



THE UNIVERSITY OF
MELBOURNE

UNIVERSITY COPYRIGHT OFFICE

Online Teaching Resources & Copyright

This guide provides information about making online teaching materials available for students and the requirements needed for copyright compliance. More general information about copyright, including using copyright material for non-teaching purposes, is available on the University Copyright Website at: <http://www.unimelb.edu.au/copyright/>. Alternatively, contact the Copyright Office directly for assistance - copyright-office@unimelb.edu.au

Use of Copyright Material for Educational Purposes

The Copyright Act allows educational institutions to make copies of certain types of material for educational purposes without having to first obtain permission from the copyright owner. This is covered by Parts VA and VB of the Copyright Act. There are some limitations and conditions on what and how much can be copied, the Act does not allow anything and everything to be copied.

In addition, the University has signed a licence with the Music Industry that allows music to be recorded and performed for educational purposes and at University events. The Music Licence also allows some limited use of recorded music for non-educational purposes. Reproduction of sheet music is not covered by the Music Licence.

The Part VB licence allows multiple copies of text, images and notated (e.g. sheet) music to be made for educational purposes. It covers both print copying (i.e. photocopying a journal article) called the *Hardcopy Scheme*; and electronic use (i.e. printing out an article from an e-journal or scanning a chapter from a book) known as the *Electronic Use Scheme*. The Hardcopy Scheme is particularly used to produce course packs.

Statutory Licenses for Educational Purposes

The reproduction of copyright material for educational purposes is covered by 2 statutory licences. The University pays an annual fee to be covered by the Statutory Licences and the fee is used to remunerate copyright owners. The remuneration scheme is administered by the collecting societies. CAL (<http://www.copyright.com.au/>) is responsible for distributing the fees collected to authors for material copied under both the hardcopy and electronic use schemes. Screenrights (<http://www.screen.org/>) is responsible for distributing the fees collected for broadcasts copied from TV and radio. In order to collect royalties, academic staff must apply for memberships of CAL and Screenrights (if appropriate). Information about membership is available from CAL and Screenrights websites. There is no membership fee to join either CAL or Screenrights

If you own the copyright in a particular work that you would like to use or copyright has expired then you can make whatever use of the material as you like. As a general rule of thumb, copyright lasts the lifetime of the creator or author plus 70 years. For more information on the duration of copyright visit: <http://www.unimelb.edu.au/copyright/information/fastfind/#duration>

You may also use works where the University owns the copyright for educational purposes.

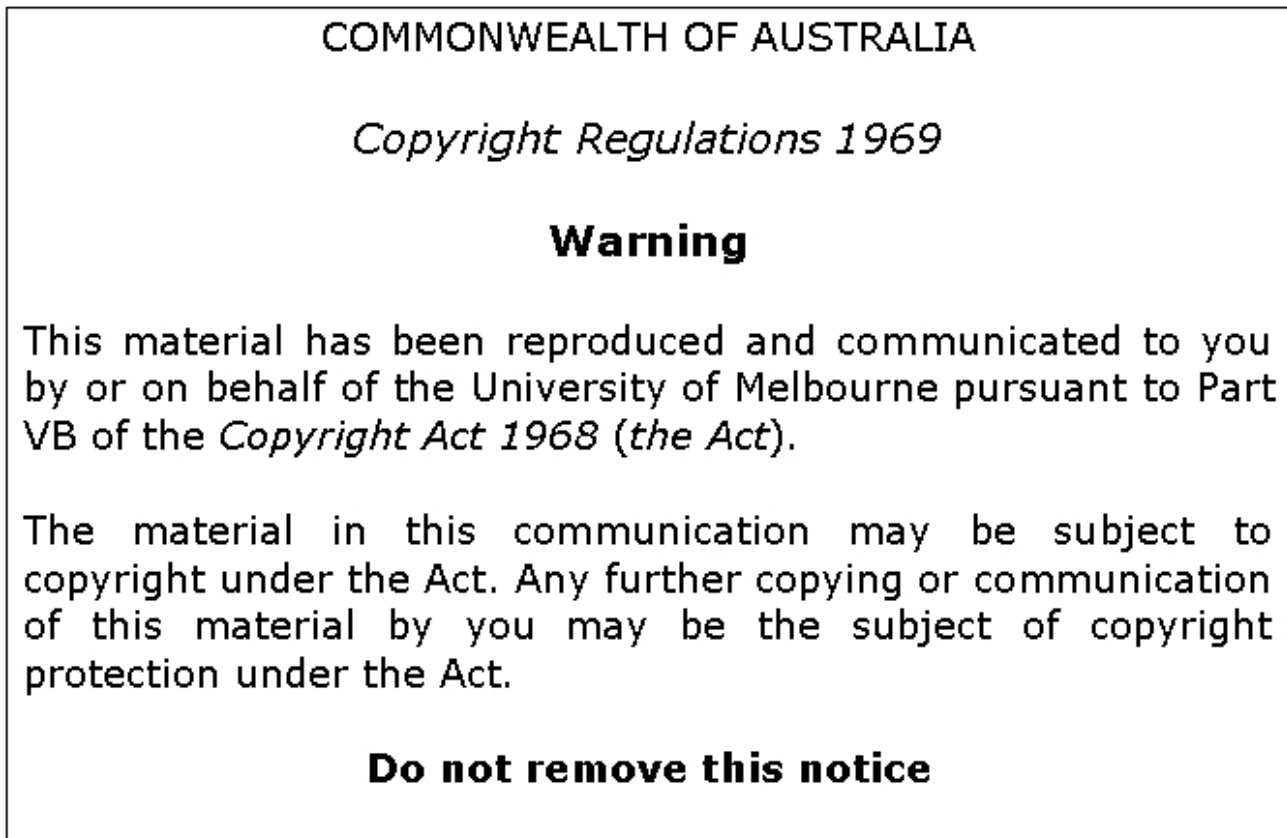
The Electronic Use Scheme

The EUS allows certain types of material to be reproduced from electronic form and/or into electronic form. It also permits the communication of material via email or online. Again, there are limitations and conditions that must be observed including:

- The copy or reproduction **must be for educational purposes only** or for inclusion in a library collection.
- **limits on the type of material and amounts** able to be reproduced or communicated as outlined in *Table 1* must be observed;
- **All sources are attributed.**

- **Restricted access** to material communicated online by students and staff of the University only, i.e. by using the LMS or Webraft etc.
- **Registration of material** that is made available online with the Copyright Office. Information and a registration form is available at: <http://www.unimelb.edu.au/copyright/register/index.html> or contact the Copyright Office for assistance.
- **Displaying the Copyright regulations notice.** The notice **must** be prominently displayed on each electronic copy and it **must** appear either before or at the same time as the material being communicated appears on the screen. Copies of the notices are available at: <http://www.unimelb.edu.au/copyright/notices/index.html>

Figure 1 - Notice to be included on all material copied under Part VB



Recording & Performing Music

The Music Licence allows music to be performed or recorded by staff and students for educational purposes. Under the Music Licence you may:

- Create compilation CDs or DVDs of either video or audio recordings
- Give and record public performances
- Stream music via an intranet

Limitations and conditions apply. The Music Licence also allows music to be performed for limited non-educational purposes, such as background music at a University event. For full details see:

<http://www.unimelb.edu.au/copyright/information/musiclicence.html>

Non Musical Sound Recordings & Films

Copying of non musical sound recordings and cinematographic films, is not permitted either in part or whole even under the Statutory Licence. You must have permission from the copyright owner(s) to copy or communicate a sound recording or film. If a cinematographic film or non musical sound recording has been broadcast then it can be copied under Part VA of the Copyright Act.

Copying Radio and TV Broadcasts

Part VA of the Copyright Act allows radio, TV, cable or satellite broadcasts as well as podcasts & vidcasts of broadcasts to be copied for educational purposes. If a sound recording or film is broadcast on radio or TV it is possible to make a copy for educational purposes. Works can be copied in full and can be made available online, but access must be restricted to students or staff of the University.

Only podcasts, vidcasts or webcasts or TV or radio broadcasts can be used. Podcasts, vidcasts or webcasts created exclusively for the web can not be reproduced for educational purposes. You may however still link to them. Podcasts and webcasts that were originally broadcast overseas can also be copied under Part VA - so long as the country of origin has signed the Rome Convention. Please note: many countries are not signatories, including the United States, New Zealand, China, Hong Kong and Singapore. (see http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=17 for a full list of countries that have signed the Rome Convention). Podcasts from countries that are not covered can still be linked to.

Media Collections, located in the ERC Library, provide an Off Air Recording Service, which can be used to obtain copies of broadcasts. Information about the service is available at <http://www.lib.unimelb.edu.au/collections/media/offa.html>

Screenrights, the organisation that administers Part VA of the Statutory Licence provides a free website – www.enhanceTV.com.au which provides online guide for educational programs on free-to-air TV, pay TV and radio. The site also includes study guides and other resources. Subscribe free of charge to enhanceTV at www.enhancetv.com.au/subscribe

Performing Material in Class

s 28 of the Copyright Act permits any copyright material, such as a film or sound recording, to be performed in class. Although the work can be performed, there is no right to record the work. So if the class or lecture is being recorded via Lectopia, the work may not be included in the recording, unless the reproduction of the work is covered by one of the Statutory Licences or the Music Licence. For example, if you are showing a commercial DVD episode of *Buffy the Vampire Slayer*, it would not be able to be recorded for Lectopia. However, if you are showing an episode of *Buffy* copied from a TV broadcast, it could be included in Lectopia, as the Part VA Licence allows us to reproduce TV and radio broadcasts for educational purposes.

Readings Online can do it for You!

Simply provide the Readings Online Service with a copy of your Course Reading List, and Library staff will source and copy the resources for you in an electronic format. You will then be provide with a link to the resource for your subject LMS page. Students can then conveniently and easier access their course material 24X7.

Readings Online will deal with all the copyright compliance requirements for you.

Visit the Readings Online website for more information (<http://readings-online.unimelb.edu.au/>) or express your interest at: <http://readings-online.unimelb.edu.au/eoi.html>

Using Copyright Material for Research or Study

The statutory licences for educational use specify that reproduction and communication must only be for educational, or teaching, purposes. If you wish to copy for the purposes of research or study, then you may do so under “fair dealing”

For information about what can be copied under fair dealing and the limits that apply, visit: http://www.unimelb.edu.au/copyright/information/fastfind/FF_fairdealing.html

Table 1 - Limits, Conditions, Restrictions on Copying under the Statutory Licence for Educational Use

Type of Material	Copying Limits*	Restrictions	Able to be communicated electronically?
<i>Literary Works</i> - Books	10% or 1 chapter whichever is greatest. More can copied if the work has never been published or is out of print and not commercially available within a reasonable time.	Only applies to works of more than 10 pages	Yes#
<i>Literary Works</i> - Journal Articles/Newspapers	One whole article from a journal issue or two or more articles from the same issue if they are on the same subject.	Multiple articles must be on the same subject if from the same issue	Yes#
<i>Literary Works</i> - Anthologies	Individual works included in an anthology may be copied if it does not exceed 15 pages and has not been separately published.	Any number of works up to a maximum of 10% of the total page numbers	Yes#
<i>Artistic Works</i> (e.g. images, graphs, charts, maps etc)	In part or whole if the artistic work is incidental (i.e. accompanies a literary or dramatic work for the purpose of explaining or illustrating) or has not separately published. If an artistic work has been separately published, no more than a reasonable portion of the work can be copied, unless a new copy of the artistic work cannot be obtained within a reasonable time at an ordinary commercial price. If the image is in electronic format, then the whole image can be copied or communicated.		Yes
Dramatic Works (e.g. film or T.V. scripts or plays)	10% or 1 chapter whichever is greatest. More can copied if the work has never been published or is out of print and not commercially available within a reasonable time.	Only applies to works of more than 10 pages	Yes#
Musical Works (e.g. scores, notated music)	10%. More can copied if the work has never been published or is out of print and not commercially available within a reasonable time.	Only applies to works of more than 10 pages	Yes#
Films	Can not be copied unless broadcast on TV and recorded under Part VA.		Yes, if copied under Part VA
Sound Recordings	Can be copied under the Music Licence or under Part VA if broadcast on radio.		
Broadcasts	Can be copied in full (Part VA)		Yes
Published Editions	Refers to where the underlying work is out of copyright but copyright is applied to the layout and typographic arrangement of the edition. Can be copied in full.		Yes
Works not available separately or unpublished	Copies may be made of the whole or part of a literary, dramatic, musical or artistic work (other than an article in a periodical publication) which is not separately published, or is unpublished.		Yes
Works not available, e.g. out of print	The whole, or part, of a literary, dramatic, musical or artistic work (other than an article in a periodical publication) can be copied if new copies of that work cannot be obtained within a reasonable time at an ordinary commercial price.		Yes

* If the work only exists in electronic form then 10% is deemed to be 10% of the total word count.

Only one portion can be online across the University at any one time.



For More Information:

- University Copyright Office Website , <http://www.unimelb.edu.au/copyright/>
- Australian Copyright Council Website <http://www.copyright.org.au/>
- Gerdson, Trevor, *Copyright: A User's Guide*, Melbourne: RMIT University Press, 2003
- CAL (Copyright Agency Limited) <http://www.copyright.com.au/>
- Screenrights <http://www.screen.org/>
- Australian Copyright Council, *Educational Institutions: Texts, Images & Music, A Practical Guide*, 2002.

This guide prepared and written by:
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