

**Holy Family Primary School
GOWRIE**



**COPYRIGHT
Policy**



Copyright Policy

Related Policies

CE Copyright Policy
CE Privacy Policy
HF Privacy Policy
CE Computer Facilities and External Networks – Acceptable Use by Students Policy
CE Computer Facilities and External Networks – Acceptable Use by Staff Policy
CE Web Publishing Policy

Policy

Copyright is the set of *property rights* held by authors over materials they have produced, even after the materials themselves have been sold. The rights of authors must be respected by teachers when copying materials for class use. The issue has both moral and legal implications.

Assumptions

1. Copying as treated here relates only to materials for educational use.
2. Copyright law exists to let authors benefit from their work.
3. Copyright expires over time.
4. Permission to copy materials involves a dollar cost.
5. Licence fees, paid by the CEO, have removed most obligations to keep records.
6. Even with a licence, strict copying limits remain. (These are explained in the Procedures section)

Directions

Teachers copying materials for educational use must remember:

1. The regulations change frequently and so staff need to keep abreast of them.
2. The cost of photocopying is a major item in every school budget.
3. If we abuse licensing provisions, the system can lose its licence.
4. The regulations are complex and summaries must be displayed near all copiers.

Procedures

The following limits exist for all copying done for educational purposes:

Print Materials

In one calendar year, single or multiple copies of:

- a) an article in a periodical - (e.g., from Elementary Education, vol. 20, no. 4, "Drama in the Classroom").
- b) more than one article from the periodical if they are on the same specific subject matter - (e.g., from Independent Education, vol. 22, no. 3, "Rethinking schools for a changing world - the National Schools Project" and "National Schools Project - The template for developing and approving proposals").
- c) up to ten per cent or one chapter of a book, whichever is greater - (e.g., Alvin Toffler's book, Powershift, has 585 pages; it is permissible for one person to copy 59 pages in a calendar year, or one chapter; however, as each chapter is only about six or seven pages, you would choose the 10% figure.).
- d) up to the whole of any single work in a collection of works, to a limit of 15 pages - (e.g., if I have a book of Garfield cartoons, I can copy one cartoon from the book; if I have a collection of Patterson's poems, I can copy one poem, provided it does not exceed 15 pages.).

Note: if the work has not been separately published, teachers can copy the whole of the single work, without limit. Thus, they could copy a 20-page short story from a collection of O. Henry's stories, as long as the story in question has not been published separately in another format.

- e) up the whole of any work if it is not available for purchase, within 14 days (or six months for a text book) at the usual price a school would pay - (e.g., if I want to make available large sections of Teach Yourself Dutton Speedwords to my class, but the bookseller says it is out of print, or available only from a source who has stockpiled the remaining copies and wants to charge treble the price, I can copy what I need.).
- f) up to the whole of a work for an examination - (e.g., I want to use four poems by Judith Wright in a comparative literature examination; I can copy all four poems without penalty.).

The number of copies to be made (single or multiple) means *as many as I need for my teaching purposes*. It does not extend to making additional copies for parents or others.

While there is no legal obligation to acknowledge the copyright holder on these copies, professional courtesy suggests that we should do so.

Printed Music

The regulations regarding copying differ from primary to secondary schools, and this document lists only the primary rules. (The secondary ones are more stringent)

- a) Thirty copies of each separately published work purchased by the school or staff member, (e.g., if I buy a copy of the music for Beethoven's *Ninth Symphony*, I can make 30 copies; if I need forty copies, I must buy another original.).

- b) Five copies of each choral sheet purchased by the school or staff member (e.g., if I want to copy *Handel's Messiah*, I can make five copies of the sheet music owned by the school).
- c) Thirty copies of a song from a vocal score purchased by the school or staff member. (A maximum of three songs from any one vocal score may be copied; e.g., if the school has a copy of Joseph's *Technicolour Dreamcoat*, I can make a total of thirty copies.).
- d) Multiple copies of a part or parts of an instrumental work purchased by the school or staff member as long as the total number of parts copied does not exceed 30 (e.g., if a school band wants to practise some Big Band items, I can copy thirty parts once, one part thirty times, or combinations totalling 30.).
- e) Thirty copies of a work that is not separately published (i.e. is available only in a collection, e.g. a collection of Christmas music or wedding music).
- f) Thirty copies of a work not available for purchase (e.g., an out-of-print item).
- g) A transcription of lyrics and melody line (or lyrics only) of a work purchased by the school or staff member, and then 30 copies of the transcription. This means that a teacher can copy out the lyrics or melody line, and then this hand-written copy can be reproduced thirty times.).
- h) A transposition of a work owned by the school or a staff member and then 30 copies of the transposition. This means that a teacher could change the key of the music and the newly transposed work could be copied.
- i) Replacement copies can be made of lost or damaged copies, provided the total number does not exceed the permitted number.

The original music must be marked **AMCOS LICENCE - COPIES MADE**. All copies must also be marked **AMCOS LICENSED COPY**, plus the name of the school, the date copied, and the name of the owner if it is not the school. The copies remain the property of the school for which they were made.

Finally, total copies held must never exceed 30. The law does not authorise making this many copies each year.

Television and Video

It is now possible (following recent amendments to the Act) to copy any radio or TV program off-air, subject to conditions. Any program can be copied, at any time, by any person, *provided the copying is solely for educational purposes*. Cassettes containing broadcasts must be marked within 14 days of the recording, and must not be sold or used in places not covered by the licensing agreement.

Cassettes must be marked within fourteen days, showing the school's name, plus the words *Copied under Part VA Copyright Act, 1968*, plus the date of the broadcast. (If other copies are made, the date on which these copies were made must also be noted.)

Material copied before July 1, 1990, may not be re-copied and the cassette must be marked accordingly. Material copied after that date may be re-copied.

It is not permissible to copy commercially produced material such as video cassette, vinyl records, cassette tapes or compact discs.

Two other points need to be noted about video cassettes:

- a) Hired cassettes may not be shown in class unless the supplier approves it. (This is an aspect of contract law, not copyright law.).
- b) Purchased cassettes may be played in class, but it might be wise to confirm this with the supplier.

Recorded Music

Unless the copyright owner's permission has been granted, it is not permitted to copy commercially produced tapes, records or compact discs.

Permission must usually be obtained from two sources: the owner of the music copyright (usually through AMCOS) and the owner of the copyright in the sound recording (usually controlled by the recording company).

While pre-recorded music may be used in classrooms and for other educational purposes, the use of such material at concerts, discos and assemblies is regarded as "public performance" and subject to performing rights conditions. This is allowable if the school is party to a licence with APRA.

Computer Programs

There is no licensing agreement between schools and collection agencies to authorise copying of computer materials. The individual licences are spelled out by the computer firms, and might include site licences and back-up provisions.

It is up to the user to determine (by examining the licensing agreement on a particular program) whether there are any copying provisions. If the agreement does not specifically forbid it, the user may make one back-up copy in case of the original being rendered unusable.

Performing Rights

Generally, permission must be obtained from copyright owners (and this usually involves payment of a fee) before a copyright protected work can be performed in public.

Schools who have a licensing arrangement with APRA may perform publicly, provided:

- a) the material is performed in class;

- b) the performance is given in the context of a course of instruction;
- c) the performance does not make a profit;
- d) the audience is limited to students and staff, not parents.

If the copyright has expired (usually fifty years after the death of the creator, or fifty years after production of films and music) it is possible to perform it without permission. Such work is said to be *in the public domain*.

References

Nil

Forms

Nil

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| School Contact Officer: | Anne-Marie Marek |