Copyright Information for Staff

Contacts & Further Information
ECU Copyright website
http://www.ecu.edu.au/GPPS/copyright
ECU Copyright Officer
Tel: (08) 6304 2537
E-mail: copyright@ecu.edu.au

©
The information contained in this document is not to be regarded as a substitute for legal advice.

Copyright Owner’s Permission
If you are in doubt about the legality of any copying you can always seek the copyright owner’s permission. Sometimes the University will already have this permission in the form of a licence.

Reasonable Portion
A reasonable portion is defined as:

- One chapter or 10% of the total number of pages from a literary, dramatic or musical work.
- One or more articles from the same periodical publication (i.e., journal) if they relate to the same subject matter.

The term “reasonable portion” is not defined in relation to works of less than 10 pages, or in relation to artistic or audio-visual works. Any copying of these items needs to be fair. You may be able to copy more than the above limits but you need to be able to demonstrate your copying was fair. Fairness is defined in the Copyright Act.

It should be noted that diagrams, tables, graphs, maps, photographs and colour plates of artwork are complete “works” in their own right. They may be copied only when they accompany text to which they refer or such copying is fair.

Education Licence
If you want to copy or communicate copyright material for teaching purposes, then you may be able to do it under the education licence that the University has with CAL (for print and electronic copying and communication) and Screenrights (for audio-visual items). Copying or communicating under the licence incurs a fee to the University. In order to qualify under the education licence, copying or communicating must be for education purposes, e.g., teaching materials, and can only be given to an ECU student. However, multiple copying of the same material is allowed. Copying limits are similar to the definition of a reasonable portion (see above), however can be exceeded under certain exceptions.

Fair Dealing Provisions
As a staff member it may be possible to make one copy of a reasonable portion of a copyright work for one of the following purposes:

- Research or study (but not teaching)
- Criticism or review
- Reporting news

This means you cannot make more than one copy and your use of the copy must be for research or study purposes, criticism or review, or reporting the news. Also the amount you copy for research or study purposes must be fair. It is deemed to be fair if it does not exceed a reasonable portion (see above), otherwise you would need to be able to demonstrate your copying was fair in accordance with the definition in the Act.

Electronic Copying and Communication
All electronic copies made under the education licence must include an “electronic use notice”. The format of this notice is detailed on the Copyright website. Only one part of a copyright work may be made available on line, e.g., through Blackboard, at any one time across the University. This may require cooperation and negotiation between different academic units. ECU Library is currently developing a database called E-reserve to help us manage this requirement. For further information on E-reserve contact e.reserve@ecu.edu.au.

Off Air Broadcast Recording (TV and Radio)
ECU has an education licence with Screenrights that allows off air TV and radio broadcasts including cable TV to be copied provided they are only used for education purposes. There are no limits on what can be recorded except that a licensed copy becomes an infringing copy if it is used for non-education purposes. Multimedia Resources in the Library are able to organise recordings. They will also make sure that the appropriate notices are placed on all recordings. This licence does not enable copying of videotapes, even if for education purposes, nor does it enable conversion of videotapes from NTSC to PAL.

Performers Rights
In addition to copyright owner’s rights no performance can be recorded without the permission of every performer. If the University wants to record a performance then all performers should be asked to sign a release form. This form is available on the University Copyright website.

Internet
All material published on the Internet is automatically protected by copyright and may be printed or downloaded only as detailed above. Often websites will include a copyright notice which describes what use can be made of the material.

Copyright Infringement
Staff need to be fully aware of their obligations under the Copyright Act. Dealing with copyright works must not infringe the rights of the copyright owners.

Copyright Ownership of Students’ Work
Generally, the copyright owner is the person who created the work. This means that students will own the copyright of any original work they create. University staff or anyone else can not exercise any of the rights in students’ work (e.g., reproduce, copy, communicate, broadcast, etc) without their permission. If the University wishes to use a student’s work then the student should be asked to sign a release form.

Sampling Survey
Under our licences with CAL and Screenrights, the University is to be sampled for a certain period approximately every five years. During this period staff will be required to record all copying and communication. The last CAL survey was done in 2000 and the last Screenrights survey was done in 2002.

Electronic Databases
The Library provides access to electronic databases, including full text journals. Subscription to these journals is under contract and may override some of our rights under the Copyright Act. Access to an online journal may allow an article to be printed but may not allow that article to be reproduced in a reader unless the printing is done through the online database. This is because we pay for the amount of use of the database. The above rules would not prevent photocopying of reasonable portions of the hardcopy version of the journal. Knowledge Resources and Organisation in the Library can be contacted for further information regarding online databases.
Basic Information

The University, its staff and students are subject to the requirements of the Commonwealth of Australia Copyright Act 1968. The Act is accessible through the Austlii website http://www.austlii.edu.au/.

The University Copyright website provides summary information for ECU staff on the implications of the Copyright Act. If you are in any doubt about the legality of any copying you can always seek the copyright owner’s permission. Sometimes the University will already have this permission in the form of a licence.

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Computer Software

The Copyright Act protects computer programs as “literary works”. Unauthorised copying or installing of computer programs protected by copyright, on any University equipment or network, is prohibited. Only authorised, licensed software may be installed on University equipment or network.

Morals Rights – Quotes and Referencing

Paraphrasing or quoting a substantial portion of a work is a reproduction and subject to the rules outlined above. The Copyright Act now includes moral rights, which require you to acknowledge the author(s) of any work you quote or communicate. Further information on moral rights may be obtained from the University’s Copyright Officer.

Electronic Databases

The Library provides access to electronic databases, including full text journals. Subscription to these journals is under contract and may override some of our rights under the Copyright Act. Access to an online journal may allow an article to be printed but may not allow that article to be reproduced in a reader unless the printing is done through the online database. This is because we pay for the amount of use of the database. The above rules would not prevent photocopying of reasonable portion of the hardcopy version of the journal. Knowledge Resources and Organisation in the Library can be contacted for further information regarding online databases.

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Staff need to be aware that the Copyright Act applies to all original works. Works may be in any media, eg. digital (CD-ROM, Internet, e-mail, etc.), hard copy (paper, etc.). Material protected includes broadcast signals, films, sound recordings, and published editions.

Duration of copyright

In Australia, normally the duration of copyright for most literary, dramatic, musical and artistic works (except photographs) lasts for the life of the author plus 50 years. A published edition copyright lasts for 25 years from publication. Different periods of duration of copyright apply to photographs, films, sound recordings, performances, broadcasts, works in which the government owns copyright and works unpublished at the time of the author’s death, and further information should be sought as required.