



THE UNIVERSITY
of ADELAIDE

Legal Compliance Education and Awareness

CRICOS PROVIDER 00123M

Copyright Act 1968

(Commonwealth)

adelaide.edu.au

seek LIGHT

What is copyright?

- A set of exclusive rights given to authors or creators of works, or copyright owners to protect their works against unauthorised use

Copyright ***protects***:

- The expression of “original” ideas *in a material form*

Copyright ***does not protect***:

- Ideas or concepts
- Styles or techniques
- Information

What does copyright apply to ?

Works:

- Literary
 - *books, journal articles, newspaper articles, song lyrics*
- Dramatic
 - *Plays*
- Artistic
 - *paintings, sculptures, photographs*
- Written music

Subject Matter Other than Works (SMOW):

- Cinematograph films
- Sound recordings
 - *as distinct from the underlying music or lyrics*
- TV & radio broadcasts
- Typographical arrangement & layout of publications

What does having “copyright” actually mean?

Owners of copyright in **Works** have exclusive rights to:

- Reproduce the work
 - *photocopy*
 - *scan*
 - *film*
- Make the work public for the first time
 - *publish*
- Communicate the work to the public
 - *via email*
 - *broadcast*
 - *the internet*
- Perform the work in public [*excluding artistic works]
- Make an adaptation
 - *translation or arrangement* [*excluding artistic works]

Owners of copyright in **SMOW** have exclusive rights to:

- Reproduce the work
- Show films or play sound recordings in public
- Transmit films or sound recordings to the public using any form of technology
 - *on television or radio*
 - *during a public screening*

Who owns copyright?

- The individual author/creator/writer/composer

Or

- Their employer if created in the course of employment

however

- Ownership of copyright can be assigned (given to another party) by contract
 - book authors often assign copyright to the publisher
- Duration of copyright protection (as of 1 January 2005)
 - The life of the author/creator + 70 yrs
- Duration of copyright of works owned by the Government
 - 50 yrs after first publication of the work

Why is copyright relevant to the University?

The University **uses** other people's copyrighted materials for:

- Teaching purposes
 - course packs
 - playing videos in lectures
- Research purposes
- Musical performances

The University **creates** copyrighted materials such as:

- Journal articles, books & papers
- Course curricula & materials
- Photographs
- University websites

What must I do when using other people's copyrighted material?

- Obtain permission or licence from the copyright owner **or** be able to rely on licences or exemptions under the Copyright Act. (More information on the following page)
- Respect the creator's Moral Rights;
 - of attribution
 - *the authorship must be correctly cited*
 - of integrity
 - *material must not be used in a derogatory way - such as distorting, mutilating, materially altering or exhibiting the work in a way that prejudices the creator's honour or reputation*
 - to not have authorship of a work falsified
- No permission is required if using;
 - materials owned by the University

The University's copyright licences

- The University has **educational statutory licences** which allow it to copy and communicate certain material in the following categories:
 - Audio-visual material from broadcasts
 - Print and graphic material
- The University is also party to a **Collective Music Licence** that allows students and staff to perform musical works and to copy / communicate sound recordings for educational purposes.

What am I allowed to copy for University purposes?

Educational Statutory Licence: Print and Graphic Material

Staff may copy & distribute in hard copy or electronically:

- For teaching purposes only
- To enrolled students & staff
- A reasonable portion:
 - 10% of pages or 1 chapter from a book
 - 1 article per journal/newspaper issue
 - the same limits on copying apply to online & hard copy copies
- Electronic copies must only be made available via Course Readings in MyUni (available in left hand menu of course page)

What am I allowed to copy for University purposes? (cont)

Audio-visual material from broadcasts

Staff may copy:

- The whole of the broadcast;
 - Including podcasts previously broadcast in Australia
 - according to the licence on the website
 - Copies can be made available online
 - must only be made available via Course Readings in MyUni (available in left hand menu of course page)
 - Warning notice included at start of recording
 - Does not apply to video on demand or exclusive online content
- In any format;
 - video or audio tape, DVD or CD, digital format

Labelling Requirements

- All copies of Works and SMOW must be clearly labelled with dates & content
- **Music labelling requirements:**
 - *Title of each musical work*
 - *Name of each composer &/or lyricist &/or arranger of the musical work*
 - *(If you have copied from a CD or similar), the artist/group name & the record company label*
- **Radio & TV broadcast labelling requirements:**
 - *Made for the University of Adelaide under Part VA of the Copyright Act 1968*
 - *Station/Channel*
 - *Name of Program*
 - *Date program was transmitted*
 - *Date this copy was made (if different)*

What am I allowed to copy for University purposes? (cont)

Music:

- We have a licence to copy, communicate & publicly perform sound recordings;
 - For educational purposes
 - For use at other University events
 - Provided the sound recordings are on the University licensed list
- Commercially hired or purchased videos, DVD's or CD's may be played or shown in a class without infringement
 - Restrictions may apply on recording the lecture

'Fair Dealing' Exemption:

- Staff & students can make copies for research purposes
- **BUT**
- copying must be "fair"
 - 10% of pages or 1 chapter from a book

What am I allowed to copy for University purposes? (cont)

Openly licenced material:

- Copyright owners can release material under an “open licence” that allows it to be used in certain ways without asking for permission
 - *Creative Commons are the most common open licences*
 - Operates on a “some rights reserved” model
 - Always attribute creator and follow the licence conditions
 - *Websites terms and conditions*
 - Check to see if they permit use for non-commercial educational purposes

Electronic material available through the Library:

- Copying of material is generally permitted for private research purposes
 - Check terms and conditions before copying for other purposes

What can happen if I don't comply?

Individual Consequences:

- Fines of up to \$115,500 for breach of Copyright; and / or
- Imprisonment for up to 5 years
- Copyright owners can sue you personally
- A breach of copyright may be considered misconduct actionable under the University's Enterprise Agreement

What can happen if I don't comply?

University Consequences:

- Fines of up to \$580,000 for breach of copyright
- Loss of University's copyright licences
 - *Inability to undertake learning & teaching functions*
- Copyright Owners can sue the University
- Negative publicity
 - *Damage to the University's reputation*
 - *Attraction & retention of staff & students is compromised*

University Obligations under the Act

- Be aware of ***what & how much*** you can copy
- Only copy other people's works if a licence or exemption applies

Otherwise,

- Obtain permission first
 - *Keep a written record of the request & permission given in case of dispute*
 - *Observe any conditions of the permission*

University Obligations under the Act (cont)

REMEMBER:

- A work does not need the copyright symbol © for it to be *copyright protected*
- One work may contain more than one copyright
 - *a song has copyright in the lyrics & the music*
- Just because work is on the internet doesn't mean it can be freely copied & distributed;
 - Check the permission or licence
 - Material may be on the internet illegitimately
 - *Such as many YouTube videos*
- Owning the physical item does not give ownership of copyright in that work
 - *purchasing a painting does not give you copyright in the picture*
 - *owning a CD does not give you copyright in the music*

University Obligations under the Act (cont)

REMEMBER:

- Modifications to a copyright work to create a new work may not avoid copyright infringement
- Always respect the creator's Moral Rights;
 - *Cite authorship correctly - giving an author "credit" or acknowledgement may not be enough*
 - *Includes attribution for any images included in PowerPoints*
- Do not use copyrighted material in a derogatory way that could affect the creator's standing or reputation
- For further information about copyright, refer to the [University Library Copyright website](#)

Additional Resources

- [Anne Hawkins](#), Copyright and Open Access Coordinator, University Library
 - 8313 3706
- [University of Adelaide copyright website](#) (University Library)
- [University of Adelaide Copyright policy](#)
- [Copyright Induction for Staff](#)
 - online module available on MyUni
- [Copyright Act 1968 \(Cth\)](#)
- [Copyright Regulations 2017 \(Cth\)](#)



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Disclaimer

The content of this material is intended only to provide a summary & general overview of the *Copyright Act* as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.

Please contact *Anne Hawkins, Copyright and Open Access Coordinator* if you are unsure of your compliance obligations under the Act.