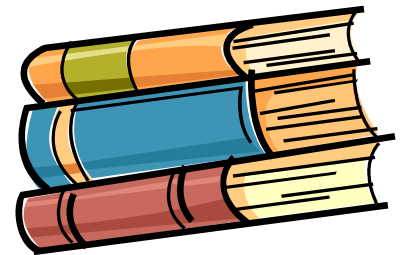
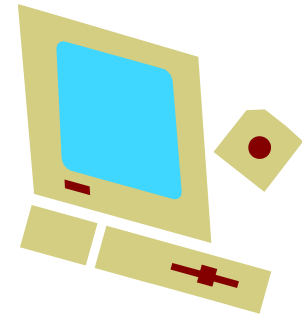




Copyright Policy



Policy Statement

Copyright means the owner has the right to grant or deny permission for the reproduction of their material. Copyright law only applies to something that is in a material form.

In Australia, copyright is automatic. One does not have to register for ownership, nor does the work have to be published in order to hold copyright. Most copyright lasts for the life of the creator plus 70 years, at which time the creation becomes part of the 'public domain'. The duration, however, of copyright varies, depending on the type of material involved.

Copy right

If in doubt contact Elizabeth Markwick, NSW DET Copyright Manager, (02) 9561 8121.

Copyright covers a number of areas.

The *Copyright Act* gives owners the exclusive right to manage their works in a number of ways.

To:

- ❖ reproduce the work in a material form;
- ❖ publish the work;
- ❖ perform the work in public;
- ❖ communicate the work to the public and or
- ❖ make an adaptation of the work

without the owner's permission will usually be an infringement of copyright.

Exceptions

The *main* exceptions relate to:

1. Use of copyright material by those who hold a **statutory licence** (such as schools and government bodies)

Statutory Licence with the Copyright Agency Limited (CAL)

NSW government schools may photocopy, digitally copy and communicate 10 per cent of the print form of most literary, dramatic, musical and artistic works for educational purposes.

TV and Radio – Pay and free to air Statutory Licence with Screenrights

NSW government may copy and communicate TV and radio broadcasts in analogue and digital formats. The Screenrights licence permits NSW government schools to copy, for educational purposes as much of a TV or radio program as is needed, as many times as needed.

Label material copied with the name of the program, the channel it was copied from and the date the copy was made.

E.g.: Copied under Part VA of the Copyright Act 1968 'Media Watch', ABC, 15th September 2011

Each time an artistic work is copied and uploaded online, the following notice **must** be attached to that work:

**NOTICE ON MATERIAL REPRODUCED OR COMMUNICATED UNDER STATUTORY TEXT AND
ARTISTIC LICENCE**

FORM OF NOTICE FOR PARAGRAPH 135ZXA(a) OF COPYRIGHT ACT 1968

COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969

WARNING

This material has been reproduced and communicated to you by or on behalf of [*insert name of institution*]
pursuant to Part VB of the *Copyright Act 1968* (**the Act**).

The material in this communication may be subject to copyright under the Act. Any further reproduction or
communication of this material by you may be the subject of copyright protection under the Act.

Do not remove this notice.

This is a mandatory notice prescribed under the Copyright Act.

The notice may be provided in link form on the down load.

Performing Music in Public

Voluntary Licence with the Australasian Performing Right Association (APRA)

NSW government schools are authorised 'small performing rights' to publicly perform music and accompanying lyrics at the school or at a function connected with the school's activities.

The APRA licence **does not** cover '*Grand Rights*' These include a musical play, opera, operetta, musical play, pantomime, ballet, large scale choral works over 20 minutes long, performances given by professional musicians or interschool music festivals.

Recording Music & School Performance of Music

Voluntary Licence with Australasian Mechanical Copyright Owners Society (AMCOS)/ Australasian Performing Right Association (APRA)/ Australian Record Industry Association (ARIA)

The AMCOS/APRA/ARIA licence allows schools to reproduce musical works and sound recordings for non-profit, educational and commemorative purposes. Schools may record pieces of music, lyrics and sound recordings for use in concerts and other school events. Video recordings of musicals are not covered.

Photocopying originally purchased 'print' music

AMCOS Voluntary Licence

Schools may copy sheet music. Conditions apply.

Conditions for copying printed music.

It is a breach of copyright to copy music:

- for private tuition, even if it takes place on the educational institution's premises
- for external examinations
- into a digital format or scanning of musical works
- of music textbooks
- of music tutorials
- of librettos
- of Grand Right Works (except copies of vocal scores consisting of a maximum of three songs provided that the copies are not made or used in the rehearsal or performance of a Grand Right Work)
- with changed lyrics.

Copying Limits

- The copying limits are linked to the number of originals of each musical work owned by the school or the teacher.
- The work does not need to be commercially available to attract copyright.

Primary Schools

Type of musical work	Permitted no. of copies per original
Separately published works	30 copies in total
Vocal score	30 copies each of a maximum of three songs from the vocal score (provided that the copies are not made or used in the rehearsal or performance of a Grand Right Work)
Choral Sheet	5 copies in total
Music Collection	30 copies in total with a maximum of 3 from the collection
Transcription by hand of melody and/or lyrics of a song	30 copies in total
Transcription by hand of musical work into a different key (Transposition)	30 copies in total
Orchestral/ band set	Copies of up to 30 instrumental parts
Chamber Music Work	Up to the number of players, provided not more than 10 parts are copied

2. Use of copyright material for what is called **'fair dealing'** for research or study, criticism or review and reporting of news.

Fair Dealing

Fair dealing takes into account what is reasonable to copy, the purpose of the copying, the possibility of obtaining the work in a reasonable time at an ordinary commercial price and the amount and 'substantiality' of the copying.

Research or Study

A person may copy parts, and in some cases the whole, of a:

1. literary, dramatic, musical or artistic work
2. sound or television broadcast
3. film, video/DVD
4. multimedia product
5. computer program
6. database for free for the purposes of research or study where the person undertaking the study does the copying and extracts are sought.

Factors to be taken into account

The following will be considered to be fair dealing:

1. whole or part of an article in a periodical
2. more than one article in a periodical where they relate to the same subject matter
3. a 'reasonable portion' of a published edition of a literary, dramatic or musical work, being 10 percent of the number of pages in the edition where the edition is more than 10 pages long or up to one chapter where the work is divided into chapters.

Copying more than a reasonable portion

The following factors will be considered:

1. the purpose and character of the dealing
2. the nature of the work
3. the possibility of obtaining the work within a reasonable time at an ordinary commercial price
4. the effect of the dealing upon the potential market for, or value of, the work
5. the amount and substantiality of the part copied in relation to the whole work.

The above applies for audio-visual material (sound recordings, films and broadcasts).

Multiple copying for class use

Multiple copying of copyrighted works by an educational institution will not be a fair dealing even where the students are studying newsworthy items or engaging in criticism and review. This will be covered by the statutory licence schemes.

Criticism or Review

A student may copy or produce parts of a literary, dramatic, musical and artistic work for the purpose of criticism and review, such as where a student is reviewing a book, CD or film for a student newspaper or similar publication. The source work, the copyright owner and the author (if different from the copyright owner) must be sufficiently acknowledged in the publication.

Reporting the news

A fair dealing may be for reporting the news in the print, radio or television media. The same exception applies for audio-visual material (sound recordings, films and broadcasts). The term newspaper, magazines or similar periodical includes e-zines and other online publications and also includes school newspapers and magazines. Sufficient acknowledgement must be made of the copyright owner and the author of the work

3. Use of copyright material in examinations.

For the purpose of the exam copyright material may be used. Outside exam conditions copyright applies.

Screening DVD – Video - Films – Lawfully

Schools may:

- play films, television or radio programs in the classroom as part of educational instruction.
- copy any programs screened on television or radio for screening in the classroom as part of educational instruction., including feature films, documentaries, news and current events. These copies can be stored on video tapes, cassette tapes or DVDs.
- communicate the copied program to staff and students via email, intranet or secure website. Copies made must be marked in line with the requirements of the Statutory Licence

Link (providing a link/pathway to the original website) and **Embed** (displaying an online film from its original location) where possible. E.g. *You Tube* films are for personal and non - commercial use and not open to copying for educational use, however they can be linked or embedded into a wiki, blog or intranet from the original website.

Where you are unable to link or embed and a copy must be made upload onto a department machine, only for the class involved in the instruction not for a whole school.

Ensure the following requirements are met:

- The film must not be a pirated version.
- The copy is needed for educational instruction.
- Only what is needed is copied.
- It is not possible to purchase a digital copy.
- The copy is made for one class related to educational instruction.
- The copy is deleted once instruction is complete.
- The copying does not prejudice the owner.
- The quality of the film is not interfered with.
- label with the name of the film, URL address of its location and the date it was copied.

Teacher Tube

Provided a link to the original website is used and the author is acknowledged *Teacher Tube* is free to use in educational settings.

The following websites host films which are available under Creative Commons licences (CC). All CC material is 'free for education':

- <http://www.blip.tv> – free film distribution site
- <http://wiki.creativecommons.org/Film> - CC wiki listing notable CC licensed films.
- <http://www.revver.com> – advertising supported CC film site
- <http://www.oddjobjack.com/freejack.php> - Master flash files and bitmaps of every piece of art used in the Odd Job Jack cartoon, available under a CC licence

Making a digital copy of a film from a VHS

A digital copy of a film from a VHS tape may be made by teachers for educational purposes. Upload the film to a password protected department machine, only to be viewed by the class and teacher involved in the learning task.

Ensure the following requirements are met:

- The video is lawful.
- The copy is needed for educational instruction.
- Only what is needed is copied.
- It is not possible to purchase a digital copy.
- The copy is made for one class related to educational instruction.
- The copy is deleted once instruction is complete.
- The copying does not prejudice the owner.
- The quality of the film is not interfered with.
- label with the name of the film, owner and the date it was copied.

Creating a bank of digital films – just in case is not permitted.

Making a digital copy of a film from a DVD

Teachers are generally not permitted to make a digital copy of a DVD. Most commercial DVDs are protected by access control technological protection measures - a 'lock and key'. Circumventing the protection measures in place is illegal.

Sound Recordings copied from vinyl, cassettes and CDs

Using commercial music in podcasts/vodcasts or short films is only permitted in very limited circumstances and should be avoided where possible. A practical alternative is to use 'free for education' music.

The following websites contain music which is available under Creative Commons licences (CC). All CC material is 'free for education':

- <http://ccmixter.org> – CC sound remix tool and archive
- <http://www.opsound.com> – CC music archive
- <http://www.magnatune.com> – CC record label
- <http://jamendo.org> – CC music distribution site
- <http://freesound.iua.upf.edu/> – collaborative database of CC licensed sounds
- <http://cchits.org/> – collaborative podcast where users can contribute, find, and share music.
- <http://www.artistserver.com/> – music community
- <http://soundtransit.nl/> – archive of "field recordings" from various locations around the world.

Audio networks is a cost effective alternative where sound recording may be purchased and licensed at a reasonable price.

Copying Sound Recordings copied from vinyl, cassettes and CDs

Teachers may make a digital copy by uploading onto password protected department machine to be viewed by teachers and students who are directly involved in the educational task.

Ensure:

- The original recording is lawful.
- The copy is needed for educational instruction.
- Only what is needed is copied. Not the whole version.
- It is not possible to purchase a digital copy.
- The copy is made for one class related to educational instruction.
- The copy is deleted once instruction is complete.
- The copying does not prejudice the owner.
- The quality of the recording is not interfered with.
- Label with the name of the recording, owner and the date it was copied.

Using digital sound recordings e.g. iTunes

Generally online music stores sell music to be used for 'personal, non-commercial use'. This does not include use by teachers and schools. This includes iTunes

- Music collecting societies do not allow schools to make sound recordings available online, e.g. on an intranet or wiki and blog.

Websites that provide free for education music are:

- <http://ccmixter.org> – sound remix tool and archive
- <http://www.opsound.com> – CC music archive
- <http://www.magnatune.com> – CC record label
- <http://jamendo.org> – CC music distribution site
- <http://freesound.iua.upf.edu/> – collaborative database of CC licensed sounds
- <http://cchits.org/> – collaborative podcast where users can contribute, find, and share music.
- <http://www.artistserver.com/> – music community
- <http://soundtransit.nl/> – archive of "field recordings" from various locations around the world.

Roadshow Public Performance License

Blaxland Public School has a **Roadshow Public Performance License** which permits the playing of films to teachers, students and parents of the school for the purpose of entertainment – not for profit.

This includes:

- **rainy days** – when students are inside at lunch time or recess.
- **bus excursions**, however the school must provide the DVD – not the bus company.
- **school camps and excursions**, including outdoor screenings at camp. The school must provide the DVD.
- **after-school care activities** conducted at and by the school.
- **holiday programs** conducted at and by the school.

Fundraising

- Permission is required from the relevant copyright owner.
- Films and copies of television and radio broadcasts cannot be screened on school premises for profit without permission of the copyright owner.

Screening Pirated DVD Films

Pirated DVDs

Blaxland Public School will screen all DVD's to be shown in order to ensure the *Copyright Act* is not breached.

The following guidelines support in identifying pirated DVDs.

- an "ALL" zone region code
- poor sound
- poor vision quality
- subtitling
- poorly translated English
- photocopied or poorly printed covers and graphics
- discrepancies between the inlay card and the disc
- more than one film per disc
- technical faults – "skipped" frames, freezing during screening or non-functioning DVD menu items.
- missing copyright and classification notices
- absence of a list of credits
- ownership is not stated, nor is the country of manufacture and
- licensing information is missing.

DVD piracy is a criminal activity and carries serious penalties, including substantial fines and up to 5 years imprisonment.

Blaxland Public School will:

- only screen DVDs obtained from a legitimate source
- review DVD collections held in the school to ensure they have been obtained from legitimate sources
- destroy any suspect DVDs held by the school
- talk to students, parents and teachers about pirated films on school premises
- posting education notices in staff rooms and around the school
- raise the issue of DVD piracy in school bulletins and newsletters.

Podcasts

- Staff are required to check each podcast's terms and conditions.
- Terms and conditions are usually found on the home page.
- Podcasts noted as available for non – commercial may not necessarily be available for educational use.

Please check with Elizabeth Markwick, NSW DET Copyright Manager, (02) 9561 8121 if in doubt.

Linking

Providing a link to a website is not a copyright activity. Material is not being copied. Instead a pathway is provided to its location on another website. It is, however important to acknowledge the source website.

If linking is unavailable teachers can copy the podcast or webcast from the broadcaster's website to a departmental machine for the students involved in the study.

This includes podcasts and webcasts from the following broadcaster websites:

SBS ABC NITV Channel 7 Channel 9 Channel 10

Copying requirements:

- The podcast must not be a pirated version.
- The copy is needed for educational instruction.
- Only what is needed is copied.
- It is not possible to purchase a digital copy.
- The copy is made for one class related to educational instruction.
- The copy is deleted once instruction is complete.
- The copying does not prejudice the owner.
- The quality of the podcast is not interfered with.

Embedding

'Embedding' is generally used for displaying an online film in its original location. It is therefore not 'copying' and as a result not subject to copyright.

Some websites, however, may require a link back to the original website from your webpage containing the embedded material.

Material created by you, your department or administering body.

If you are using work that has been created by you or the department and does not contain any work from a person outside the Department of Education and Communities (DEC) copyright does not apply as DEC owns the copyright of the material.

However, the material must be labelled, including name/s, school and date.

E.g. Created by Blaxland Public School, 2011.

Created by Department of Education and Communities, accessed through the intranet, 2011.

'Free for Education'





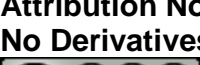

Owner has granted permission to educational institutions. '*Free for educational purposes*' does not necessarily mean for free for schools

Website - Stated Conditions and Terms	Is the website free for education at school?
1. Personal Use	No
2. Personal use and non-commercial	No
3. Personal use, non-commercial	No
4. Personal use or non-commercial	No
5. Private or individual use	No
6. Use in your organisation	Yes
7. © name and/or year and no terms of use	No
8. No copyright © name and/ or year or no terms and conditions	No
9. Educational use	Yes
10.All Rights Reserved	No

Creative Commons

Creative Common licenses provide educational institutions with permission to copy.

The following table provides a summary of CC licences and what is and is not permitted under each licence.

Licence Type	Licence conditions
Attribution 	Freely use, copy, adapt and distribute to anyone provided the copyright owner is attributed.
Attribution No Derivatives 	Freely use, copy and distribute to anyone but only in original form. The copyright owner must be attributed.
Attribution Share Alike 	Freely use, copy, adapt and distribute provided the new work is licensed under the same terms as the original work. The copyright owner must be attributed.
Attribution Non-commercial 	Freely use, copy, adapt and distribute for non-commercial purposes. The copyright owner must be attributed.
Attribution Non-commercial No Derivatives 	Freely use, copy and distribute to anyone but only in original form for non-commercial purposes. The copyright owner must be attributed.
Attribution Non-commercial Share Alike 	Freely use, copy, adapt and distribute for non-commercial purposes provided the new work is licensed under the same terms as the original work. The copyright owner must be attributed.

Labelling free for education material

Creative commons material needs to include a link to the creative commons licence.

e.g. <http://creativecommons.org/licenses/by/2.0/deed.en>

Artistic Works

Teachers are able to use artistic works such as photographs, illustrations, and images for educational purposes under a licence in the Copyright Act known as the Statutory Text and Artistic Licence. Images may be uploaded to Department of Education and Communities devices that are password protected and accessed only by students and teachers. Parents may access the material in order to support their child's learning.

Material must be labelled with the name of the copyright owner and author.

Each time an artistic work is copied and uploaded online, the following notice **must** be attached to that work:

NOTICE ON MATERIAL REPRODUCED OR COMMUNICATED UNDER STATUTORY TEXT AND ARTISTIC LICENCE

FORM OF NOTICE FOR PARAGRAPH 135ZXA(a) OF COPYRIGHT ACT 1968

COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969

WARNING

This material has been reproduced and communicated to you by or on behalf of [*insert name of institution*] pursuant to Part VB of the *Copyright Act 1968* (**the Act**).

The material in this communication may be subject to copyright under the Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act.

Do not remove this notice.

This is a mandatory notice prescribed under the Copyright Act.

The notice may be provided in link form on the down load.

Smart Copying

Cost

To minimise the costs payable under the Statutory Text and Artistic Licence. It is good practice to:

- a. Link an image rather than copy.
- b. Limit access to the images to students needing the images for class or homework exercises.
- c. Remove the images as soon as they are no longer required. The department pays again for the same images every 12 months. This is known as 'anniversary copying'.

Managing the cost

- Delete all material from the intranet that was copied under the Statutory Text and Artistic Licence.

Use Free for Education Material. E.g.

1. **Flickr (www.flickr.com)**: Photo community which contains thousands of images licensed under creative commons (CC) licences. Includes material through the Power House Museum, State and National Library, Australian War Memorial etc.

2. **Open Photo (<http://openphoto.net/>)**: Photo community with over 3,000 CC licensed photos in various categories

Text

Teachers may use literary, dramatic and musical works (e.g. text books, articles, poems, song lyrics, plays) in text form for educational purposes.

Access

Material must be uploaded onto password protected Department machines with access restricted to teachers and students. Parents may access this material to assisting students with their school work.

Limits

The copying limits for literary, dramatic and musical works are:

- 10% or 1 chapter of a book (whichever is greater)
- 10% of words on a website or CD. Only copy what is really needed.
- One article in a journal, more than one if on the same subject matter, including articles from online publications such as e-journals, e-books or e-newspapers.

You can copy the **whole work** if:

- it has not been separately published or
 - is not commercially available within a reasonable time at an ordinary commercial price.
- 'Reasonable time' is six months for text books and thirty days for other material.

Only copy what you **need** for educational purposes. This is important for managing copyright costs under the Statutory Text and Artistic Licence.

Labelling

You must always label any copied material with the name of the copyright owner and or author.

Each time an artistic work is copied and uploaded online, the following notice **must** be attached to that work:

**NOTICE ON MATERIAL REPRODUCED OR COMMUNICATED UNDER STATUTORY TEXT
AND ARTISTIC LICENCE**

FORM OF NOTICE FOR PARAGRAPH 135ZXA(a) OF COPYRIGHT ACT 1968

COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969

WARNING

This material has been reproduced and communicated to you by or on behalf of [*insert name of institution*] pursuant to Part VB of the *Copyright Act 1968* (**the Act**).

The material in this communication may be subject to copyright under the Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act.

Do not remove this notice.

This is a mandatory notice prescribed under the Copyright Act.

The notice may be provided in link form on the down load.