/G070.pdf).

You may copy a videotape into digital format for your own private use, subject to certain conditions (see www.copyright.org.au/pdf/acc/infosheets_pdf/G026.pdf), however it is not legal to rip DVDs.

Any such copying must not be done using University equipment. It is illegal to distribute these copies to others or to make them available for others to download. Using University equipment, including email, for these purposes is a breach of the University's IT Acceptable Use Policy.

What can happen if I breach copyright?

The legal penalties could range from fines to imprisonment, depending on the nature of your offence. You may also be in breach of the University's Copyright Policy. Therefore it is important that you understand your obligations.

Where can I get more help?

If you need more information, or are unsure about something, you can consult the University's copyright website at www.adelaide.edu.au/copyright

Good luck with your studies!

Please note that the information contained in this Copyright Guide is information of a general nature only and is not legal advice. All University policies referred to in this Guide are available at www.adelaide.edu.au/policies

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Copyright Guide for Students





What is copyright?

Copyright is a set of exclusive rights conferred on authors of works or copyright owners to protect their works from unauthorised copying or transmission and also to protect their moral rights. In Australia, copyright is established under Commonwealth legislation, the Copyright Act 1968, which is updated periodically to take into account changes in technology. International treaties also apply.

What kind of materials does copyright protect?

Copyright protects the form of the work, or the way an idea is expressed, but not the idea itself. Copyright exists in the following:

- Literary works (books, poems, articles, computer programs, course guides, manuals, etc)
- Dramatic works (plays, film scripts, scenarios and the like)
- Musical works (this means music that is written down, i.e. scores, **not** recorded music)
- Artistic works (photos, paintings, cartoons, diagrams, buildings, sculptures, etc)
- Films (movies, documentaries, home videos, television commercials, etc)
- Sound recordings (either in analogue format (tape or vinyl) or digital format (CD, DVD, MP3))
- TV and radio broadcasts (broadcasters have their own copyright which is separate from the copyright in the films, music or other material that is transmitted)

In Australia, copyright protection is automatic once the work is created in material form (i.e. written down, painted, recorded, etc). Therefore, copyright may exist in a work even if it does not contain the © symbol.

Who owns copyright?

In most cases, copyright will be owned by the author or the creator of the work. Some exceptions apply, for example, an employer will often own copyright in an employee's work. The original copyright owner may assign, or give, the copyright to a third party by way of written agreement. You may be required to do so if you undertake work on significant University projects (refer to the University's Intellectual Property Policy).

What does it mean if copyright exists in a work?

The copyright owner has a number of exclusive rights in relation to the work. In general, these are rights to:

- copy the work or parts of the work
- publish the work
- perform the work in public
- adapt the work into another form (e.g. a novel into a screenplay) or language

- communicate the work to the public by placing the work online or distributing via e-mail

If you undertake any of the above without the copyright owner's permission, you will be in breach of copyright, unless you are able to show that your use of the work is an exception provided for in the Copyright Act.

So while I'm a student, how can I use copyrighted works?

The Copyright Act contains a "fair dealing" exception which allows you to copy a "reasonable portion" of a work for your own research and study (including for assessment purposes). A reasonable portion is deemed as:

- 10% of the number of pages **or** one chapter of text or printed music (if in hardcopy and more than 10 pages)
- 10% of the number of words **or** one chapter of text (if in electronic form)
- One article from a journal or newspaper, or multiple articles if you need them for the same course of study

Where you wish to use more than the above amounts, or use the text in other ways (e.g. adapt or perform), or where you wish to make copies of or use other types of works (e.g. drawings, sound recordings), you must satisfy the "fairness" test. For more information on this, please refer to www.copyright.org.au/pdf/acc/infosheets_pdf/G053.pdf. If you are unable to satisfy the "fairness" test, you must obtain the copyright owner's permission.

If you have included extracts of copyrighted materials in your assessment task and you later want to use your assessment task for other purposes (e.g. if you wish to publish it, upload it to a website, submit it for a contest, or include it in your employment portfolio), you cannot rely on the "fair dealing" exception for that other purpose. This means that you must obtain the copyright owner's permission for that use.

Do I need to reference the works that I include in my assessment task?

Yes! The Copyright Act confers Moral Rights on authors, which include the right of attribution (the right to be credited as the author) and the right not to have authorship of a work falsely attributed (the right not to have others falsely claiming authorship). If you submit your assessment task without appropriate referencing, you may be infringing the authors' Moral Rights. Furthermore, you will be in breach of the University's Plagiarism Policy.