

Some relevant Internet sites

The Australian Copyright Council

<http://www.copyright.org.au>

Copyright Agency Limited

<http://www.copyright.com.au>

Australian Digital Alliance

<http://www.digital.org.au>

Screenrights

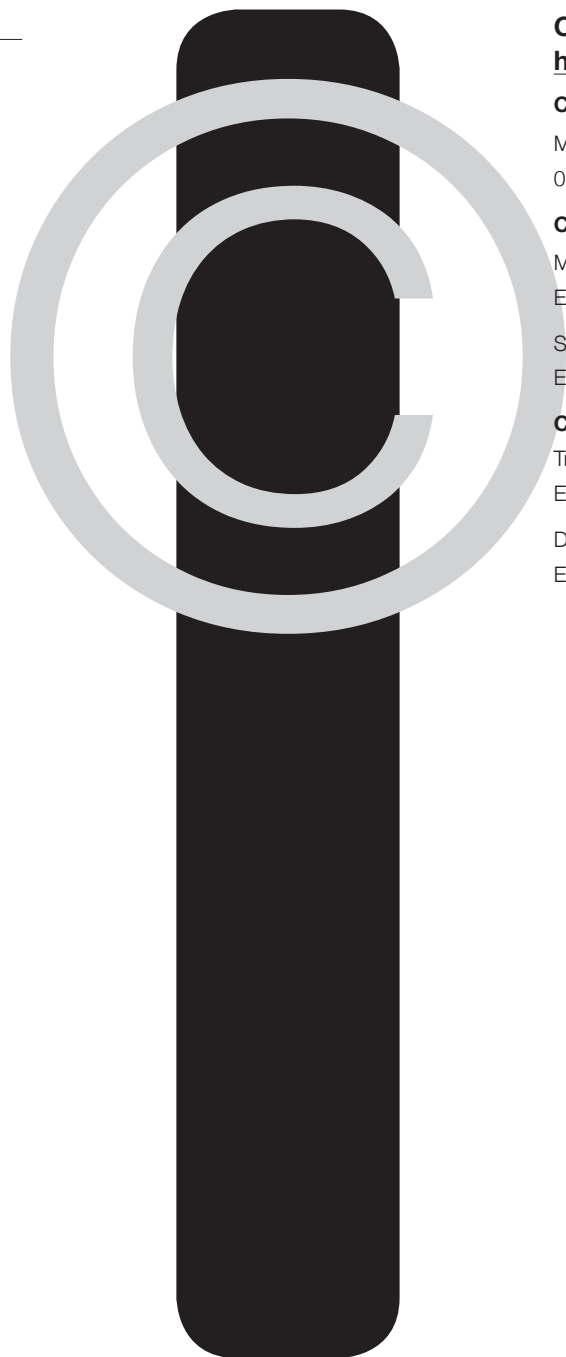
<http://www.screenrights.org>

The Attorney-General's Department

Intellectual Property and Copyright

<http://www.ag.gov.au/RightsAndProtections/>

Intellectual Property



Copyright staff who are here to help you

Copyright Officer

Marilyn Gane

02 4980 2129 or ext 129..... Library—LMC

Copyright Assistance—LMC

Michelle Down

Extension 134 Library

Simon Short

Extension 395 IT/Audio Visual

Copyright Assistance—Sydney

Tracey McDonald

Extension 3640 Library

Drene Somasundram

Extension 3617 FN&H

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GETTING STARTED WITH COPYRIGHT

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Under Australian Copyright law, copyright covers more than just copying. It relates to the protection afforded to the creators of original works and also the way these works can be used by others. Students and staff members are likely to be both users and creators of copyrighted material.

What is covered by copyright?

In Australia there is no registration or cost involved in obtaining copyright protection for original works and it is not necessary for a work to include the copyright symbol © for it to be protected.

Copyright protection is automatic for original works that are created in material form. This could be by:

- writing down
- painting
- photographing
- recording on a disk, CD or hard drive etc.
- transmitting electronically, eg email or web page.

Generally owners of copyright have exclusive rights over their material in such areas as making copies, publishing, performing in public, making adaptations and communicating the work to the public by placing it online.

So that members of the public can have reasonable access to and use of copyrighted material, Australian Copyright legislation includes some specific exceptions that allow people other than the copyright owners to use copyright material, or portions of it, under certain conditions.

It is the responsibility of Avondale students and staff to make sure that any use they make of “third party” material complies with the legislation in all areas of Avondale life: academic, worship, outreach and social.

Using copyrighted material legally

There are three main ways that copyright material can be used legally:

Fair dealing

Students are able to reproduce copyright material without permission provided that the dealing is for research or study and that the copying is “fair”. The Copyright Act (1968) deems “fair” to mean:

- one article in a periodical publication (eg a journal article)
- more than one article if on the same subject matter OR

- a “reasonable portion” which is generally 10% or one chapter if the work is a published edition of 10 pages or more; or 10% of the words if in electronic form.

Fair dealing applies to work copied by an individual for their own use. Fair dealing provisions cannot be used to copy material for others eg lecturer for individual student or class.

Licences

Avondale holds licences for educational copying with Copyright Agency Limited (CAL) for hard copy and electronic reproduction and communication and with Screenrights for copying from radio, television and cable. Even with these licences, limits and conditions apply. In very broad terms these limits are the same outlined as for “fair dealing” above. Lecturers should ensure that any reproduction or communication of third party material in any format (such as course packs, class handouts, Moodle, etc) which they produce or authorise complies with Australian copyright legislation.

All electronic copying and communication of copyright material (including loading third party material to the Avondale website) should be cleared with the Copyright Officer—Marilyn Gane (4980 2129 or ext 129).

Permissions

Permission from the copyright owner to use their material will override copyright legislation but it is important to ensure that:

- you are receiving permission from the actual copyright owner
- you have clearly stated the use you intend to make of the material and only use it in the way it was specified
- you always show on the materials that it is being used with permission
- permission is in writing and kept on file.

Moral rights

Whenever you use another person’s intellectual property you also need to ensure that you comply with the moral rights legislation which is also part of the Copyright Act. This means

- that you must correctly name and acknowledge the author
- that you should not treat the work in a way that will be derogatory to it or the reputation of its creator.

Music, computers, the internet, copyright and you

A number of recent court cases in Australia and overseas have focussed on such activities as ripping, burning, peer-to-peer networking, file-sharing and file-swapping or downloading from internet sites offering copyright music in formats such as MP3.

Students and staff are advised not to use the Avondale networks or Avondale computers to copy, share or transmit music in such a way as to infringe copyright. Not only are the representatives of the Music Industry Piracy Investigation on the lookout for instances of the illegal use of music, but we have been advised that we “are required to preserve music copyright infringement evidence, deliver it to the copyright owner and identify the infringer”.

The following are examples of illegal activities:

- copying songs onto hard drive from a CD that you (or a friend) own
- sharing music files across a network
- downloading copyright protected music from the Internet to your hard drive if you do not have express permission from the copyright owner

Before you use anyone else’s intellectual property in whatever format, it is your responsibility to think about whether you will be infringing copyright legislation. Any such infringement is also an infringement of Avondale regulations.

Information to help you with copyright

Materials available in the Library

- The libraries on both campuses hold a number of books and journals published by the Australian Copyright Council that will help you understand your obligations under current Australian copyright law.

Materials available on Avondale’s Copyright webpage

- Information about copyright for students and staff is available on Avondale’s Copyright webpage
<http://www.avondale.edu.au/copyright/>

Permission Request Form for Copyright Material

- If you wish to obtain permission to use copyright material in a social, worship or outreach activity, please complete the *Faculty/Student request for permission to use copyright materials* located on the Copyright webpage
<http://www.avondale.edu.au/copyright::Forms/>