

# Copyright information from ANU Library: copyright for higher degree students

## General principles

- > Cite all material that you use correctly to clearly attribute through accurate referencing.
- > Ensure that if you use a “substantial” part of a work you have the right to use it in your publications.
- > Only make copies of material, whether print or electronic copies, in accordance with the fair dealing provisions of the *Copyright Act 1968*, or use other approaches such as permission from the creator.
- > Material created by others can be used in your thesis (see your thesis and copyright section)—review your thesis to make sure appropriate permissions have been obtained.
- > Material on the Internet is not necessarily able to be freely copied or reproduced without permission.
- > Library staff can assist with information on copyright.

The Australian National University is committed to compliance with the *Copyright Act 1968* and upholding the rights of creators and users of copyright material.

This guide is prepared to assist **higher degree** students in understanding the basics of copyright for their theses, publications and other work. Further general assistance can be found from other materials on the University’s copyright site (<http://copyright.anu.edu.au>) or from the University Library.

If you need legal advice in relation to a University copyright matter and your question has not been resolved after reviewing the materials in this guide, you may refer your question to the University Legal Office for further assistance.

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Version 1.02

Prepared May 2013 by Roxanne Missingham, University Librarian

## What is copyright?

The Attorney-General's Department publication *Short guide to copyright*<sup>1</sup> states:

Copyright is a type of property that is founded on a person's creative skill and labour. Copyright protects the form or way an idea or information is expressed, not the idea or information itself.

Copyright is not a tangible thing. It is made up of a bundle of exclusive economic rights to do certain acts with an original work or other copyright subject-matter. These rights include the right to copy, publish, communicate (e.g. broadcast, make available online) and publicly perform the copyright material.

Copyright creators also have a number of non-economic rights. These are known as moral rights. This term derives from the French *droit moral*. Moral rights recognised in Australia are the right of integrity of authorship, the right of attribution of authorship and the right against false attribution of authorship.

Some points to remember about copyright:

- > Copyright protection applies automatically when material is created, and is therefore FREE.
- > Copyright does not protect names, titles, or slogans.
- > Copyrighted material can be used for personal use without permission in some circumstances, but these are narrow and very specific.<sup>2</sup>

## Why is copyright important?

Copyright is a legal set of protections for creators. If copyright is infringed (breached) penalties can be sought by creators. While there have not been a large number of cases in the university sector in recent years, penalties can be significant.

The University is committed to compliance with the *Copyright Act 1968*. All staff and students are informed through guidance material and training as appropriate to ensure in compliance.

## What does copyright protect?

Australian copyright legislation (the *Copyright Act 1968*) protects works which are "original" (the product of a creator's own intellectual effort, and not copied from another person's work). Copyright subsists for works created by a resident or citizen of Australia, or made or first published in Australia, or for citizens from countries which are members of a relevant international copyright treaty.

Copyright protects:

- > **Works** are protected by copyright. The Act defines these as original **literary, dramatic, musical and artistic** works. Fiction and non-fiction are covered, as are print and electronic materials.
- > **Literary works** covers works that are written or produced in another form by a creator. They must be non-trivial in order to be covered by copyright. Covered in the scope of literary works are letters, manuscripts, emails, articles, novels, poetry, song lyrics, timetables, databases and computer programs.
- > **Artistic works** are covered. This includes paintings, photographs, sculptures, engravings, sketches, blueprints, drawings, plans, maps and buildings or models of buildings, irrespective of the artistic quality of the work.

There are categories of material covered by copyright material collectively referred to as "subject-matter other than works" which includes:

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<sup>1</sup> [www.ag.gov.au/RightsAndProtections/IntellectualProperty/Pages/Copyright-information.aspx](http://www.ag.gov.au/RightsAndProtections/IntellectualProperty/Pages/Copyright-information.aspx). Accessed 3 January 2013.

<sup>2</sup> [www.copyright.org.au](http://www.copyright.org.au), *An Introduction to Copyright in Australia*. Accessed 21 February 2013.

- > **films and sound recordings**
- > **radio and television broadcasts.**

**Compilations of works**, such as conference proceedings and collections of essays are also covered (as works)<sup>3</sup>. If the compilation is not “original” (for example not created by “independent intellectual effort” nor the product of “sufficient effort of a literary nature”), the compilations may not be covered by copyright.

Australian copyright legislation is different to that of the UK and US. For example the US legislation has provisions for “fair use” and government publications are not covered by copyright and therefore are “public domain”. In Australia the legislation has specific provisions which are different.<sup>4</sup>

## How long does copyright last?

Under the Australian *Copyright Act 1968*, copyright last as follows.:

Category of work	Time covered	Period
Publications for example books, journal articles (literary, dramatic, musical or artistic work)	If published anonymously first published before 1 January 1955	Copyright has expired.
	If Creator died before 1 January 1955	Copyright has expired.
	If published after 1 January 1955	Copyright expires at the end of 70 years after the end of the calendar year in which the author of the work died.
Music (and lyrics) published editions	If made after 1 January 1955	Copyright lasts for 25 years after the date of publication. It may still subsist even when the copyright in the music and lyrics have expired.
Photographs	If taken before 1 January 1955	Copyright has expired.
	If taken after 1 January 1955	Copyright expires at the end of 70 years after the end of the calendar year in which the creator of the work died.
Photographs made before May 1969	If taken before 1 January 1955	Copyright has expired.
	If made after 1 January 1955	Copyright expires at the end of 50 years after the year made.
Government publications	Federal: from May 2010 on	Australian Government agencies are required, wherever possible, to release copyright public sector information under Creative Commons <sup>5</sup> BY licence or other open content licences

<sup>3</sup> Australian Copyright Council (2012) *Databases, Compilations, Tables & Forms*. February 2012 Strawberry Hills, NSW: The Council. [www.copyright.org.au/admin/cms-acc1/\\_images/1701372334f388acd5c79d.pdf](http://www.copyright.org.au/admin/cms-acc1/_images/1701372334f388acd5c79d.pdf). Accessed 24 January 2013

<sup>4</sup> Changes proposed to copyright in the UK in 2013 include:

- > education—to simplify copyright licensing for the education sector
- > research and private study—to allow sound recordings, films and broadcasts to be copied for non-commercial research and private study purposes without permission from the copyright holder. <http://news.bis.gov.uk/Press-Releases/Consumers-given-more-copyright-freedom-68542.aspx>. Accessed 3 January 2013.

<sup>5</sup> <http://creativecommons.org/licenses/by/3.0/au/>. Accessed 3 January 2013.

Category of work	Time covered	Period
		(see <i>Government response to the Gov2.0 report</i> <sup>6</sup> ).
	Federal: prior to May 2010	Copyright expires at the end of 70 years of first publication. Permission for use needs to be sought from the author agency; there is not a central copyright clearance office. The Library can provide assistance where names of agencies have changed.
	State and local	State and local government agencies are increasingly seeking to use Creative Commons licences, unless the works are under this licence copyright exists for 70 years.
Unpublished original material such as letters, manuscripts		Copyright does not expire.

Note:

- > Film footage shot before May 1969 is defined as a series of photographs.
- > Films may have complexities for music and other components that have different copyright or license conditions.
- > Works may be reissued in a revised form after the death of the creator or author. The revision may extend the period of copyright protection, with the creator being both the person/s responsible for the revision and the original creator.

## Why is it copyright important?

Copyright is a legal set of protections for creators. If copyright is infringed (breached) penalties can be sought by creators. While there have not been a large number of cases in the university sector in recent years, penalties can be significant.

The University is committed to compliance with the *Copyright Act 1968*. All staff and students are informed through guidance material and training as appropriate to ensure in compliance.

<sup>6</sup> [www.finance.gov.au/publications/govresponse20report/doc/Government-Response-to-Gov-2-0-Report.pdf](http://www.finance.gov.au/publications/govresponse20report/doc/Government-Response-to-Gov-2-0-Report.pdf). Accessed 3 January 2013.

## Fair dealing

The fair dealing provisions (see Attachment A) allow for use of literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, without payment of a fee or a license. A 'dealing' with copyright material is using the material in any of the ways reserved to the copyright holder<sup>7</sup>.

This covers uses such as:

- > reproduction or communication (such as sending by email) of a reasonable portion of a work for research or study by a student enrolled at the University;
- > use of a work for the purpose of criticism or review, with sufficient acknowledgement of the work (section 41); and
- > use of a work for the purpose of parody or satire, with sufficient acknowledgement of the work (section 41A).

The provisions for copying for the purpose of criticism or review do not have a limit on the amount of material you may reproduce or use. The following criteria must be met:

- > You must make a genuine attempt to critique or review the work by analysing its merit;
- > the dealing with the work must be 'fair'—'fair' for this provision is not defined in the Act; and
- > you must acknowledge the creator and title of work.

In practice, this exception is unlikely to give you protection beyond that of use for research and study if you use reasonable portions of the work.

The Australian Copyright Council provides a number of information sheets that can help you establish whether your use is 'fair' and what constitutes a 'reasonable portion'<sup>8</sup>. The *Copyright Act 1968* deems that **it is fair to reproduce 10% of the number of pages, or one chapter** (if the work is divided into chapters) **of published text or printed music. When reproducing text published in electronic format, 10% of the number of words can be copied or one chapter.**

The exception does not allow for unlimited copying for study, nor for unlimited reproduction of the work of others in your thesis or publications, such as journal articles.

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<sup>7</sup> Australian Copyright Council (ACC) 2002, *Fair Dealing*. North Sydney: ACC. [www.copyright.org.au](http://www.copyright.org.au). Accessed 21 February 2013.

<sup>8</sup> Australian Copyright Council, see Information sheets *Research or Study, Permission: Do I Need It?, Fair Dealing*, [www.copyright.org.au](http://www.copyright.org.au) Accessed 21 March 2013

## Quotations and extracts

The best way to avoid infringing copyright when using quotations and extracts is to make sure you reference sources correctly. The ANU Library website provides some guidance on referencing that can be found at <http://anulib.anu.edu.au/training/referencing/>.

The University also provides various training courses that can assist you with [essay or thesis research](#), [managing your thesis production](#), and [searching databases and journals for information sources](#).

Generally, copyright infringement occurs when a substantial part of the work is used. A part may be considered substantial if it is important, essential or distinctive to the work; the quality of the part of the work you are using is often more important than the quantity.

According to the Australian Copyright Council<sup>9</sup>, you are likely to need permission to use a quotation or extract if:

- > the quotation is a work for the purposes of copyright, or the quotation is an important part of a work, **and**
- > the copyright has not expired, **and**
- > no special exception applies (such as fair dealing for criticism and review, research or study, or for news reporting).

Always reference the material created by others that you quote or use in your thesis accurately. This requirement is not affected by whether you are using it under the *Copyright Act 1968* or other. This falls within the moral rights provisions and also professional academic practice.

This applies whether you are using an insubstantial or substantial portion of a work.

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<sup>9</sup> [www.copyright.org.au](http://www.copyright.org.au), *Quotes and Extracts*. Accessed 21 February 2013.

## Copyright and research data

Data can be protected by copyright in the literary works category, which includes ‘tables’ or ‘compilations’. The protection can apply if the data is in a literary work (does not mean a work of fiction) and is ‘original’.

The Australia National Data Service (ANDS) advises that, “As general rule, the person who produces the data will own copyright in it. If two or more people have collaborated in producing the data, such that their individual contributions cannot be separated out from the whole work, they will be joint authors and will jointly own copyright. In a situation where the data has been produced by an employee acting in the ordinary course of their employment duties, copyright will belong instead to that person’s employer.”<sup>10</sup> ANDS has a Data Licensing Implementers group which provides information<sup>11</sup> and assistance.

Where data is collected under a contract for example a research grant there may be joint ownership of the research data or obligations regarding its publication, use and citation.

There are many advantages to publishing your research data, unless prevented by privacy, public sensitivity, or commercial matters. Data can be made available to others under a range of licences and conditions the make it clear to others how it can be used. Options include:

- > Creative Commons.
- > Science Commons.
- > GNU Free Documentation License.

If you are **creating or collecting data as part of your research** consider how you might make that data available with accurate and comprehensive metadata. The metadata should include information about the creator of the data, restrictions on its use, descriptions of the data in the collection and other data such as date collected or grants the information is collected under.

The University has a data repository—available at <https://datacommons.anu.edu.au:8443/DataCommons>—is a part of Research Data Australia<sup>12</sup>. By listing your data in these services you identify that the data has been collected and that you are the creator of the data. This both protects your rights and enables the research community to identify the data that you have collected.

The Australian National University is committed to the highest standards of research integrity and has extensive advice on<sup>13</sup> research practice and data collection and management. If you are undertaking data collection which includes human or animal ethics approval you will need to have a data management plan which should include information on how the data is stored, made available and permissions for data collection such as consent forms. Further advice can be obtained from the Office of Research Integrity Research Services at <https://researchservices.anu.edu.au/ori/responsible/contact.php>

Remember that data collections you use or create may have a range of rights holders, particularly if you are recording performances or music. There may be a requirement of a number of permissions for any particular data recording.

If you wish to use data that has been collected or created by others, you will need to ensure that you understand the conditions on which the data is made available and can be reused. If this is not clear you should contact the individual or organisation who created or is responsible for the data.

If you wish to use the data in a publication, such as a journal article or essay, or if you are using a substantial portion of data and it is not covered by the fair use provisions of the *Copyright Act 1968*, nor a license such as Creative Commons, seeking permission from the copyright owner will enable you to use the material without infringing copyright.

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<sup>10</sup> [www.ands.org.au/guides/copyright-and-data-awareness.html](http://www.ands.org.au/guides/copyright-and-data-awareness.html). Accessed 21 March 2013

<sup>11</sup> <http://ands.org.au/publishing/universities-licensing-group.html>. Accessed 21 March 2013

<sup>12</sup> <http://researchdata.ands.org.au>. Accessed 21 March 2013

<sup>13</sup> <https://researchservices.anu.edu.au/ori/responsible>. Accessed 21 March 2013



## Making copies for your research or study

You will want to make photocopies and digital copies of material that is relevant to your research. There are a range of tools that you can use to record and/or store your references material including Mendeley, Zotero and Endnote. The Library offers training in these products (see [http://anulib.anu.edu.au/training/graduate/graduate\\_information\\_skills.html](http://anulib.anu.edu.au/training/graduate/graduate_information_skills.html)). The University has a license for Endnote—you can download it from Wattle at <https://wattlecourses.anu.edu.au>.

You cannot make unlimited copies of all material for your research and study. The options enabling you to copy material (works) include the following:

- > you may be the copyright holder.; or
- > the University may be the copyright holder.; or
- > the University may have a license for use of the work/s that means that you can make a copy—the Library can check licenses for works.; or
- > copyright may have expired in the works; or
- > the works may be published under a Creative Commons license that allows for reproduction without permission; or
- > reproduction falls within the fair dealing or other exceptions; or
- > reproduction occurs with permission of the creator; or
- > you are copying an insubstantial portion of the work.

## Licensed material purchased by the University

The University Library purchases a wider range of material for the use of members of the University. Electronic resources, such as e-journals and e-books are purchased through agreements (licenses) with suppliers. The Library has a database of the licenses and can check to see if the material can be made available to your students within the conditions of the license.

## Material on the Internet

Many valuable resources are available on the Internet. Unfortunately many resources do not contain information about whether they can be reproduced or communications for research or study.

Where possible use material that is identified as Creative Commons licensed—there are a range of Creative Commons licenses and you will need to check to see if a resource can be freely copied or should just be linked to in your course material.

There are many “pirate” websites offering access to films, television programs and other material for which they do not have the right to provide access to the community. If the website has the word “pirate” on the home page beware.

Use websites where you are reasonably sure that the copyright owner has given permission for the material to be included.

Remember moral rights apply to websites as well as printed/hardcopy resources.

Just because material is on the Internet does not mean you can copy or reuse it for your students.

General principles are:

- > Check if there is information on use on the website.
- > Link to the resource.
- > If this will not work ask the creator for permission.
- > If you are unsuccessful in getting a response from the creator in a reasonable time you may wish to consider copying the material

## FAQs

### Can I make a copy/communicate material (works) to another student or colleague?

You can make a copy or communicate (such as sending as an attachment electronically) under the fair dealing for purpose of research or study provision of the *Copyright Act 1968*.

### Can I make a copy for my research?

You can make a copy under the fair dealing exceptions of the *Copyright Act 1968*. You can copy limited amounts of copyright material for research or study and criticism or review. The definition of reasonable portions are in Attachment A:

Item	Work or adaptation	Amount that is reasonable portion
1	A literary, dramatic or musical work (except a computer program), or an adaptation of such a work, that is contained in a published edition of at least 10 pages	(a) 10% of the number of pages in the edition; or (b) if the work or adaptation is divided into chapters—a single chapter
2	A published literary work in electronic form (except a computer program or an electronic compilation, such as a database), a published dramatic work in electronic form or an adaptation published in electronic form of such a literary or dramatic work	(a) 10% of the number of words in the work or adaptation; or (b) if the work or adaptation is divided into chapters—a single chapter

The *Copyright Act* does not specify the amount you can copy from films, DVDs or other media.

You should consider the following factors if you need to copy more than a reasonable portion from a book, musical score or notated music:

- > The purpose and character of the copying.
- > The nature of the material being copied.
- > The possibility of obtaining the material commercially.
- > The effect of the copying upon the potential market for the material.
- > The amount copied in relation to the whole of the source material.

For more information visit the copyright page for researchers at <http://copyright.anu.edu.au/researchers>.

### Can I reproduce materials in accessible formats?

The *Copyright Act 1968* contains a number of provisions that allow material to be reproduced in accessible formats to assist people with disabilities. The Disability Services Centre (<http://disability.anu.edu.au>) and the Library work closely together to support students who are registered with the Centre<sup>14</sup>

Works can be copied and communicated to students with a print disability. The *Copyright Act 1968* defines a print disability as:

- > a person without sight;
- > a person whose sight is severely impaired;
- > a person unable to hold or manipulate books or to focus or move their eyes; or
- > a person with a perceptual disability.

<sup>14</sup> <http://disability.anu.edu.au>. Accessed 3 January 2013

Only literary and dramatic works (or published editions) can be copied under this provision. Musical works such as sheet or notated music are not included. Literary or dramatic works and published editions can be copied in full in any required accessible format provided they are not commercially available in that format.

The print disability provisions can be used to reproduce material to assist a student for educational purposes; research and study, as well as for recreational or private use.

If you wish to reproduce material other literary or dramatic works or for other disabilities, you will need to rely on one of the other provisions.

There are particular requirements including that it is solely for the purpose of assisting students with print disabilities.

A written notice must be given to the Copyright Agency Limited (CAL) within three months informing them of the reproduction or communication and must include the following details:

- > Australian National University.
- > Details of the work reproduced or communicated (i.e. author, title, publication details).
- > Date on which the reproduction or communication was made.
- > 'This is a reproduction made on [day on which the reproduction was made] by the Australian National University in reliance on section 135ZQ of the Copyright Act 1968, solely for use by a person with a print disability.'
- > If the reproduction is a sound recording, then this message should be included at the beginning of the sound recording.

In summary contact the Disability Services Centre for support and advice.

## I wish to reproduce an image of an object/painting/artwork.

As noted in the 'How long does copyright last?' section of this guide, copyright in original works which are not published is perpetual. If the work is copied, for example a photograph is taken, it will not have separate copyright unless it meets the text of "originality", for example if the image was reused in a new original artwork.

If the copy/photograph is of the original work without any additional artistic work (meeting the test of originality) the image can be used in teaching if:

- > the original art work is produced under a Creative Commons license that allows for reuse;
- > the University is the copyright holder;
- > copyright in the artwork has expired (particularly applies to photographs); or
- > permission has been granted by or on behalf of the copyright owner.

Some museums and galleries provide information on whether images/reproductions can be made of works in their collection on their website or through signs in their exhibition spaces.

If you have located an image of an artwork this does not mean that the image or reproduction can be freely used. If in doubt ask the Library staff for advice.

## Where can I find open access material to use?

Open access material and many Creative Commons licenced resources can be freely used in your work. There are a number of good starting points to locate this material including:

- > Directory of Open Access Journals—[www.doaj.org](http://www.doaj.org)
- > Directory of Open Access Books—[www.doabooks.org](http://www.doabooks.org)
- > Directory of Open Access Repositories (*OpenDOAR*)—[www.opendoar.org](http://www.opendoar.org)
- > Material in Australian open access repositories is often listed in Trove—<http://trove.nla.gov.au>
- > Images can be found in:

- Flickr—[www.flickr.com/search/advanced](http://www.flickr.com/search/advanced)—use Advanced search to select “Only search within Creative Commons-licensed content”.
- Google images—[http://images.google.com.au/advanced\\_image\\_search?hl=en-AU&authuser=0](http://images.google.com.au/advanced_image_search?hl=en-AU&authuser=0)—select “free to use or share” or other free use options.

## What about works out of print?

Just because a work is out of print does not mean its copyright has expired, nor that you have the right to make unlimited copies for the world.

There are a number of options to make works or parts of works available including the following:

- > You may make copies or communicate a reasonable portion for students under the statutory licence.
- > You may obtain permission from the copyright holder to make the material available.
- > The Library may have a license for the material that enables use in your course.

## What is library (200AB) copying?

The 2006 amendment to the *Copyright Act 1968* included a new provision that aimed to provide a “flexible exception to enable copyright material to be used for certain socially beneficial purposes, while remaining consistent with Australia’s obligations under international copyright treaties”<sup>15</sup>.

It enables libraries and archives to make copies of material under certain conditions. A detailed handbook is available online <sup>16</sup>. The fundamental steps for copying in this situation are:

- > There are no other exceptions available to you.
- > You are using the material for a set purpose.
- > The use is non-commercial.
- > The use does not conflict with normal exploitation.
- > The use will not unreasonably prejudice the copyright holder.
- > The use is a special case.

The Library is using this provision to digitise and make available ANU historic theses.

Further information can be obtained from Library staff.

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<sup>15</sup> Explanatory Memorandum, Copyright Amendment Bill 2006 (Cth), 108.

<sup>16</sup> <http://digital.org.au/sites/digital.org.au/files/documents/Flexible%20Dealing%20Handbook%20final.pdf> Accessed 3 January 2013

## Acknowledgments

This guide draws and was inspired by copyright guidance from the Attorney-General's department, Australian Copyright Agency, Australian Copyright Council, Copyright Agency Limited, Queensland University of Technology, University of Melbourne and University of Sydney.

## Further information

Attorney-General's Department copyright page	<a href="http://www.ag.gov.au/RightsAndProtections/IntellectualProperty/Pages/Copyright-information.aspx">www.ag.gov.au/RightsAndProtections/IntellectualProperty/Pages/Copyright-information.aspx</a>	
Australian Copyright Council	<a href="http://copyright.org.au">http://copyright.org.au</a>	Note the Publications series is purchased by the Library and available from the Law Library (AUS 100)
Australian Digital Alliance	<a href="http://digital.org.au">http://digital.org.au</a>	
Australian Libraries Copyright Committee	<a href="http://libcopyright.org.au">http://libcopyright.org.au</a>	
Australian Library Association	<a href="http://www.alia.org.au/advocacy/copyright">www.alia.org.au/advocacy/copyright</a>	The Library is a member and can access restricted content.
Australasian Performing Right Association (APRA) - Australasian Mechanical Copyright Owners Society (AMCOS)	<a href="http://www.apra-amcos.com.au">www.apra-amcos.com.au</a>	APRA-AMCOS collects and distributes royalties for the reproduction of their members' musical works.
Council of Australian University Librarians	<a href="http://www.caul.edu.au/external-links/document/copyright">www.caul.edu.au/external-links/document/copyright</a>	
Copyright Agency	<a href="http://www.copyright.com.au">www.copyright.com.au</a>	
Open Access to Knowledge (OAK) Law Project	<a href="http://www.oaklaw.qut.edu.au/files/Copyright%20Guide%20for%20Research%20Students.pdf">www.oaklaw.qut.edu.au/files/Copyright Guide for Research Students.pdf</a>	Very useful guide
Universities Australia Expert Reference Group on Copyright	<a href="http://www.universitiesaustralia.edu.au/page/about-us/committees/copyright-reference-group">www.universitiesaustralia.edu.au/page/about-us/committees/copyright-reference-group</a>	

## Attachment A.

### Copyright Act 1968 - Section 40 Fair dealing for purpose of research or study<sup>17</sup>

#### 40 Fair dealing for purpose of research or study

- (1) A fair dealing with a literary, dramatic, musical or artistic work, or with an adaptation of a literary, dramatic or musical work, for the purpose of research or study does not constitute an infringement of the copyright in the work.
- (1A) A fair dealing with a literary work (other than lecture notes) does not constitute an infringement of the copyright in the work if it is for the purpose of, or associated with, an approved course of study or research by an enrolled external student of an educational institution.
- (1B) In subsection (1A) the expression **lecture notes** means any literary work produced for the purpose of the course of study or research by a person lecturing or teaching in or in connection with the course of study or research.
- (2) For the purposes of this Act, the matters to which regard shall be had, in determining whether a dealing with a literary, dramatic, musical or artistic work or with an adaptation of a literary, dramatic or musical work, being a dealing by way of reproducing the whole or a part of the work or adaptation, constitutes a fair dealing with the work or adaptation for the purpose of research or study include:
- the purpose and character of the dealing;
  - the nature of the work or adaptation;
  - the possibility of obtaining the work or adaptation within a reasonable time at an ordinary commercial price;
  - the effect of the dealing upon the potential market for, or value of, the work or adaptation; and
  - in a case where part only of the work or adaptation is reproduced—the amount and substantiality of the part copied taken in relation to the whole work or adaptation.
- (3) Despite subsection (2), a reproduction, for the purpose of research or study, of all or part of a literary, dramatic or musical work, or of an adaptation of such a work, contained in an article in a periodical publication is taken to be a fair dealing with the work or adaptation for the purpose of research or study.
- (4) Subsection (3) does not apply if another article in the publication is also reproduced for the purpose of different research or a different course of study.
- (5) Despite subsection (2), a reproduction, for the purpose of research or study, of not more than a reasonable portion of a work or adaptation that is described in an item of the table and is not contained in an article in a periodical publication is taken to be a fair dealing with the work or adaptation for the purpose of research or study. For this purpose, **reasonable portion** means the amount described in the item. **Works, adaptations and reasonable portions**

Item	Work or adaptation	Amount that is reasonable portion
1	A literary, dramatic or musical work (except a computer program), or an adaptation of such a work, that is contained in a published edition of at least 10 pages	(a) 10% of the number of pages in the edition; or (b) if the work or adaptation is divided into chapters—a single chapter
2	A published literary work in electronic form (except a computer program or an electronic compilation, such as a database), a published dramatic work in electronic form or an adaptation published in	(a) 10% of the number of words in the work or adaptation; or (b) if the work or adaptation is divided into chapters—a single chapter

<sup>17</sup> <http://www.comlaw.gov.au/Details/C2013C00007> Accessed 3 January 2013

Item	Work or adaptation	Amount that is reasonable portion
	electronic form of such a literary or dramatic work	

(6) Subsection (5) applies to a reproduction of a work or adaptation described in both items of the table in that subsection even if the amount of the work or adaptation reproduced is not more than a reasonable portion (as defined in that subsection) on the basis of only one of those items.

(7) If:

- (a) a person makes a reproduction of a part of a published literary or dramatic work or published adaptation of a literary or dramatic work; and
- (b) the reproduction is of not more than a reasonable portion (as defined in subsection (5)) of the work or adaptation;

subsection (5) does not apply in relation to any subsequent reproduction made by the person of any other part of the same work or adaptation.

(8) Subsections 10(2), (2A), (2B) and (2C) do not affect subsection (5), (6) or (7) of this section.