



BLACKALL RANGE INDEPENDENT SCHOOL

Copyright Policy

PURPOSE OF THE POLICY

The purpose of this policy is to outline guidelines for schools covered by ISQ Copyright Licence Agreements for the fair and reasonable copying of materials for study and research use¹.

Scope

The policy applies to all staff and students of the school, and provides information about licence arrangements the school has entered into, as well as procedures for copying work covered by copyright legislation.

Responsibility

Principal / Staff

Point of Contact

Principal

LEGISLATION

Copyright Act 1968
Copyright Amendment (Moral Rights) Act 2000
Copyright Regulations 1969

BACKGROUND

Copyright law in Australia is regulated by the Commonwealth *Copyright Act 1968* and is an extremely complex area, subject to regular change. Copyright grants to the copyright owner of any original work or subject matter the exclusive right to:

- do any of the acts comprised in copyright, e.g. perform, copy, publish; and
- Authorise others to do any of those acts.

To do any of those acts which are protected by copyright, prior permission of the copyright owner must be obtained. The following are examples of acts protected by copyright:

- photocopying or adapting of literary works;
- duplication of videos, music cassettes and computer software;
- performance in public which includes:
 - a live performance of music or dance;
 - a live performance of a play;
 - playing sound recordings; and
 - showing videos.

The *Copyright Act 1968* does, however, recognise the legitimate needs of educators to have reasonable access to educational material protected under copyright. Educational institutions may enter into arrangements with collecting societies (which represent copyright owners) to pay remuneration in return for permission to do certain copying and other protected acts for educational purposes.

Disclaimer: The information contained in this policy is to the best of our knowledge and belief correct at the date of publication. However, no warranty or guarantee is or can be given by Blackall Range Independent School or any member of its staff, and no liability is or can be accepted for any loss or damage resulting from any person relying on or using the information contained in this policy.



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Independent Schools Queensland (ISQ) co-ordinates the following Copyright Licence Agreements for schools:

- ◆ CAL (Print and Digital)
- ◆ AMCOS (Sheet Music)
- ◆ AMCOS/ARIA (Record Industry)
- ◆ AMCOS/APRA (Performing Right)
- ◆ SCREENRIGHTS (TV/Radio)

Copyright owners are entitled to take legal action against a person who infringes their copyright. A reproduction of material that is protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including:

- a reproduction that is fair dealing under the *Copyright Act 1968*, including a fair dealing for the purposes of research or study; or
- a reproduction that is authorised by the copyright owner.

The guidelines related to 'fair dealing' are complex and differ with regard to what students may copy for research or study purposes and what teachers may copy to distribute to students. To be clear about what teachers and students may fairly copy schools, or at least one member of staff, need to be familiar with the Act and to provide professional development to staff on a regular basis.

Copyright infringement is not limited to people who infringe the exclusive rights of the copyright owner. Under Sections 36 and 101 of the Copyright Act it is also an infringement to authorise an infringement. An organisation or school has not authorised an infringement simply by making photocopiers and other copying equipment available.

However, reasonable provision must be made to limit the use of copying equipment to legitimate purposes by means of a warning notice² posted near copying equipment (e.g. photocopiers, scanners, CD and DVD burners) to avoid liability for authorising infringements by people using their equipment where the fair dealing exceptions do not apply. People infringing copyright must be warned that such infringements are not permitted.

Moral Rights

The *Copyright Amendment (Moral Rights) Act 2000* ensures that the original creators of works are recognised and have some control over their work whether or not they are also the copyright owners. This has implications for schools where, 'Copyright in works produced by employees in the course of their employment is owned by the employer. Therefore copyright in works produced by teachers in the course of their employment is owned by the school.'

Under the amendment, creators have the right to:

- (a) attribution, and
- (b) protection of their work from derogatory treatment.

There is no infringement of moral rights where the creator has consented to the act or omission, or where the defendant can show that the act or omission was reasonable under the circumstances.

POLICY

The policy of Blackall Range independent School is to recognise the rights of the creators of works and to

² Sample Forms of Notices are available in Appendix F of the *National Copyright Guidelines for Schools* at www.smartcopying.edu.au



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adhere to restrictions on copying as outlined in law and license arrangements. All staff members are expected to comply with the law and with the school policy.

In particular, staff and students may not reproduce material covered by copyright except if it meets the criteria for fair dealing as outlined in the Act; or they have permission of the copyright owner; or the licensing agreement related to the work gives them permission.

In order to assist compliance with this policy, the school has a variety of Copyright notices and forms which are placed in the Resource Centre, near copying machines and in appropriate departments such as the Music and IT Departments as a reminder of what constitutes fair dealing with regard to reproduction of copyrighted works.

All members of staff and students should refer queries to the Principal where they have any doubts about whether or not they are able to copy any written materials, audio-visual resources, digital information, computer software, music, or performance materials for public presentation. Staff members who regularly reproduce copyrighted material should also ensure they are familiar with the *National Copyright Guidelines for Schools* (see below).

With regard to their own work, staff should note that any works 'produced by employees in the course of their employment is owned by the employer'. Where the work of employees is reproduced by the school, school management will:

- inform the creator of the work,
- accurately attribute the work to the creator; and
- will not make substantial changes to the original work without consultation with the creator.

POLICY RELEASE DETAILS

Date of Policy

December 2008

Review Date

When changes to the Act or Regulations occur

RELATED POLICIES AND DOCUMENTS

Computer Use Policy

The *National Copyright Guidelines for Schools*, which outline terms and conditions of the above Copyright Licences, together with specific Information Sheets produced by the MCEETYA National Copyright Advisory Group, are available on the National Education Copyright Website – www.smartcopying.edu.au

Further general information about copyright is available on the Australian Copyright Council's website – www.copyright.org.au