

## Copyright Procedures

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### 1. PURPOSE

The purpose of this document is to procedures and guidelines to assist students and staff of IMC to understand and comply with the Copyright laws of Australia contained in the *Copyright Act 1968* (Cth). This is not a complete guideline and members of the IMC community should ensure they are aware of their rights and obligations in relation to copyright including the requirements of the *Copyright Act 1968* (Cth).

### 2. PROCEDURES AND GUIDELINES

These guidelines provide an overview of copyright and how it is applied to educational, study and research activities.

#### What is copyright?

Copyright is the term used to describe the laws that protect the rights of an author or creator of a work. It is a type of intellectual property, which is used to control the use, reproduction and communication of the work.

#### What material is protected by copyright?

Copyright automatically applies to any written or recorded work as soon as it is created. The duration of copyright will depend on the type of material, usually copyright lasts for the lifetime of the creator plus 70 years.

Copyright cover includes:

- Literary works-books, newspapers, journal articles, government publications, poems, song lyrics, etc.
- Artistic works-paintings, drawings, sculpture, photographs etc.
- Music and sound recordings
- Film, television and radio broadcasts
- Dramatic works - plays, dance
- Computer programs, software and games
- Internet, website text, emails

#### Can copyright material be used without permission?

There are some situations where material can be used without permission. These situations are covered by the 'fair dealing provisions', which allow limited copying and use of works without infringing copyright. This relates to a reasonable portion of the work being copied for the specific purposes of research, study, criticism or review and the 'fair' use of the copied material.

## Study and Research

A student or researcher you can copy:

- 10% or one chapter of a book whichever is greater.
- One article from any issue of a journal two or more only if they are on the same subject.
- 10% of Electronic materials (this is accepted as 10% of the word count).
- An artistic image or graph or chart etc., may be reproduced in whole or in part.
- Under the "moral right" legislation you must acknowledge all sources.

## Preparing Teaching Materials

Teaching or educational activities (other than individual study and research) do not have exemption from copyright, unless the educational institute has a statutory license for copying and communicating hardcopy and electronic copyright materials.

Where necessary the copyright owner's permission must be obtained. Material owned by the staff member or IMC may be reproduced without permission.

An academic staff member may copy in handwriting an unlimited amount of a work for the purpose of education, for example onto a whiteboard or transparency.

An academic staff member may copy an unlimited amount of a work for the purpose of a text or exam.

## Copyright Information at IMC

IMC takes the following steps to inform its students and staff of copyright limits to prevent infringement of copyright legislation:

All staff and students at IMC must comply with copyright law.

Every student is provided with a copy of the copyright guidelines, they are available on IMC website.

As part of students' information literacy education in 'Introduction to finding and using Library resources', copyright limits and intellectual property are explained.

It is the responsibility of every student and staff member to ensure that they have sufficient knowledge of copyright legislation to comply with copyright requirements.

## Additional information

Additional information can be found on the Copyright Agency and the Australian Council websites.

## Version Control

Historical Version	Approved by	Approval Date
2009.04	Academic Board	02 April 2009

## APPENDIX - COPYRIGHT AND IMC STUDENTS (INCLUDING RESEARCH)

### What can you copy?

- Australian copyright law allows you as a student or researcher to copy and use limited amounts of other people's material (third party material protected by copyright) in your study or research without the permission of the copyright owner and free of charge.
- The Fair Dealing provisions of Australian copyright law allow you to copy a 'reasonable portion' as indicated below.
- The copying must be for your study or research purposes, not for providing copies to others or for making the copied work accessible to others, e.g. online or electronically, or for publishing your work.
- You may include the copied material in your work which you submit to your lecturer or examiner.

COPYRIGHT MATERIAL	COPYRIGHT AMOUNT
From a literary, dramatic or musical work in a hard copy edition of 10 pages or more.	10% of number of pages or one chapter or one work where the work is divided into chapters.
From a literary or dramatic work in electronic form.	10% of the number of words, or one chapter where the work is divided into chapters.
From a newspaper, magazine, journal or other periodical publication	One article, or more than one article in the same publication where the articles are related to the same research or course of study. However, copying most of the publication is unlikely to be a 'fair dealing' if the publication is available for purchase.
From other works such as artwork, craftwork, designs, images, films, CDs, DVDs, and broadcasts of radio and television programs.	Limited amounts based on the five factors specified in the Fair Dealing provisions which allow you to determine what amount is a 'reasonable portion'.
From the internet	Check the terms of use on the website (on some sites this may be called 'Conditions of Use' or 'Copyright Conditions'). Where the terms of use do not specify an amount: a limited amount based on the five factors specified in the Fair Dealing provisions (see over) which allow you to determine what amount is a 'reasonable portion'.

### If you want to copy more

You can copy more than the amounts set out above if:

- you have permission to do so from the copyright owner;
- the work is out of copyright; or
- you believe you are entitled under the five factors specified in the Fair Dealing provisions.

Further advice and information see the Australian Copyright Council information sheets on Fair Dealing and Research.

Copyright – the Fair Dealing provisions Australian copyright law allows limited amounts of copyright material to be copied as a 'fair dealing', without the permission of the copyright owner

and free of charge, provided the copying fits one of the following purposes:

- For research or study;
- For criticism or review;
- For reporting the news;
- For parody or satire; or
- For providing legal advice.

The 'research or study' provision will most likely accommodate your needs as a student or researcher. It covers research or study undertaken as part of your enrolled course, professional employment or personal investigation into a particular subject. This provision covers the gathering and compilation of information as part of your research or study but not the publishing of that information.

### **Five Factors Specified in Fair Dealing Provisions**

In some instances, you may need to assess the 'fairness' of your copying, including what could amount to a 'reasonable portion'. Australian copyright law provides five factors to consider.

<b>Fair Dealing Factors (Australian Copyright Act)</b>	<b>Considering Fairness and a reasonable portion</b>
The purpose and character of the dealing	Is your copying genuinely for your research or study purposes? Copying for your university studies is more likely to be fair than copying material to include in your work which you wish to sell.
The nature of the copyright material being copied	Are you copying material that has been created with a high degree of skill? It may be fairer to copy more basic material to meet your research or study needs.
The possibility of obtaining the copyright material within a reasonable time at an ordinary commercial price	How easily available is the material you wish to copy and can it be purchased at an ordinary commercial price? To meet your research or study needs it may be fairer to buy the material (if it is reasonably available for purchase) than to copy it.
The effect of the dealing on the potential market for, or value of, the copyright material	Will your copying of the material affect the commercial value of the copyright material? To meet your research or study needs it may be fairer to buy the material (if it is reasonably available for purchase) than to copy it, or to copy a small or less significant part of the material than to copy a large or important part.
Where part of the copyright material is copied: the amount and substantiality of the copied material in relation to the entire source material	Are you copying more than you genuinely need? To meet your research or study needs it may be fairer to copy a small or less significant part of the material than to copy a large or important part.

You should remember

- Your purpose for copying should be genuine and fair within the 'research or study' provision
- To include in your work a reference to the copied material and an acknowledgement of the author or creator
- Copying any amount of copyright material for your commercial benefit, without the permission of the copyright owner, may not be considered as fair.

**Further information on the Fair Dealing Provisions**

For a concise assessment, see the ARC Centre of Excellence for Creative Industries and Innovation guide (section 3.3) Blog, Podcast, Vodcast and Wiki Copyright Guide for Australia or the Australian Copyright Council information sheets on Fair Dealing and Research or Study For the relevant parts in the Australian Copyright Act 1968 see sections 40, 41, 42, 43, 103A, 103B and 103C.