

Department of Education & Early Childhood Development: Copyright Guidelines for Victorian Government Schools

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1 Introduction: about the Guidelines

These guidelines provide an overview of what 'intellectual property' and 'copyright' is, and what school staff need to know about dealing with intellectual property and copyright.

Copyright is only one kind of intellectual property – but it is the focus of these guidelines because it is the form of intellectual property that is most often created and used in schools.

A separate set of guidelines has been prepared dealing more generally with intellectual property and copyright management in the Department. The Department of Education and Early Childhood Development *Intellectual Property and Copyright Guidelines* can be accessed at:

<http://www.education.vic.gov.au/management/governance/copyright/resources.htm>.

2 Intellectual property and copyright

The term 'intellectual property' refers to the legal rights associated with the product of people's imagination and creativity. Intellectual property rights can be dealt with like any other form of property (such as land and goods) – they can be bought, sold, and leased (licensed). One of the rights is the right to prevent other people dealing with the products of imagination and creativity.

For the Department, the most common form of IP is 'copyright'. Other forms of IP are:

- **trademarks**, that is words, phrases or logos (or a combination of those) that are used to identify the trade source of goods or services of an organisation. Depending on the circumstances, trademark rights may also extend to sounds, smells, shapes, or aspects of packaging;
- **designs** for the appearance of products;
- **patents** for new or improved products or processes, or a combination of those;
- **circuit layout rights** for certain layouts for integrated circuits;
- **plant breeder's rights** for new plant varieties; and
- **trade secrets**, including know-how and other confidential or proprietary information.

The forms of IP with which we are concerned in the Department are copyright and trademarks. The other forms of IP are not generally encountered.

2.1 What is copyright?

Copyright protects the original expression of ideas in a material form – for example, original works of art, scripts, books, reports, information sheets, music, films, broadcasts and computer programs. Copyright protects only the material expression of ideas, not the ideas themselves.

Copyright protection is provided automatically when a work is created - no registration is required. Copyright ownership may be indicated by the presence of a copyright notice – e.g. © Department of Education and Early Childhood Development 2007 – and while this is recommended, it is not essential from a legal standpoint. (See '[Labelling of copyright material](#)' for more information). Copyright is automatic once a work has been put into a material form, such as the written text of a novel. A work is protected by law in Australia providing that:

- it is original; and
- the author is a citizen or resident of Australia, or the work was first published in Australia.

Australian law also protects copyright materials made in most other countries under international arrangements.

2.2 Copyright owner's rights

The term 'copyright' refers to a set of legal rights that copyright owners can exercise to the exclusion of all others. The legal protection is provided by the *Copyright Act 1968* (Cth) (Copyright Act). This legislation gives copyright owners exclusive rights over the work. Rights vary according to the nature of the work, but generally include rights to:

- **reproduce** (copy) the work;
- **perform** the work in public (including in a school);
- **communicate** the work to the public (including to members of a school);
- **make an adaptation** of the work; and
- **publish** the work (i.e. to make it public for the first time)

While copyright subsists, the copyright owner has the exclusive right to use the copyright material unless its use is authorised by:

- the copyright owner (i.e. a permission or licence is given); or
- the Copyright Act (i.e. a statutory licence or exception applies).

The rights exist from the time that the material is first put into material form, for example first written down, saved to disc, painted or drawn, filmed or taped.

Copyright statutory licences and exceptions are discussed in more detail [below](#).

Note: The word 'public' has a special meaning in the Copyright Act. It can include staff and students in a school, or Departmental staff. For example, placing material on an intranet or playing music at a work event is still considered to be a communication or performance to the public.

2.3 Moral rights

In 2000, the Copyright Act was amended to introduce a new set of rights for creators/authors of material called moral rights. Moral rights recognise the personal connection of creators to their work, and act to preserve the creative integrity of the work. Only individuals have moral rights.

Note: These rights are quite separate from and distinct to copyright rights.

Moral rights entitle individual creators:

- to be identified as the creator of the work (the right of attribution);
- not to have their work attributed to someone else (false attribution); and
- to object to any derogatory treatment of their creations, which might harm their honour or reputation (the right of integrity).

In general moral rights apply to all literary, dramatic, musical and artistic works, and films which are protected by copyright.

Moral rights cannot be waived or assigned by creators. However, an author can give consent to a particular treatment of a work that might otherwise infringe his or her moral rights. This consent must be in writing.

2.4 Duration of copyright

The duration of copyright depends on the type of work involved – but is generally 70 years after the death of the creator. Crown copyright (ie the Department's copyright) subsists for 50 years after the end of the year in which the material was first published by the government.

After copyright ceases to exist, material is said to be 'in the public domain', and it may be used freely.

2.5 Copyright infringement

Copyright infringement is the unauthorised exercise of one of the copyright owner's exclusive rights. Common examples of copyright infringement that could occur in schools are:

- copying more than the amount of a work permitted to be copied by the education statutory licences, a direct licence or a fair dealing exception;
- downloading and sharing MP3 files of music, videos or games without permission of the copyright owner;
- putting music on the Internet for download by students or the public;
- scanning a photograph that has been published and using it without permission or attribution and in the absence of an exception (lack of attribution would be an infringement of the creator's moral rights);
- installing more copies of a software program on computers than are allowed for in the relevant licence agreement.

2.5.1 Penalties for copyright infringement

If copyright is infringed, the copyright owner generally has the right to take legal action to recover damages – that is, a sum of money intended to compensate the copyright owner for money lost due to the infringement. The amount of damages will depend on the circumstances. Where an infringer has made a profit from the copies made, the copyright owner may seek to recover that profit instead of damages. In some circumstances, infringement of copyright is a criminal offence to which fines and jail terms may apply. The criminal provisions generally apply to commercial piracy and have been applied particularly in relation to people infringing copyright in music, videos and computer software.

An employee who infringes copyright is generally liable in their own right. However, their employer may also be liable if the employee was acting on instructions, or if the employer did not take reasonable steps to ensure that the employee did not infringe copyright, for example by failing to discourage employees from using the employer's equipment to make infringing copies.

2.6 Copyright in material produced by government school staff

School staff may produce original material in their day-to-day work. This could include presentations, teaching materials, or professional development materials. Original material created in this way will be protected by copyright.

The copyright in work that is created by school staff is owned by the State of Victoria (Department of Education and Early Childhood Development) if it is created:

- as part of staff's work duties; or
- as part of professional development activities that form part of a staff member's employment.

This is the case whether the individual is employed by the Department or by a school council.

This is called 'Crown' copyright. The Department administers this copyright on behalf of the State of Victoria. The Office of Government School Education's Regional Directors are authorised to grant licences for the use of these copyright materials by other parties.

2.7 Copyright in material created by students

Students retain the copyright over original material that they create unless the students have been asked to assign these rights. It is not the Department's policy to ask for assignment of the ownership of student created works. However students may be requested to grant the Department a licence to use the works. Some schools request such a licence as part of the enrolment process.

Copyright over students' work typically becomes an issue when student material is incorporated into curriculum support materials or teacher professional development materials which are to be used at conferences and/or placed on the Internet. In such situations it is generally the case that permission to use the material needs to be obtained from the student unless a licence has already been given.

In addition, students retain rights known as 'moral rights' (see above) which cannot be waived or assigned. The practical implication of these moral rights is that the work needs to be attributed to the student – but in a way which does not compromise their privacy or safety. For example, if student art is being displayed on the Internet, an appropriate form of attribution might be to use the student's first name and year level – but not the student's full name.

2.8 'Third Party' copyright material

2.8.1 What is third party material?

Original material created in schools may contain what is referred to as 'third party' IP. This is where the IP rights in material incorporated into a document are owned by someone other than the Department.

Examples of third party IP would be where:

- pictures, the copyright in which is owned by another person or organisation, are reproduced (with permission) in curriculum materials;
- the Department has developed curriculum materials which include a section developed by an education department in another state;
- a university researcher has produced a report for the Department which includes portions of material over which the university has copyright ownership.
- a teacher has incorporated someone else's artwork into materials to be given to students.

2.8.2 Using third party copyright material

When using third party material, staff need to:

- ensure that copyright in third party material is not infringed; and
- record the details of any permission or licence granted to the Department by third parties.

Take care to avoid infringing copyright in third party material

This means ensuring that the material can be used:

- under an [existing licence](#) (an educational statutory licence or another licence which already exists);
- under an [exception](#); or
- by obtaining permission directly from the copyright owner.

Record the details of any permission or licence granted by third parties

It is important that the details of any permissions or licences granted by third parties are recorded so that if the material is to be used again, the existing permission/licence arrangement may be referred to. It may not be necessary to obtain another permission/licence for the further use. Conversely, the permission/licence may limit any further use of the material, and if this is not known copyright might inadvertently be infringed.

A further reason why the details of such licences must be recorded is that if the Department receives fees from individuals or organisations that have copied those materials, the Department may be required to share the fees with the owner of the third party material.

2.9 The Department's Intellectual Property Register

Schools should maintain a register to track school level licences and permissions and any valuable IP created. The Department's IP Register provides a simple tool for doing this. It also enables recording of third party material permissions/licences to help ensure that others' copyright is not inadvertently infringed.

More information on the Department's IP Register is available at:

<http://www.education.vic.gov.au/management/governance/copyright/register.htm>.

Unrestricted permission to copy the Department's copyright material cannot be granted to others unless we can be sure that:

- no third party IP is contained in the document; or
- the Department has the right to grant permissions/licences in respect of third party IP; or
- we are able to identify the owner of the third party IP so that their permission can also be sought.

2.10 Labelling of copyright material

The current guidance on copyright labelling requirements can be found at:

<http://www.education.vic.gov.au/management/governance/copyright/resources.htm>.

Copyright notices

It is not necessary to include a copyright notice on original material in order for it to be protected by law. However, for administrative reasons, it is important that a copyright notice be included on all material which schools publish. This enables other parties to identify the copyright owner and how to contact them about reproducing or communicating the material.

Licence labelling

When material is produced that includes third party material used under licence, details of the licence arrangement will need to be included.

3 Managing copyright material

This section deals with processes that will assist staff to manage copyright in the school environment. (For information on intellectual property management more broadly, see the Department's *Intellectual Property and Copyright Guidelines* available at <http://www.education.vic.gov.au/management/governance/copyright/resources.htm>).

The key copyright management processes school staff are likely to become involved in are:

- using the Department's or other organisations' or individuals' copyright materials;
- overseeing students' use of copyright materials;
- participating in copyright licence surveys; and
- referring requests to use the Department's copyright material.

3.1 Using copyright material

3.1.1 The legal framework for use of copyright material

The Copyright Act forms the legal basis for copyright owners' rights – and their ability to enforce those rights.

However, the Act also recognises that a degree of free access to copyright material is desirable for educational and certain other purposes. 'Exceptions' to copyright owners' rights therefore exist in the Act.

One set of 'exceptions' are called 'fair dealing' exceptions. These allow individuals (including [students](#)) to use copyright works for their studies, within limits. Other 'exceptions'

allow [teaching staff](#) to use copyright material in ways which would otherwise infringe copyright.

The Copyright Act also provides for the statutory [educational licences](#). These licences are another way in which the Act recognises that educational institutions have a special need to access copyright materials.

Outside of the Copyright Act itself, agreements may be formed between copyright owners and individuals and organisations wishing to use copyright material. One type of agreement can be referred to as a voluntary licence. The Department has entered into a number of [voluntary licences](#) to give schools access to certain kinds of copyright materials.

[Another type of licence](#) is where a copyright owner makes its material available on certain terms and conditions. For example conditions of use of software or terms of use on a website.

A further type of licence is often referred to as a 'permission' – this is where a copyright owner gives permission for a certain use to be made.

3.1.2 What constitutes 'using' copyright material?

The most common way in which we 'use' copyright material is what we often refer to as 'copying'. The Copyright Act refers to 'reproducing' and 'communicating' (amongst other things). The table below illustrates the difference between 'reproducing' and 'communicating' with reference to actions that are commonly performed.

Action	Legal description
Make a copy of a piece of copyright material using a photocopier or scanner	Reproduce
Download copyright material in electronic form from an intranet or from the Internet	Reproduce
Print a document from the Internet	Reproduce
Email a piece of copyright material	Communicate
Place a piece of copyright material on an intranet or on the Internet	Communicate

For the most part, these guidelines refer to reproducing and communicating copyright material. However, there are also other ways in which copyright material may be used, such as adapting a work, or making a work public for the first time. If the copyright in the material is not wholly owned by the Department, you should seek advice from the Department's [Copyright Officer](#) before using material in this way.

3.1.3 Students' use of copyright material

Often, students' use will be covered by exceptions in the Copyright Act which allow for 'fair dealing' with copyright materials for the purposes of research or study. In other words, students' reproduction of a limited amount of copyright material for the purposes of research or study is likely to be allowable under the Copyright Act, and therefore not infringe copyright. The most important points to note here are that the reproduction *must be for the purposes of research or study, and*, there are limits on the amount of a work that may be reproduced.

Students can reproduce literary, dramatic and musical works for *the purposes of research or study within the following limits*:

- One article in a periodical publication (or more if for different research or a different course of study); or.
- In the case of any other work, a 'reasonable portion' which means:
 - if the work is published in hardcopy, is longer than 10 pages and is not an artistic work, 10% of the total number of pages, or one chapter;
 - if the work is published in electronic form, 10% of the total number of words in the work, or if the work is divided into chapters, one chapter.

More extensive use of literary, dramatic or musical works *may* be deemed to be an acceptable fair dealing depending on:

- the purpose and character of the dealing;
- the nature of the work;
- the possibility of obtaining the work within a reasonable time at an ordinary commercial price;
- the effect of the dealing on the potential market for, or value of, the work;
- in a case where only a part of the work is reproduced, the amount and substantiality of the part reproduced in the context of the whole of the work.

In other words, it is a question of judgement as to whether more extensive use will be deemed to be 'fair dealing'. However, it is safe to assume that if a copy of the work is not reasonably available, it may be permissible to copy more than a reasonable portion under the fair dealing provision.

Students can also use audio-visual copyright material for the purpose of research or study if that use is fair. Whether the use is fair will depend on similar factors as for copying more than a reasonable portion of a literary, dramatic, musical or artistic work. It is a question of judgment whether a use will be fair.

Students may also communicate copyright materials for research or study, as long as their use is considered to be 'fair'. However, great care should be taken as making copyright material widely available over the Internet is unlikely to be considered 'fair'.

3.1.4 Schools' use of copyright material: introduction

School staff can reproduce and communicate copyright material if:

- it is owned *in its entirety* by the Department of Education and Early Childhood Development;
- a statutory exception applies;
- a statutory licence applies;
- it is covered by an existing licence agreement that permits the use; or
- permission has been obtained from the copyright owner.

Figure 1 outlines the different situations which apply when reproducing or communicating copyright material. Remember, unless the Department owns the copyright *in all of the material in a work*, an exception must apply or a licence/permission is required before the whole work can be used.

Brief explanations of the terms used in Figure 1 are provided below. For more information, staff should consult the detailed guidance that has been jointly developed by the education departments of all of the states and territories. This guidance is contained in the [National Copyright Guidelines](#).

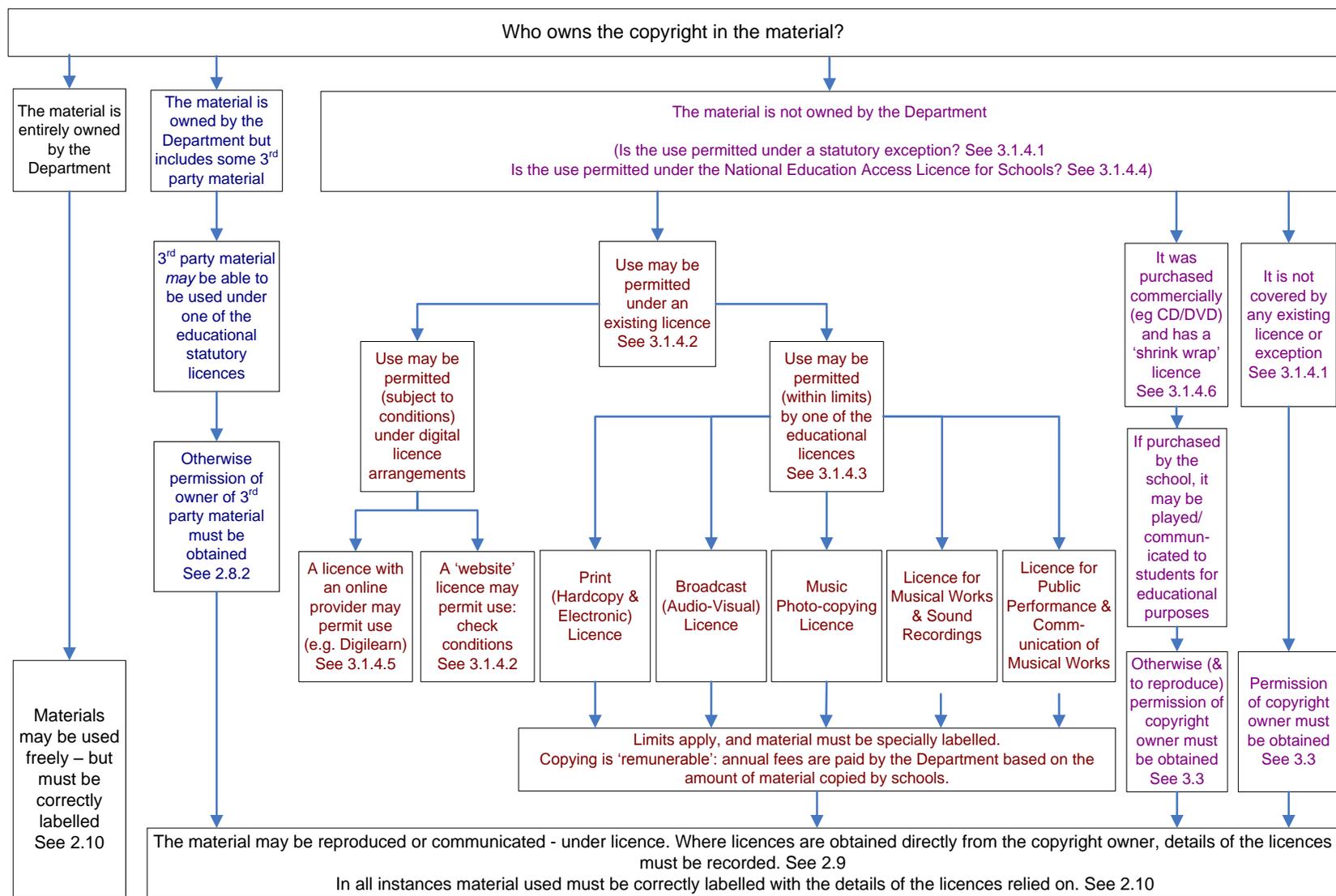


Figure 1: Flowchart for reproducing and communicating copyright material

3.1.4.1 'Statutory Exceptions'

There are four commonly used exceptions in the Copyright Act that allow school staff to use copyright material for free.

- School staff can copy text and artistic works for inclusion in examinations for free.
- School staff can play audiovisual material or read text materials aloud in a classroom.
- School staff can communicate copyright materials for the sole purpose of classroom teaching (e.g. playing a DVD using a centralised player or showing a film to a distance education class using virtual classroom software).
- School staff might also be able to rely on the flexible use exception which allows some uses of copyright materials for teaching purposes where the use:
 - is for a special, narrow purpose;
 - will not harm the copyright owner; and
 - will not conflict with the usual market for that copyright work (e.g. when a school could buy the work or would ordinarily obtain a licence for that use).

3.1.4.2 Licences

There are two main kinds of licence: existing licences - licences which are already in existence, and which staff can rely on (within limits) without having to do anything - and licences which do not yet exist and must be obtained directly from the copyright owner or their representative (also referred to as permissions).

Existing licences include:

- the educational licences – both statutory and voluntary;
- the National Educational Access Licence for Schools (NEALS) (see further below);
- licences available from providers of online learning materials, such as [AEShareNet](#) and [The Learning Federation](#);
- terms and conditions on websites (terms of use will vary and allow different levels of use – you always need to check).

Licences which may be obtained from the copyright owner or their representative are usually obtained for a specific, 'one-off' purpose.

Another type of licence worth noting is the 'shrink wrap' licence – i.e. the terms and conditions on the packaging of commercially-sourced CDs and DVDs.

The key points to note in relation to each of these licence-types are provided below.

3.1.4.3 The educational licences

Five of the licences which cover use of copyright material by school staff are referred to as the educational licences. Two of these are 'statutory' licences (provided for and administered under the Copyright Act) and three are voluntary licences which the Department has entered into in order to make it easier for schools to use the kinds of copyright material covered by these licences. The details of these licences are shown in the table below.

Licence	Type of Work Covered	Relevant Collecting Agency
1. Print Licence (Statutory)	Literary, dramatic and artistic works published in hardcopy or electronic form	Copyright Agency Limited
2. Broadcast Licence (Statutory)	Audio-visual material broadcast on free-to-air and pay television and radio services, as well as programs made available on the Internet that were previously broadcast as free to air radio or television broadcasts	Screenrights
3. Licence for the Reproduction of Musical Works and Sound Recordings by Educational Institutions (Voluntary)	Covers the reproduction of musical works and sound recordings - allows schools to record pieces of music and lyrics and copy sound recordings for use in concerts and other school events (restrictions apply)	Australasian Mechanical Copyright Owners Society Limited, Australasian Performing Right Association Australian Recording Industry Association (AMCOS/APRA/ARIA)
4. Licence for the Public Performance and Communication of Musical Works by Schools (Voluntary)	Covers performance of musical works by students and teachers at schools and at non-school venues (restrictions apply)	Australasian Performing Right Association (APRA)

Licence	Type of Work Covered	Relevant Collecting Agency
5. Schools Photocopying or Printed Music Licence (Voluntary)	Allows print copying of printed musical works (sheet music) (restrictions apply)	Australasian Mechanical Copyright Owners Society Limited (AMCOS)

A summary of the key aspects of the operation of the licences is contained in the Department's *Copyright: Quick Reference Guide for Victorian Government Schools*. This document can be downloaded from <http://www.education.vic.gov.au/management/governance/copyright/resources.htm>.

More detailed information can be found in the [National Copyright Guidelines](#).

3.1.4.4 The National Education Access Licence for Schools

The National Education Access Licence for Schools (NEALS) has been entered into by the Commonwealth department of education and the state education departments, as well as the Catholic Education Offices and Independent Schools Councils in all the states and territories. The agreement allows schools and education departments to freely use materials from each other's websites and publications. Without this licence, the Department would pay fees under the statutory educational licences when schools copy material belonging to the education departments of the other states and territories.

There are two implications of the NEALS agreement which are of note:

- Using materials which are covered by the NEALS agreement reduces the cost to the education system.
- To make NEALS work, it is important that copyright materials that are produced by schools are correctly labelled.

Using materials which are covered by the NEALS agreement

If schools are using materials which would previously have been covered by the statutory educational licences, they do not need to be concerned about whether materials are or are not part of NEALS. That said, it should be noted that materials that are not part of NEALS will be copied at a cost to the education system. If equivalent materials are available as part of NEALS, it would be more cost-effective to use those materials instead. This is a reason to look out for the NEALS logo or a label stating "**Part of NEALS**".



Figure 2: The NEALS Logo

[Note: The Department entered into the NEALS agreement on the basis that *all* our copyright materials are available to other jurisdictions unless they are marked "Not Part of NEALS". Most other jurisdictions have also entered into NEALS on this basis. However, Western Australia entered into the arrangement on the basis that their materials are freely available *only* if they are marked as "Part of NEALS".] Generally, you will know if material you want to use is covered by NEALS because the NEALS logo will be displayed.

Labelling (and registering) materials created by school staff

Copyright materials created by schools would generally be expected to be included in the NEALS arrangement, and should therefore either display the NEALS logo, or be marked "**Part of NEALS**". This information should be displayed on the imprint page at the front of publications, as well as in the footer area of each page. It is important that the label be on each page so that the information is not lost if another school copies only part of the publication.

The latest guidance on copyright labelling, including examples of the correct format, can be accessed at:

<http://www.education.vic.gov.au/management/governance/copyright/resources.htm>.

Please note: the success of the NEALS agreement in reducing the copying fees paid by the Department depends on maximising the amount of material included under the licence. Material should only be excluded from NEALS if the materials:

- have been produced with the intention of commercialising and selling them to schools in other jurisdictions;
- are judged to be of commercial significance to the Department that will be undermined if free copying by teachers in other jurisdictions is permitted;
- contain embedded 'third party' copyright material (copyright material owned by someone else) and:
 - we do not know on what basis the third party materials were used (i.e. whether there is a licence), and whether restrictions apply to the use of the material; or
 - the licence covering the use of the third party materials does not permit the materials to be shared with schools in other jurisdictions.

If materials are to be excluded from NEALS then, in addition to any other marking (see [Labelling of copyright material](#)), they should be marked "**Not part of NEALS**" and should be listed on the Department's IP Register. It is very important to include them on the Register as the list of works excluded from NEALS will be used to ensure that the Department receives royalties for the use of those works.

However, it is not the Department's policy to exclude materials from NEALS in order to collect 'ad hoc' royalty payments. Schools are strongly encouraged not to exclude materials from NEALS, and materials should only be excluded if there is a *clear and current* intention to commercialise the material – or if there is a third party licence issue.

Until schools can directly input into the Department's IP Register, schools can forward details of excluded materials to the Department's Copyright Officer at copyright@edumail.vic.gov.au.

3.1.4.5 Licences available from providers of online learning materials

Providers of online learning materials generally make these available under licence. This means that there are terms and conditions associated with the use of those materials, and sometimes a fee may be payable.

For example, the Department has a licence agreement with *The Learning Federation* under which online learning materials are made available through Digilearn:

<https://www.eduweb.vic.gov.au/dlr/Pages/default.aspx> (requires staff user ID and password)

School staff need to ensure that any use that they – or their students - make of material sourced from Digilearn is in accordance with the conditions of use displayed on that site.

3.1.4.6 'Shrink Wrap' licences

A film (video / DVD) or music CD which is commercially hired or bought by the school or its teachers *on behalf of the school* may be played and communicated to students, but only for educational purposes. A film (video / DVD) or music CD which is commercially hired or bought by teachers or students *in a personal capacity* may not be reproduced without the permission of the copyright owner or unless an exception applies.

In this context, educational purposes means for teaching purposes or purposes where there is a connection with a particular course of instruction (including distance education).

Note: Schools must never remove the copyright protection technologies on DVDs.

3.2 Communicating copyright material electronically

Schools are increasingly using the internet and their intranets as a means of distributing material to students. Copyright issues need to be carefully managed in this environment to avoid exposure to liability from inadvertent copyright infringement.

As a general rule, copyright rules for the digital and non-digital world are the same. Where [works are not wholly-owned by the Department](#), a work must be covered by a licence for it to be communicated safely.

The most important point to note here is that the statutory education licences place the following limitations on putting copies of works (literary, dramatic, artistic and audio-visual) on an intranet:

- only one part of the same work can be online at any time; and
- access must be limited to students and staff.

3.3 Obtaining permission to use others' copyright materials

If you wish to reproduce something that:

- is not covered by an exception;
- is not covered by an existing licence; and
- in which copyright still subsists (see [Duration of copyright](#))

you will need to obtain permission or enter into a licence agreement.

Remember, this may include [third party material](#) that is contained in Department materials.

If you are uncertain whether the reproduction or communication of the material falls within the scope of the exceptions or licence arrangements described above, you should seek advice from the Department's [Copyright Officer](#) via the copyright mailbox copyright@edumail.vic.gov.au.

If you need to obtain permission directly from a copyright owner, the first step is to identify the copyright owner. The table below suggests how to go about this.

A copyright owner can process permission requests more readily if they receive all the information they need in the request. In particular, the copyright owner will need to know:

- exactly what part of the copyright material is to be used;
- precisely what use is to be made of the material; and
- the purpose for which the copies will be made.

A form letter which can be used as a starting point in drafting a request for permission can be downloaded from:

<http://www.education.vic.gov.au/management/governance/copyright/resources.htm>

Type of material		Suggested approach
Text/written material	Published in books	<ol style="list-style-type: none"> 1. Contact the publishing organisation identified on the imprint page 2. The Copyright Agency Limited may be able to locate the copyright owner or grant a licence on their behalf: (http://www.copyright.com.au) 3. The Australian Society of Authors may be able to locate an author: (http://www.asauthors.org)
	Published in newspapers and magazines	<ol style="list-style-type: none"> 1. Contact the publishing organisation identified in the publication 2. To locate journalists and media photographers: Media & Arts Entertainment Alliance (http://www.alliance.org.au)
	Unpublished material	<ol style="list-style-type: none"> 1. Contact the creator directly – or their employer if the material was created as part of the creator's job
Plays and other dramatic works	<ol style="list-style-type: none"> 1. Contact the publisher for works that have been published 2. For other works, contact the creator directly. The Australian Writers' Guild may be able to locate writers: (http://www.awg.com.au) 3. If a work has been filmed, contact the film producer 	
Visual art, craft and photographs	<ol style="list-style-type: none"> 1. Contact the publisher for works that have been published 2. If a work is held in a gallery, the gallery administration should be able to locate the copyright owner 3. It may be possible to obtain a licence from VISCOPY, the visual artists collecting society: (http://www.viscopy.com) 	
Music and sound recordings <i>Note: These may have more than one copyright (e.g. the recording, the music score and the lyrics)</i>	<ol style="list-style-type: none"> 1. Contact the Australasian Mechanical Copyright Owners Society (AMCOS http://www.amcos.com.au) and the Australasian Performing Right Association (APRA http://www.apra.com.au) to locate the owners of the copyright in music. 2. Contact the record company regarding the copyright in the sound recording. If you don't know the name, the Phonographic Performance Company of Australia (PPCA http://www.pcca.com.au) or the Australian Record Industry Association (ARIA: http://www.aria.com.au) may be able to help. 	
Films, television programs, DVDs and videos	<ol style="list-style-type: none"> 1. Contact the producer or the production company. 2. Screenrights (the audio-visual copyright owners' collecting society: http://www.screenrights.org) may be able to assist to locate a copyright owner. 	
Computer software	<ol style="list-style-type: none"> 1. Contact the Business Software Association of Australia (BSAA: http://www.bsaa.com.au) to locate a software copyright owner if the contact details are not contained in the product, its label or packaging. 	

3.4 Communicating copyright material electronically

Schools are increasingly using the Internet and their intranets as a means of distributing material to students. Copyright issues need to be carefully managed in this environment to avoid exposure to liability from inadvertent copyright infringement. Further guidance in this area will be placed on the Department's copyright web pages in the second half of 2007.

The most important point to note here is that the statutory education licences place the following limitations on putting copies of works (literary, dramatic, artistic and audio-visual) on an intranet:

- only one part of the same work can be online at any time; and
- access must be limited to students and staff.

3.5 Schools' responsibilities relating to copyright management

The Copyright Act allows schools to enjoy the benefits of the educational statutory licences. However, schools need to:

- ensure that copying in schools is within the allowable limits of the educational statutory licences – or any other licences obtained by the school;
- ensure that material used under licence is correctly labelled;
- obtain special permission or licences to copy when one of these are required; and
- take steps to avoid the infringement of an author or creator's moral rights.

In addition, schools have a responsibility to avoid any actions which might expose the school or the Department to unnecessary legal liability. This means:

- ensuring staff understand what use of copyright material is permissible – and specifically that staff understand what the limits of the educational statutory licences are;
- making reasonable provision to limit the use of photocopying and scanning equipment to legitimate purposes by means of a copyright notice posted near machines. The notices can be downloaded from: <http://www.education.vic.gov.au/management/governance/copyright/resources.htm>.

Finally, schools have an obligation to work with the Department to manage the copyright licences effectively. This requires:

- participating from time-to-time in surveys of use of copyright material; and
- considering the cost of using materials; and
- utilising the Department's IP Register as a tool for managing copyright material effectively.

3.5.1 Participating in copying surveys

The per-student fees payable under some of the educational licences are based on surveys of copying in schools across Australia. For example, it is a requirement of the Print statutory licence that schools, when selected, participate in a survey. For the 'hardcopy' component of the licence, a survey is conducted each year involving a representative selection of schools throughout Australia.

This survey provides an indication of the use schools around Australia are making of copyright material; and forms the basis for determining distribution of moneys to copyright owners. On average, a school will participate in a survey once in eight years. The selected schools are trained before the survey starts. These training sessions explain the detail of the records to be kept during the survey period. During the period of the survey school teaching staff are required to keep records of their use. Participation by selected schools is very important, as it facilitates all schools access to the benefits of the educational statutory licences.

4 Further Information

4.1 The Department's Copyright Officer

The Information Strategy Relationship Manager, Information Strategy Division is also the Department's Copyright Officer. The Copyright Officer is responsible for:

- Providing guidance and advice to schools and corporate staff on copyright issues;
- Managing the Department's statutory and voluntary licences, including:
 - estimating the Department's annual expenditure on copyright licences;
 - paying licence fees; and
 - liaising with the national bodies responsible for co-ordination of the educational licences.
- Liaising with central government agencies in relation to the Whole-of-Victorian-Government statutory and voluntary licences.

The Information Strategy Relationship Manager, Information Strategy Division can be contacted with copyright queries at copyright@edumail.vic.gov.au

4.2 Internet References

DEECD Intellectual Property & Copyright Web Pages

<http://www.education.vic.gov.au/management/governance/copyright>

Smartcopying Website - The Official Guide to Copyright Issues for Australian Schools and TAFE <http://www.smartcopying.edu.au>