



THE UNIVERSITY OF
MELBOURNE

UNIVERSITY COPYRIGHT OFFICE

Copyright & Events Management

The University hosts a wide variety of public events each year such as conferences, public lectures, concerts and other events to promote the University such as Open Day. Many of these events rely on being able to use copyright material for a number of purposes. There are limited provisions in the Copyright Act that allow copyright material to be used at conferences, public lectures, concerts etc. without needing permission from the copyright owner.

You or the University owns Copyright

Copyright in material created by professional staff as well as copyright in teaching material created by academic staff is owned by the University. Academic staff own copyright in any scholarly material they create. University owned copyright material can be used for University purposes by University staff, including for public events. Material created by external presenters, lecturers or performers etc. will be owned by the creator or possibly their organisations, depending on employment agreements. Students will own copyright in any material that they create and may also have performers' rights in any musical or dramatic performances. You will need to get permission from external presenters and students to use their material. You will also need to obtain permission from academic staff to use any material in which they own copyright.

Copyright has expired

Once copyright has expired, the work passes into the public domain and can be freely used. Copyright generally lasts 70 years after the death of the creator or after the first year of publication, depending on the type of material and/or when it was first published. Determining whether a work is still in copyright can be complex – visit: <http://www.unimelb.edu.au/copyright/information/overview.html#duration> for more information or contact the Copyright Office.

Acknowledge Your Sources!

The Copyright Act also provides creators with 'moral rights'. These rights include the right of the creator of the work to be acknowledged, the right not to have their work falsely attributed to someone else, as well as the right not to have their work treated in a derogatory or prejudicial way. You must attribute any materials created by other people that you reproduce for your event.

Using Insubstantial Portions

If you want to quote a few lines or sentences then you may do so under the insubstantial portion provision. This provision allows an insubstantial portion of a copyrighted work to be reproduced or published without needing permission from the copyright owner. This means that if you wish to quote a few lines or sentences from a book or play, you can do so but you must acknowledge the work used. You may also be able to use a short clip of a film or a snippet from a sound recording as an insubstantial portion.

However, the Copyright Act does not define what an insubstantial portion is. Whether something is insubstantial depends on how distinctive it is and how important it is to the overall work. As this is qualitative rather than quantitative, even a really short extract may be considered substantial if it is distinctive or a key part of the overall work. For example, a short scene in a movie that reveals a key plot point or a few bars from a song if they form a distinctive part of the melody will probably be deemed substantial.

Material is licenced for non-commercial use

Some copyright owners are expressly permitting people to use their work for non-commercial purposes without having to seek their permission first. This is becoming especially common on the web, where creators choose to make their work more freely available. It is important to realise that all material on the web is subject to copyright unless the copyright owner has specifically allowed the material to be used for non-commercial purposes.

Check the terms and conditions on the website to see what can and can not be done with the material. If the website allows the material to be used for non-commercial purposes, you may be able to use the content at your event. You must abide by the terms and conditions on the website and you must fully acknowledge any websites you use.

Copyright “Friendly” Resources on the Web

Many authors, photographers, film makers etc. are choosing to make their material freely available on the web and to licence it under Creative Commons or similar licencing schemes to allow people to use it for non-commercial purposes. Websites like Flickr (www.flickr.com), YouTube (www.youtube.com) and Wikipedia (www.wikipedia.org) often have material that can be freely and legally used without having to seek permission.

You should be careful not to mistake infringing material as material that is free to use on the web, particularly music & movies. Check for a clear copyright statement in either the terms & conditions on the website or the Creative Commons licence indicating who the copyright owner is and how the material can be used. If freely available material looks too good to be true then it probably is.

Fair Dealing for Criticism and Review or Parody & Satire

You may also be able to use third party copyright material under fair dealing for criticism and review or parody and satire. Material can only be reproduced under these provisions if the work is genuinely being critiqued, reviewed, parodied or satirised. You cannot use these provisions to reproduce work to illustrate a point or to make a joke, for example. Any use of material for criticism and review or parody and satire must be ‘fair and reasonable’; there are no specified limits so you can use the entire work if your use is considered ‘fair and reasonable’. For example, if you were reviewing a film, it might be considered “fair and reasonable” to include a brief clip as part of your review, but it would be unlikely to be considered “fair and reasonable” to include the entire film.

Public Performance of Music

The University holds an industry music licence that allows live and recorded music to be performed for non educational purposes at University events to an audience that may include members of the general public. A University event is defined as an event organised by, authorised by or held at the University. This includes live musical performances by students. Events where a University venue has been hired by a third party for non-educational purposes are not included.

The music can be performed as either the focus of the event e.g. at a concert, or as background music e.g. at a graduation ceremony. Conditions and limitations apply to the performance of music under the Music Licence:

- You may not charge an entry fee (even on the basis of cost recovery) for any event or occasion where sound recordings licenced under the Music Licence are performed in public
- You can not record the performance unless it is for educational purposes as defined under the Music Licence
- You can not perform:
 - Grand Rights Works¹
 - musical works in a dramatic context
 - musical works or associated words composed for a ballet if accompanied by a visual representation of that ballet
 - a choral work of more than 20 minutes duration

¹ Grand Rights Works are works where the performance of a musical work is combined with a dramatic performance and may also include a narrative, plot, costumes & scenery. Examples of Grand Rights Works include musical comedies, operas, operettas and ballets. Grand Rights Works are usually exclusively licenced by the copyright owner, rather than through a collecting society. Grand Rights Works are also known as Grand Rights Performances.

Full details of all conditions and limitations of the Music Licence are available at:
<http://www.unimelb.edu.au/copyright/information/musiclicence.html>

Performers' Rights

Performers have performers' rights relating to their performance, which are separate to copyright in either a musical work or sound recording. Performers may hold performers' rights to their performance even if they do not hold copyright in the performance of the music or the sheet music. Performers' rights include:

- the right to control whether or not their performance is recorded or communicated
- ownership of copyright in the sound recordings of their live performance
- moral rights relating to their performance

For more information contact the Copyright Office.

Permission to use material

It is recommended that any presenters, lecturers, performers etc. sign a copyright agreement indicating whether or not they are the copyright owner of their presentation, lecture, performance etc. and giving permission for that work to be used by the University. This agreement should also cover other uses of material after the event, e.g. recording the event via Lectopia and making it available on the University website, making a transcript of the presentation and copies of accompanying material, e.g. lecture notes, PowerPoint slides, available on the website or reproduced in a University publication.

If presenters have included third party copyright material, i.e. material created by another person, they will need to seek permission from the creator or copyright owner unless one of the exceptions outlined above applies. The agreement with the presenter should also include a declaration indicating that there is either no third party copyright material in the work or that permission has been sought to use that material and that they have permission to sub-licence the material to the University for our purposes. Permission should be formal and in writing. It is the responsibility of the presenter to obtain the necessary permissions themselves.

The Copyright Office provides a Copyright Permissions Service for University enterprises. We can seek permission on behalf of the University to use third party material at public events or in University publication for the University as a whole. We are not able to seek permission for individual staff members or external presenters.

Further information about obtaining permission is available at:
<http://www.unimelb.edu.au/copyright/information/fastfind/permission.html>

Infringing Copyright

It is important that you do not infringe copyright in other people's work when staging your event. Make sure that you do not use infringing material, such as illegal music, movies and software from the internet. All staff are responsible for ensuring that they do not infringe copyright. The University will take disciplinary action against staff found infringing copyright using University facilities or networks. Staff may also be liable for legal action from the copyright owners.

More Information

- Copyright Office Website - <http://www.unimelb.edu.au/copyright/>
 - Overview of Copyright - <http://www.unimelb.edu.au/copyright/information/overview.html>
 - Public Events, Lectures & Performances - <http://www.unimelb.edu.au/copyright/information/fastfind/publicevents.html>
 - Obtaining Permission - <http://www.unimelb.edu.au/copyright/information/fastfind/permission.html>
 - The Music Licence in Brief - <http://www.unimelb.edu.au/copyright/information/musiclicence.html>
- Contact the Copyright Office - <http://www.unimelb.edu.au/copyright/contact.html>

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