
SCHOOL POLICY: COPYRIGHT FOR SCHOOLS

This policy replaces the *Copyright for Schools* policy & mandatory procedures dated 7 February 1992, and Circular Minute 22/93 of 19 February 1993.

This policy should be read in conjunction with ***Copyright for ACT Government Schools - a guide*** available from the Workforce Relations and Legal Services Section.

PUBLISHED: May 1998
IDENTIFIER: CFS199805
CONTACT: Workplace and Legal Support
RELATED POLICY: *Acceptable Use of Computer Facilities & External Networks*

1. PURPOSE

This policy outlines the obligations the department holds under the *Copyright Act 1968* (the Act) and under subsequent agreements made between the department and collecting agencies licensed under the Act.

2. DEFINITIONS

- 2.1 *Collecting agencies.* Organisations licensed under the Act to collect monies from copyright users and redistribute these monies to registered copyright owners. These include Copyright Agency Limited (CAL), Australasian Mechanical Copyright Owner's Society (AMCOS), Australasian Performing Rights Association (APRA) and Screenrights.
- 2.2 *Copying limits.* Under the licence copying limits apply per person per calendar year. The limits are not intended for the person making the copies but instead for the person RECEIVING the copies.

3. RESPONSIBILITIES

- 3.1 The **Manager Workplace and Legal Support** has the responsibility to ensure that:
- the department is represented on the Copyright taskforce representing all school systems, working under the aegis of the Ministerial Council for Employment, Education, Training and Youth Affairs (MCEETYA) to develop licence agreements for schools to copy printed material, sheet music and audio-visual works.
 - the department has signed agreements with the relevant collecting agencies and pays charges on a system basis.
- 3.2 **Principals** have the responsibility to ensure that copying limits and restrictions/procedures are followed at their school.
- **Printed Material.** Under the agreement with CAL copying limits (single or multiple) apply to:
 - one article in a periodical
 - two or more articles if they relate to the same **specific** subject matter
 - up to 10 percent or one chapter of a book
 - up to a whole of any work for an examination

- for anthologies (books of readings, collections of works) where a work is 15 pages and under in length, it may be copied. Staff who wish to copy any number of separate works which are under 15 pages in length may still copy a maximum of 10% of the book.
- for anthologies where a work is over 15 pages in length, an inquiry must be made first to the usual book supplier(s) to determine if the work is separately published. If not, the whole work may be copied. If a work is separately published, it may not be copied.

Schools will not be required to keep records of copying undertaken, but may be required to participate in an Australia-wide sampling scheme to provide data on usage rates and material being copied.

The CAL agreement also protects and indemnifies licensed schools against claims by any owners of print copyright arising from copying practices by the schools since the Act was proclaimed in 1980.

- **Sheet Music.** Under the agreement with AMCOS:

For all schools

- all copies must be marked 'AMCOS LICENSED COPY' and include the name of the school and date copied
- AMCOS has provided retrospective indemnities along the lines of the CAL agreement.

For primary schools

- up to 30 photocopies of a separately published musical work (other than a choral sheet)
- up to 30 photocopies of a work contained in a collection of works (including Grand Right works) with a maximum of 3 works
- up to 5 photocopies of a separately published choral work (choral sheet). This is usually a piece written for different vocal parts eg. soprano, alto, tenor, bass or soprano, alto, etc.
- up to 30 photocopies of a hand written transposition (changing the music into another key)
- up to 30 photocopies of a hand written transcription (of the words and/or melody of a song)
- up to 30 additional parts may be copied from an orchestral/band set to supplement the purchased set. It does not matter what combination of instruments is chosen eg. 5 extra violin parts, 5 extra French horn parts, 20 extra flute parts, as long as the extra parts do not exceed 30.

For secondary schools

- up to 15 photocopies of a separately published musical work (other than a choral sheet)
- up to 30 photocopies of a work contained in a collection of works (including Grand Right works) with a maximum of 3 works
- up to 5 photocopies of a separately published choral work (choral sheet). This is usually a piece written for different vocal parts eg. soprano, alto, tenor, bass or soprano, alto, etc.
- up to 15 photocopies of a hand written transposition (changing the music into another key)
- up to 15 photocopies of a hand written transcription (of the words and/or the melody of a song)
- up to 30 additional parts may be copied from an orchestral/band set to supplement the purchased set. It does not matter what combination of instruments is chosen eg.

5 extra violin parts, 5 extra French horn parts, 20 extra flute parts, as long as the extra parts do not exceed 30.

- **Audio-Visual Material.** Under the agreement with Screenrights:
 - schools will be able to copy any radio or television broadcast (including commercial) for educational purposes
 - copies must be clearly marked within 14 days with ‘Copied under Part VA Copyright Act 1968’ and the date of broadcast
 - schools will not be required to keep records; however, an Australia-wide sampling scheme may be established
 - broadcasts recorded AFTER 1 July 1990 may be copied and retained indefinitely
 - broadcast material recorded BEFORE 1 July 1990 may be retained and lent to other schools but must not be copied. This material must be clearly stamped ‘not to be copied’.

- **Performing Rights** (for school musicals, plays, concerts and discos). The agreement with APRA for ‘small performing rights’ covers copyright music and lyrics. It also covers performances in schools and performances given by students and teachers at other venues.
 - Musical works presented in a ‘dramatic context’ have the following conditions:
 - the performance occurs at your school
 - the performance is NOT advertised to the general public by radio, TV or local press
 - a maximum of three songs are performed from any grand right production
 - the performance should not be for profit.
 - Grand Performing Rights are NOT covered. Schools will need to negotiate with owners individually in regard to the presentation of dramatic musicals, etc.

- **Computer Programs**
 - Computer programs are protected under the Act. The Act protects the creators (and/or owners) of software and protects their rights to determine how the software can be used.
 - There is NO national agreement to allow for the copying of computer software for educational purposes.
 - It is illegal to copy computer software without the copyright owner's approval *and to use computer software which has been copied illegally (see *Acceptable Use of Computer Facilities & External Networks Policy*).*

Schools must comply with the licensing policy each software company has developed for the legal protection of its programs.