
Print and digital copying and communication

Copying and communicating under the University's Agreement with CAL

The Australian Vice-Chancellors' Committee (AVCC) has brokered a three year Sampling Agreement with the Copyright Agency Limited (CAL). This agreement gives certainty to universities that their costs for copyright will not escalate unmanageably. The provisions of the Agreement are:

- > Universities are covered for **all print and graphic copying and communication** done by or on behalf of the university, for the educational purposes of the university.
 - > The "educational purposes of the University" include:
 - > use to teach students;
 - > making the copy available to students, or communicating to students, as part of a course of study at the University;
 - > retention in the University library or elsewhere (e.g. by a staff member) as a teaching resource; and
 - > the administration of students and courses.
 - > Each **licensed electronic copy and licensed communication must contain a prominently displayed notice that must appear either before or at the same time at the material being communicated appears on the screen.**
 - > The University must take 'all reasonable steps' to ensure that material electronically communicated in reliance on the licence can be received or access only by those people entitled to receive it (i.e. staff and students of the ANU). This means that an authentication system, such as password protection or encryption, must be in place to prevent unauthorised access. The Pro Vice-Chancellor (Academic) has issued a memorandum to all Deans, Directors, Heads of Centres and Administrative Areas in this regard. **Copyright works made available on-line in reliance on the licence must not be available for access by the general public.**
 - > The University must monitor the period for which copyright material is made available on-line. Under the Digital Agenda amendments to the Copyright Act, **material is deemed to be recopied and recommunicated if it remains on-line for more than 12 months.** However, at present, it is not clear how the University will be charged for these deemed copies and communications as no 'electronic use' system has been agreed with CAL.
 - > All **copying and communication must comply with the limits** prescribed in the *Copyright Act 1968*. The limits are:
 - > Copying from hardcopy to hardcopy:
 - > 10% or one chapter of a book (whichever is the greater);
 - > more than this if the work is out of print or unobtainable in a reasonable time;
 - > the whole or part of an article in one issue of a periodical;
 - > two or more articles in one issue of a periodical if they are on the same subject;
 - > the whole or part of a literary or dramatic work in a published anthology if not more than 15 pages;
 - > an artistic work which accompanies a literary or dramatic work for the purpose of explaining or illustrating text;
 - > the whole or part of an artistic work if it is not separately published or is unobtainable in a reasonable time.
 - > Copying from hardcopy to electronic form:
 - > the whole or part of an article from a periodical publication. In addition, two or more articles from the same periodical publication can be copied if they are on the same subject matter;
 - > the whole or part of a literary or dramatic work in a published anthology is not more than 15 pages; and
 - > 10% or one chapter of all other literary, dramatic, musical or artistic works.
 - > Copying or communicating material that is already in electronic form:
 - > the whole or part of an article from a periodical publication. In addition, two or more articles from the same periodical publication can be copied if they are on the same subject matter;
 - > 10% of musical works; and
 - > 10% or one chapter of all other literary or dramatic works.
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A very important limitation on the communication of works is that **only 10% of a work can be made available at any one time**. This means that if one lecturer has made 10% or one chapter of a book available on-line, no other lecturer can make another part of this work available on-line unless the first part has been taken down. Note, however, that this limit does not apply to journal articles.

> There is **no requirement to mark copies** under the Agreement.

Sampling system

Sampling of six universities for 12 weeks each, each year, will continue for CAL's distribution purposes. The sampling design for 2001 and 2002 is a Barcode Design which enables a photocopy of publication details to be provided rather than hand written publication details on forms.

The 2001 and 2002 sample surveys will cover all forms of Part VB copying, but at present there is no agreed methodology for sampling digital copying and communicating. Such sampling may be incorporated into the above design once the methodology has been determined. Meanwhile you are permitted to copy and communicate in digital form.

Alternatives to copying under the CAL Agreement

There are a number of alternatives to copying under the CAL agreement. These include copying:

- > under the fair dealing provisions contained in the Copyright Act;
- > with permission from the copyright owner. Permission from the copyright owner can be sought using a permissions form;
- > where permission has been obtained from individual organisations/copyright owners on a wider basis, for example, permission has been granted by the High Court to permit free and unlimited reproductions of its decisions, or extracts of its decisions, subject to three conditions; and
- > under the insubstantial portions provisions contained in the Copyright Act.

The Australian National University, 2010

Return to copyright website at copyright.anu.edu.au
