

Copyright information from ANU Library: copyright for teaching

General principles

- Cite all material that you use—reference accurately
- Make material available to students in accordance with licenses, fair dealing or other permissions
- Link to library subscribed resources and other resources rather than copying the material into the learning management system or a local system
- Ensure required notices are displayed, for example for specific statutory license notices
- Library staff can assist with e-reserves as well as print reserves
- Library staff can assist with general advice on copyright
- Limit access to registered students.

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 teaching staff to understand the basics of copyright for teaching purposes. 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 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 ANU Copyright Officer for further assistance.

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Prepared by Roxanne Missingham, University Librarian

What is copyright?

The [Department of Communications and the Arts](#) publication Short guide to copyright¹ 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 (eg 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.

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 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:

1. **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 hard copy and electronic materials.
2. **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, e-mails, articles, novels, poetry, song lyrics, timetables, databases and computer programs.
3. **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:

- **Films and sound recordings.**
- **Radio and television broadcasts.**

Compilations of works, such as conference proceedings and collections of essays are also covered (as

¹ <https://www.communications.gov.au/documents/short-guide-copyright> Accessed 23 January 2019

works).² 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 is based on “fair use” and government publications are not covered by copyright and therefore are “public domain”.

How long does copyright last?

Under the Australian Copyright Act 1968 copyright lasts as follows: (Extract – see **Attachment C** for full listing)

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Literary, dramatic, musical works (other than computer programs)	Made public before death of author	Author died before 1 January 1955	Life of author + 70 years
Literary, dramatic, musical works (other than computer programs)	Made public after author’s death and before 1 January 2019	Made public before 1 January 1955	Year first made public + 70 years
Literary, dramatic, musical works (other than computer programs)	Made public after author’s death and on or after 1 January 2019	Author died before 1 January 1949	Life of author + 70 years
Literary, dramatic, musical works (other than computer programs)	Never made public	Author died before 1 January 1949	Life of author + 70 years
Artistic works other than engravings or photographs		Author died before 1 January 1955	Life of author + 70 years
Photographs		Made before 1 January 1955	Life of author + 70 years
Photographs where the author is unknown	Made public before 1 January 2019	Made before 1 January 1955	Year first made public + 70 years
Works made, or first published, by the Commonwealth, or a State or Territory		Made before 1 January 1969	Year made + 50 years ³

Engage: Getting on with Government 2.0. Canberra: Department of Finance and Deregulation.

Note:

- Film footage shot before May 1969 is defined as a series of photographs.

² Australian Copyright Council (2012) Databases, Compilations, Tables & Forms. February 2012 Strawberry Hills, NSW: The Council.

https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Databases_Compilations_Tables_Forms.aspx
Accessed 23 January 2019

³ <http://creativecommons.org.au/learn/licences/> Accessed 23 January 2019

- 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.

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. Much of the material has conditions that allow for use in teaching. The Library has a database of the agreements and can check to see if the material can be made available to your students within the conditions of the license.

Where you wish to use this material in assignments or online readings the material should be, wherever possible, made available through links in your course resources, rather than through storing a copy of the material in the learning management system (WATTLE).

Fair dealing

The Copyright Act 1968 allows you to make certain copies under the fair dealing provision. The provisions include use for education and study, review and criticism.

This does not include making multiple copies for your students.

A reasonable portion may be copied for your research, for a colleague or a student. 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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 1968 does not specify the amount you can copy from films, DVDs or other media.

Statutory licenses

The Copyright Act 1968 includes a provision for an educational “statutory license” to allow teachers to copy and communicate text, images and print music without copyright clearance. This does not generally allow whole works to be reproduced, but fair dealing portions. Note this does not cover the use of sheet music for public performances.

The legislation (in Division 4) allows for copying for educational purposes with remuneration:

An educational institution may copy or communicate certain copyright material for educational purposes if the body administering the educational institution agrees to pay equitable remuneration to a collecting society.

Statutory license: text and images

The University has a license with the Copyright Agency Limited through Universities Australia for the purpose of reproduction of text and images. Separately the University may have agreements or

permissions or licenses that enable use of material, for example a teacher may have permission from a creator, or the publication may be made under a Creative Commons license. It allows for this use of text and images from electronic or hard copy resources, Australian and overseas content and published and unpublished material. It covers copying and communication of literary, dramatic and artistic works. For information on what is meant by communication and copying see the glossary.

The Copyright Agency⁴ provides the following advice on what may be used under statutory license:

	Entire work may be reproduced	Deemed "reasonable portion"
Hardcopy	If: <ul style="list-style-type: none"> unpublished. published, but not separately. not available (in any form) within a reasonable time at an ordinary commercial price. an article in a periodical (such as a journal, newspaper or magazine)—more than one if they are on the same subject. a text work of no more than 15 pages published in an anthology. an image that accompanies (and explains or illustrates) text that can be copied under the Division 4. Otherwise, a 'reasonable portion'. 	If work published as edition of 10 or more pages: 10% of the number of pages, or a chapter (if more than 10% of the pages)
Digital	if one of hardcopy criteria applies work available for purchase, but only in hardcopy work is an image (even if it is available for purchase in digital form). Otherwise, a 'reasonable portion'.	If work published: <ol style="list-style-type: none"> 10% of the words a chapter (if more than 10% of the words) 10% of a musical work

Note that there is no definition of exactly what a reasonable time nor ordinary commercial price. The Australian Copyright Council advises that some universities define reasonable time as 30 days for a hardcopy work.

Images are a special case. If the image is part of a text and explains or illustrates it can be copied or communicated. An example is a diagram in a text book describing the carbon cycle—the text and image can be supplied to students. If you wish to use just the graphic without any text, you can do that if it has not been published as a separate item or is not available in a reasonable time at an ordinary commercial price.

Statutory license: music and sound

The University also has an agreement, the Music License, with APRA/AMCOS, ARIA and PCCA⁵, the major music rights societies in Australia. The License allows you can copy sound recordings and make them available to students for educational purposes. Some material is excluded from this license.

Sound recordings can be provided through the University’s network to students. Students can also synchronise music to a film or video for coursework. The site you make it available on must be secure—with a login required including a password.

⁴ https://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Fair_Dealing_What_Can_I_Use_Without_Permission.aspx
 Accessed 23 January 2019

⁵ Further information can be found <http://apraamcos.com.au/music-customers/licence-types/music-in-education/>
 Accessed 7 February 2019

These materials need to be identified in WATTLE or the system you make the music available from with metadata clearly noting that it is made available under the music license. Each year the University Library, with the support of the WATTLE team, provide a report and to Universities Australia as part of the operation of the music license.

The music license covers performances at University events such as graduation ceremonies. Some uses are not covered by the music license, including:

- downloading from or uploading to the Internet for access without a password;
- forwarding to other parties via the Internet or email;
- making or using infringing copies;
- “Grand Rights” or “Dramatic Context Performances” (see the¹ APRA-AMCOS information sheet for definitions) ;
- performances where admission is charged;
- copying sheet music and/or lyrics;
- changing lyrics;
- using music for promotional purposes; and
- Use of music and sound recordings by a third party organisation such as an on campus café or student union.

The Music License does not cover the copying of sheet or notated music—this comes under Division 4 of the Copyright Act and the limits on copying set down in this section must be observed.

Published music (and lyrics) editions retain copyright for 25 years from the date of publication.

Radio and television programs (and podcasts)

The University can copy and communicate material from radio and television under the Copyright Act 1968. The material must be used for educational purposes The University has an agreement with Screenrights covering use of radio and television including podcasts.

You can copy, as advised by Screenrights⁶ the following.

- Any program—movies, current affairs, documentaries, news
- Any amount—copy five minutes or an entire drama, make one copy or 20, it’s up to you
- Anywhere—make copies at home or in your library
- From any channel—copy from free to air TV, pay TV or radio
- Podcasts and vodcasts—copy broadcast material made available online by the broadcaster.
- In any format—copy onto VHS, DVD or store digital copies on a hard drive or other device
- From old copies—update your VHS copies by putting them in digital format

And make the following uses of your copies.

- Show them in class
- Keep them in the library as an ongoing resource
- Store them on a network for staff and students
- Email them to staff and students
- Show them on an electronic whiteboard.

⁶ Screenrights Level 1, 140 Myrtle St., Chippendale NSW 2008 Australia <https://www.screenrights.org/> Accessed 7 February 2019

Films, videos and DVDs

Films, videos and DVDs can be shown in lectures and tutorials without permission, unless the University has a license for a copy which prevents certain types of use. The Library may have acquired a copy that has specific restrictions on use. If this is the case they will be reflected in the agreement for purchase—Library staff can provide information on any restrictions. If the films, videos or DVDs have been copied from television the Screenrights license applies.

If you have been lent film, video or DVD you need to ensure that there are no restrictions or use.

The Library can provide information on material they have acquired—generally rights for all education use are acquired at the time of purchase.

Material on the Internet

Many valuable resources are available on the Internet. Unfortunately many resources do not contain information about whether they can be freely reproduced or communicated to students.

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 specific resource can be freely copied or should just be linked to in your course material. You can find Creative Commons and Open Access resources through a range of sources including Directories, Google and flickr. See the section **Where can I find open access material to use in my course?**

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 regarding copyright and reuse on the website
- if no information is available investigate further—contact the creator or web manager if possible for permission or information
- preferably link to the resource
- If you are unsuccessful in getting a response from the creator or web manager in a reasonable time and it cannot be made accessible via a link (for example if the web site is frequently unavailable) you may wish to consider copying the material for your course

If you do put material in your courses or on your University website and the creator objects and on investigation you find that you did not have permission to use the material apologise and remove the material. This approach is consistent with the “take down” provisions in other countries and good practice.

FAQs

I need to use material (works) in lectures and assignment.

Briefly material can be made available (copied or communicated) to students under the following circumstances:

- the University may be the copyright holder—this material may be made available without payment or record keeping; or
- the University may have a license for use of the work/s—this may be the case of journal articles, data bases or e-books that the library has purchased—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 (see fair dealing section) or other exceptions; or
- reproduction occurs with permission of the creator; or
- reproduction is done under a statutory license.

If the material you wish to use is “insubstantial” no permission or payment is required. You can make material available:

- through e-reserve. This service provides online access to scanned print material not available through the ANU Library catalogue, links to e-books, articles and other material to which the ANU Library subscribes and links to public domain web sites. Information about how to put material on e-reserve can be found at <https://anulib.anu.edu.au/collections/reserve-short-loan-collection/adding-materials-reserve-online-e-reserve-guide-lecturers>; or
- through a link from your course materials directly to a digital resource—Library staff can assist in identifying an license issues; or
- through a repository—again talk to the Library staff from your branch library for assistance on any rights clearance issues.

Checklists are attached for your convenience (**Attachment B**).

Fundamentally copyright seeks to protect economic and moral interests—if you are seeking to give students access to materials a copy needs to be available that does not infringe the creators rights.

I need to use material (works) in exams.

You can use material in examinations. Again this can occur using material for which the library has a licence for educational use (most electronic subscriptions allow for this), where copyright is expired, where done under the statutory licence (for whole chapters or articles for example) and under a range of different conditions.

You can also make past exams available to students through the Library at <https://anulib.anu.edu.au/collections/past-exam-papers>)

Can I reproduce an image of an object/painting/art work?

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)
- 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.

Can I make a copy/communicate material (works) to a single 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 reproduce more than a reasonable portion?

The Australian Copyright Council advises the following⁷:

...there has been an understanding between the Copyright Agency and some educational sectors that no student in any one course should receive more than the relevant amounts in that course.

Given this, a teacher of a history class could only copy 10% of a commercially available book for that particular class, the teacher could not, for example, copy 10% of the book one week and a different 10% of the same book in another week.

However, there would be no problem if the art teacher wanted to copy a different 10% of the same book for the art class. In our view, this is acceptable even if certain students attend both classes.

In summary, unless you have permission from the creator, the library has purchased the right for use of the material, it is published by the University, it is published under a Creative Commons or other sharing license, you will need to limit your use to a “reasonable portion” for the students in your class. There is no need to check to see if in another course a portion is being used from the same book.

Can I make a copy for my research?

You can make a copy under the fair dealing exceptions of the Copyright Act. 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 1968 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>.

⁷ Australian Copyright Council (2012) Educational institutions: using text & images. Strawberry Hills, NSW: The Council. P. 9-10

Can a student with a disability reproduce materials in accessible formats?

The Copyright Act 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.⁸

Works can be copied and communicated to students with a print disability. The Copyright Act 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
- a person with a perceptual disability.

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.

Contact the Access and Inclusion for support and advice.

Where can I find open access material to use in my course?

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

- ANU Digital Collection—<https://digitalcollections.anu.edu.au>
- ANU E Press—<http://epress.anu.edu.au>
- [Creative Commons- http://creativecommons.org.au/learn/licences/](http://creativecommons.org.au/learn/licences/)
- Directory of Open Access Journals—www.doaj.org
- Directory of Open Access Books—www.doabooks.org
- Directory of Open Access Repositories—OpenDOAR—www.opendoar.org
- Material in Australian open access repositories is often listed in Trove—<http://trove.nla.gov.au>

⁸ <http://www.anu.edu.au/students/contacts/access-inclusion> 7 February 2019

- Images can be found in:
- Flickr—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—select “free to use or share” or other free use options.

Copyright and open courses

Open courses offer an opportunity for participation in courses by a wider group of students. Massive open online courses (MOOCs) are online courses aimed at large-scale participation and open access via the web.

Copyright issues need to be considered in terms of making your course material available online and the resources created by others that you may wish to use in the course materials.

In making your coursework available online, consider making it available under a Creative Commons license (see <http://creativecommons.org.au/learn/licences/>). While the content may be restricted from public access because it is restricted to use by students with a login, a Creative Commons license can enable you to share more effectively with others and increase scholarly communication and further research and teaching.

For material you wish to use in your course, whether or not material is restricted to registered students in the course, the statutory license provision is unlikely to be available. While this has not been tested in a court, the new MOOCs are offered on a different basis to traditional teaching. You can use material freely where:

- the University may be the copyright holder; or
- the University may have a license for use of the work/s—this may be the case of journal articles, data bases or e-books that the library has purchased—the Library can check license 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.

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.

Acknowledgments

This guide draws and was inspired by copyright guidance from the Department of Communications and the Arts, Australian Copyright Agency, Copyright Agency Limited, Queensland University of Technology, University of Melbourne and University of Sydney.

Copyright Officer Roxanne Missingham

Tel 6125 2003

Email Roxanne.missingham@anu.edu.au

Further information

Department of Communications and the Arts copyright pages	https://www.communications.gov.au/search?search_api_views_fulltext=copyright	
Australian Copyright Council	http://copyright.org.au	Note the Publications series is purchased by the Library and available from the Law Library (AUS 100)
Australian Digital Alliance	http://digital.org.au	
Australian Libraries Copyright Committee	http://libcopyright.org.au	
Australian Library Association	https://www.alia.org.au/advocacy-and-campaigns/copyright-and-	The Library is a member and can access restricted content.
Australasian Performing Right Association (APRA) - Australasian Mechanical Copyright Owners Society (AMCOS)	www.apra-amcos.com.au	APRA-AMCOS collects and distributes royalties for the reproduction of their members' musical works.
Copyright Agency	www.copyright.com.au	
Universities Australia Expert Reference Group on Copyright	https://www.universitiesaustralia.edu.au/efficiency-and-governance/information-policy-and-copyright	

Glossary

CC BY

A Creative Commons licence that permits others to distribute, remix and build upon a work, even commercially, as long as they credit the original creator/s (and any other nominated parties).

Communicate

Includes making material available through a learning management system and an e-reserve.

Copy

Includes photocopying, making a digital copy and making a copy which is transmitted via email.

Creative Commons

A licence standard with six options that allows material to be copied, distributed and reused, at a minimum in its current form, for non-commercial purposes, and as long as the original creator/s are credited.

Fair dealing

Defined in Section 40 of the Act—see **Attachment A**.

Attachment A.

Copyright Act 1968 - Section 40 Fair dealing for purpose of research or study⁹

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.
 - a. (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.
 - b. (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:
 - a. the purpose and character of the dealing;
 - b. the nature of the work or adaptation;
 - c. the possibility of obtaining the work or adaptation within a reasonable time at an ordinary commercial price;
 - d. the effect of the dealing upon the potential market for, or value of, the work or adaptation; and
 - e. 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

⁹ <http://www.comlaw.gov.au/Details/C2013C00007> Accessed 3 January 2013

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

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;
- c. 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.

Attachment B. Checklist for reproduction/communication of material (works)

Material type	Can communicate or copy/Limitations	Communication/reproduction checklist
Journal articles	One article from each issue, may have more than one article if they are on the same subject.	<ol style="list-style-type: none"> 1. Does the Library subscribe? If yes you can link to the Library subscribed copy. 2. Is it freely available on the Internet? If yes, check the limitations and link to the copy. 3. Has the copyright expired? If yes, check can copy/communicate. 4. Is it published under a Creative Commons license? If yes check can copy/communicate. 5. Do you have permission from the copyright owner? If yes check can copy/communicate. 6. Is there a print copy? <p>Can be made available under statutory license if not available in a reasonable time nor ordinary commercial price.</p> <p>Otherwise may be possible to make available via e- reserve.</p>
Books	<p>All of the book if not reasonable time nor ordinary commercial price.</p> <p>Otherwise a reasonable portion – a single chapter or no more than 10%.</p> <p>Note only one part of a book may be made available at a time, across the whole university.</p>	<ol style="list-style-type: none"> 1. Does the Library subscribe? If yes you can link to the Library subscribed copy. 2. Is it freely available on the Internet? If yes, check the limitations and link to the copy. 3. Has the copyright expired? If yes, check can copy/communicate. 4. Is it published under a Creative Commons license? If yes check can copy/communicate. 5. Do you have permission from the copyright owner? If yes check can copy/communicate. 6. Is there a print copy? <p>Can be made available under statutory license if not available in a reasonable time nor ordinary commercial price.</p> <p>Otherwise may be possible to make available via e- reserve.</p>
Conference proceedings	Treat as a journal.	

<p>Compilations/ anthologies</p>	<p>Each work within the compilation is a separate copyright work.</p> <p>If work is 15 pages or less, may copy whole work.</p> <p>If more than 15 pages, you may copy if:</p> <ul style="list-style-type: none"> > has not been separately published OR > if separately published is not available in a reasonable time nor ordinary commercial price 	<ol style="list-style-type: none"> 1. Does the Library subscribe? If yes you can link to the Library subscribed copy. 2. Is it freely available on the Internet? If yes, check the limitations and link to the copy. 3. Has the copyright expired? If yes, check can copy/communicate. 4. Is it published under a Creative Commons license? If yes check can copy/communicate. 5. Do you have permission from the copyright owner? If yes check can copy/communicate. 6. Is there a print copy? <p>Can be made available under statutory license if not available in a reasonable time nor ordinary commercial price.</p> <p>Otherwise may be possible to make available via e-reserve.</p>
<p>Music scores, sheet music etc.</p>	<p>All of a piece of music/score published in an album, that has not been published separately.</p> <p>All of a piece of music which is not available in a reasonable time nor ordinary commercial price.</p> <p>Otherwise no more than a reasonable portion – 10% of the number of pages.</p>	<ol style="list-style-type: none"> 1. Does the library subscribe to an e-version? If yes, you can link to the Library subscribed copy. 2. Is it freely available on the Internet? If yes, check if any limitations and link to the copy. 3. Is there a print copy? <p>Can be made available under statutory license if not available in a reasonable time nor ordinary commercial price.</p> <p>Otherwise may be possible make available via e-reserve.</p>
<p>Sound recordings</p>	<p>Each work within the compilation is a separate copyright work.</p>	<ol style="list-style-type: none"> 1. Does the Library subscribe? If yes you can link to the Library subscribed copy. 2. Is it freely available on the Internet? If yes, check the limitations and link to the copy. 3. Has the copyright expired? If yes, check can copy/communicate. 4. Is it published under a Creative Commons license? If yes check can copy/communicate. 5. Do you have permission from the copyright owner? If yes check can copy/communicate. 6. Is there a print copy? <p>Can be made available under statutory license if not available in a reasonable time nor ordinary commercial price.</p> <p>Otherwise may be possible to make available via e-reserve.</p>
<p>Radio and television programs</p>	<p>No limitations</p>	<p>Can be reproduced or communicated under statutory license. Ensure appropriate labeling.</p>

Films, videos and DVDs	No limitations unless Library has purchased copy with restrictions.	Can be reproduced or communicated under statutory license unless copy has conditions. Check with Library.
Images	<p>If image explains or illustrates text – copy/communicate under statutory license or license conditions from Library.</p> <p>If image only copy/communicate if:</p> <ul style="list-style-type: none"> > has not been separately published OR > if separately published is not available in a reasonable time nor ordinary commercial price. 	<ol style="list-style-type: none"> 1. Does the Library subscribe? If yes you can link to the Library subscribed copy. 2. Is it freely available on the Internet? If yes, check the limitations and link to the copy. 3. Has the copyright expired? If yes, check can copy/communicate. 4. Is it published under a Creative Commons license? If yes check can copy/communicate. 5. Do you have permission from the copyright owner? If yes check can copy/communicate. 6. Is there a print copy? <p>Can be made available under statutory license if not available in a reasonable time nor ordinary commercial price.</p> <p>Otherwise may be possible to make available via e- reserve.</p>

Acknowledgement: Modelled on the Queensland University of Technology Copyright Guide

Attachment C. Duration of Copyright

Copyright material made before 1 January 2019 (other than Government copyright material)

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Literary, dramatic, musical works (other than computer programs) ^[1]	Made public before death of author	Author died before 1 January 1955 ^[2]	Life of author + 70 years
Literary, dramatic, musical works (other than computer programs) ^[1]	Made public after author's death and before 1 January 2019	Made public before 1 January 1955 ^[2]	Year first made public + 70 years
Literary, dramatic, musical works (other than computer programs) ^[1]	Made public after author's death and on or after 1 January 2019	Author died before 1 January 1949 ^[3]	Life of author + 70 years
Literary, dramatic, musical works (other than computer programs) ^[1]	Never made public	Author died before 1 January 1949 ^[3]	Life of author + 70 years
Computer programs ^[1]		Author died before 1 January 1955 ^[2]	Life of author + 70 years
Artistic works other than engravings or photographs ^[4]		Author died before 1 January 1955 ^[2]	Life of author + 70 years
Engravings ^[5]	Made public before death of author	Author died before 1 January 1955 ^[2]	Life of author + 70 years
Engravings ^[5]	Made public after author's death and before 1 January 2019	Made public before 1 January 1955 ^[2]	Year first made public + 70 years
Engravings ^[5]	Made public after author's death and on or after 1 January 2019	Author died before 1 January 1949 ^[3]	Life of author + 70 years
Engravings ^[5]	Never made public	Author died before 1 January 1949 ^[3]	Life of author + 70 years
Photographs ^[6]		Made before 1 January 1955 ^[2]	Life of author + 70 years
Works where the author is unknown (other than photographs) ^[1]	Made public before 1 January 2019	Made public before 1 January 1955 ^[2]	Year first made public + 70 years

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Works where the author is unknown (other than photographs) ^[1]	Made public on or after 1 January 2019 and within 50 years of being made	Made before 1 January 1949 ^[3]	Year first made public + 70 years
Works where the author is unknown (other than photographs) ^[1]	Made public on or after 1 January 2019 but not within 50 years of being made	Made before 1 January 1949 ^[3]	Year made + 70 years
Works where the author is unknown (other than photographs) ^[1]	Never made public	Made before 1 January 1949 ^[3]	Year made + 70 years
Photographs where the author is unknown ^[6]	Made public before 1 January 2019	Made before 1 January 1955 ^[2]	Year first made public + 70 years
Photographs where the author is unknown ^[6]	Made public on or after 1 January 2019 and within 50 years of being made	Made before 1 January 1955 ^[2]	Year first made public + 70 years
Photographs where the author is unknown ^[6]	Made public on or after 1 January 2019 but not within 50 years of being made	Made before 1 January 1955 ^[2]	Year made + 70 years
Photographs where the author is unknown ^[6]	Never made public	Made before 1 January 1955 ^[2]	Year made + 70 years
Sound recordings ^[7]	Made public before 1 January 2019	Made before 1 January 1955 ^[2]	Year first made public + 70 years
Sound recordings ^[7]	Made public on or after 1 January 2019 and within 50 years of being made	Made before 1 January 1955 ^[2]	Year first made public + 70 years
Sound recordings ^[7]	Made public on or after 1 January 2019 but not within 50 years of being made	Made before 1 January 1955 ^[2]	Year made + 70 years
Sound recordings ^[7]	Never made public	Made before 1 January 1955 ^[2]	Year made + 70 years
Cinematograph films (made on or after 1 May 1969) ^[8]	Made public before 1 January 2019	n/a	Year first made public + 70 years
Cinematograph films (made on or after 1 May 1969) ^[8]	Made public on or after 1 January 2019 and within 50 years of being made	n/a	Year first made public + 70 years

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Cinematograph films (made on or after 1 May 1969) ^[8]	Made public on or after 1 January 2019 but not within 50 years of being made	n/a	Year made + 70 years
Cinematograph films (made on or after 1 May 1969) ^[8]	Never made public	n/a	Year made + 70 years
Broadcasts ^[9]		n/a	Year of broadcast + 50 years
Published editions ^[10]		First published before 1 January 1994	Year edition first published + 25 years
Copyright material made or first published by an international organization ^[11]	Made public before 1 January 2019	n/a	Year first made public + 70 years
Copyright material made or first published by an international organization ^[11]	Made public on or after 1 January 2019 and within 50 years of being made	n/a	Year first made public + 70 years
Copyright material made or first published by an international organization ^[11]	Made public on or after 1 January 2019 but not within 50 years of being made	n/a	Year made + 70 years
Copyright material made or first published by an international organization ^[11]	Never made public	n/a	Year made + 70 years
Editions first published by international organization ^[12]		First made public before 1 January 1994	Year edition first made public + 25 years

Copyright material made on or after 1 January 2019 (other than Government copyright material)

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Works where the author is known ^[1]		n/a	Life of author + 70 years
Works where the author is unknown ^[1]	Made public within 50 years of being made	n/a	Year first made public + 70 years

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Works where the author is unknown ^[1]	Not made public within 50 years of being made	n/a	Year made + 70 years
Sound recordings ^[7]	Made public within 50 years of being made	n/a	Year first made public + 70 years
Sound recordings ^[7]	Not made public within 50 years of being made	n/a	Year made + 70 years
Cinematograph films ^[8]	Made public within 50 years of being made	n/a	Year first made public + 70 years
Cinematograph films ^[8]	Not made public within 50 years of being made	n/a	Year made + 70 years
Broadcasts ^[9]		n/a	Year of broadcast + 50 years
Published editions ^[10]		n/a	Year edition first published + 25 years
Copyright material made or first published by an international organization ^[11]	Made public within 50 years of being made	n/a	Year first made public + 70 years
Copyright material made or first published by an international organization ^[11]	Not made public within 50 years of being made	n/a	Year made + 70 years
Editions first published by an international organization ^[12]		n/a	Year edition first made public + 25 years

Government copyright material made before or after 1 January 2019

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Works made, or first published, by the Commonwealth, or a State or Territory ^[13]		Made before 1 January 1969 ^[3]	Year made + 50 years
Sound recordings ^[14]		Made before 1 January 1969 ^[3]	Year made + 50 years

Type of material	Factors affecting duration	Copyright expired as at 1 January 2019 if	Otherwise, duration is
Cinematograph films (made on or after 1 May 1969) ^[15]		n/a	Year made + 50 years

Notes to tables

[1] See *Copyright Act 1968*, sections 32, 33 and 211 (as amended by the *Copyright Amendment (Disability Access and Other Measures) Act 2017*). A 'literary work' includes: '(a) a table, or compilation, expressed in words, figures or symbols; and (b) a computer program or compilation of computer programs': section 10(1). A 'dramatic work' includes: '(a) a choreographic show or other dumb show; and (b) a scenario or script for a cinematograph film; but does not include a cinematograph film as distinct from the scenario or script for a cinematograph film': section 10(1).

[2] For this copyright material, copyright expired before 1 January 2005. Generally, prior to 1 January 2005, copyright lasted until 50 years from the end of the year in which the creator died or, for some material, until 50 years from the end of the year in which the material was made or first published. As a result of the Australia-United States Free Trade Agreement, on 1 January 2005 the period of protection for most types of copyright material was extended from 50 to 70 years. If copyright had expired by 1 January 2005, copyright was not revived.

[3] Under the *Copyright Amendment (Disability Access and Other Measures) Act 2017*, new terms of protection apply to a range of copyright materials from 1 January 2019. If the application of these new terms would have the effect that copyright in material would cease before 1 January 2019, that copyright will instead cease to subsist on 1 January 2019: Schedule 2 Item 15. If the relevant term is 70 years (eg 'Life of author + 70 years'), copyright will have expired by 1 January 1949. If the relevant term is 50 years, copyright will have expired by 1 January 1969.

[4] See *Copyright Act 1968*, sections 32, 33 and 211 (as amended by the *Copyright Amendment (Disability Access and Other Measures) Act 2017*). An 'artistic work' includes a painting, sculpture, drawing, engraving, photograph, building or model of a building, or work of artistic craftsmanship: section 10(1). A 'drawing' includes a diagram, map, chart or plan: section 10(1).

[5] See *Copyright Act 1968*, sections 32, 33 and 211 (as amended by the *Copyright Amendment (Disability Access and Other Measures) Act 2017*). An 'engraving' includes an etching, lithograph, product of photogravure, woodcut, print or similar work, not being a photograph: section 10(1).

[6] See *Copyright Act 1968*, sections 32, 33 and 211 (as amended by the *Copyright Amendment (Disability Access and Other Measures) Act 2017*). Under the *Copyright Act 1968*, the 'author' in relation to a photograph means the person who took the photograph: section 10(1). However, in relation to a photograph taken before the Act commenced (1 May 1969), the author is the individual who owned the material on which the photo was taken, unless the owner of the material was a body corporate in which case it means the photographer: section 208.

[7] See *Copyright Act 1968*, sections 89, 93 and 220 (as amended by the *Copyright Amendment (Disability Access and Other Measures) Act 2017*).

[8] See *Copyright Act 1968*, sections 90, 93, 221 and 222 (as amended by the *Copyright Amendment (Disability Access and Other Measures) Act 2017*). Copyright does not subsist by virtue of section 90 in a cinematograph film made before this Act commenced (1 May 1969): section 221. Cinematograph films made before 1 May 1969 may be protected as a combination of original dramatic works, photographs, sound recordings and/or other works, for example, a script (literary work), musical score (musical work) or artistic work. Films made before 1 May 1969 are regarded as 'dramatic works' if they constitute 'a cinematograph production where the arrangement, the acting form or the combination of incidents represented gives the work an original character': sections 204 and 222.

[9] See *Copyright Act 1968*, sections 91, 95 and 223. Television broadcasts and sound broadcasts are protected separately to the underlying works, sound recordings and films being broadcast. Copyright does not subsist under section 91 in a television or sound broadcast made before the Act commenced (1 May 1969), or in a later broadcast that is a repetition of a broadcast made before the Act commenced: section 223.

[10] See *Copyright Act 1968*, sections 92, 96 and 224. A 'published edition' is a published edition of one or more literary, dramatic, musical or artistic works, and does not include an edition that reproduces a previous edition of the same work or works: section 92. Copyright in a published edition is separate from the copyright that may subsist in the works which are reproduced in the edition. Copyright does not subsist under section 92 in a published edition of a work or works where the first publication of the edition took place before the Act commenced (1 May 1969): section 224.

[11] See *Copyright Act 1968*, sections 187, 188, 188A, 236 and 237 (as amended by the *Copyright Amendment (Disability Access and Other Measures) Act 2017*). This rule applies where copyright subsists in the material solely by reason of section 187 or 188 of the Act, and the material was made or first published by the international organization on or after the Act commenced (1 May 1969): sections 236 and 237. International organizations to which the Act applies are listed in section 125 of the *Copyright Regulations 2017*.

[12] See *Copyright Act 1968*, sections 188, 188A and 237. An 'edition' is an edition of one or more literary, dramatic, musical or artistic works, and does not include an edition that reproduces a previous edition of the same work or works: section 188(3). Section 188(3) does not apply in relation to an edition published by an international organization before this Act commenced (1 May 1969): section 237(3). International organizations to which the Act applies are listed in section 125 of the *Copyright Regulations 2017*.

[13] See *Copyright Act 1968*, sections 176, 177, 179 and 180 (as amended by the *Copyright Amendment (Disability Access and Other Measures) Act 2017*).

[14] See *Copyright Act 1968*, sections 178, 179 and 180 (as amended by the *Copyright Amendment (Disability Access and Other Measures) Act 2017*).

[15] See *Copyright Act 1968*, sections 178, 179, 180 and 235 (as amended by the *Copyright Amendment (Disability Access and Other Measures) Act 2017*). Crown copyright does not subsist under section 178 in a cinematograph film made before the Act commenced (1 May 1969), but may be protected as an original dramatic work or in relation to photographs forming part of the film: section 235.