



Copyright Policy

The laws that relate to Copyright are quite detailed and involved. Source documents from which these extracts have been taken are:

- a) Legal and Legislation LL - 04 Copyright (DOEM) (25 pages).
- b) CM - 12: Staff Intranet, Internet and Electronic Mail Usage Policy (DOEM) (29 pages)

Please consult Source Documents for clarification.

2. Print Materials (CAL License)

- 2.1 Education Queensland has an agreement with Copyright Agency Ltd, (CAL) which allows limited copying, for or on behalf of schools, of print material for educational purposes.
- 2.4 Educational purposes include the distribution of copyright material to students by a teacher in relation to a particular course of study provided by the school. **It also includes the distribution of material to teachers and administrative staff in relation to the operation of the school.**

Maximum Copying Rights per Person per Calendar Year

- 2.5 The maximum copying rights per person per calendar year are limited by the CAL Licence. The following print material may be copied in single or multiple by or on behalf of a school for its teaching purposes:

Books (Excluding Periodicals)

If the literary or dramatic work being copied is a book, 10% or one chapter, whichever is greater.

Periodicals

- a) One article in each issue of a periodical (such as a newspaper or magazine).
- b) Two or more articles in each issue of a periodical if they relate to the same subject matter.

Anthologies

- a) The whole or part of a literary or dramatic work in a published anthology of works may be copied, provided:
 - (i) the individual literary or dramatic work has not been separately published; or
 - (ii) the individual literary or dramatic work does not exceed 15 pages in that anthology (whether separately published or not).

Artistic works (includes maps, drawings, pictures, or photographs)

- a) There are two ways artistic works can be copied:
 - (i) Works that accompany the text – if an artistic work accompanies or explains the text being copied, the artistic work may also be copied.
 - (ii) Works without accompanying text – if a picture from a book, newspaper, or a periodical is being copied, and the picture has not been separately published or, as a separate publication, is not available from the usual suppliers within 30 days, then the picture can be copied on its own providing not more than 10% of the work in which it is found is copied. 'Separately published' means the work is available separately and should be purchased if available.



Out of Print works

- a) Up to the whole of any artistic, literary or dramatic work if the school has checked with its normal suppliers that the work is not available for purchase within 30 days (or six months for text books) at the price the school would normally pay.

Examinations

- a) Up to the whole of any printed work may be copied for a formal examination.

Example

- 2.6 A teacher may copy one chapter for a year 9 class and a different chapter for a year 8 class. As in each instance, the copy is for a different set of students. Whether copies from a book are made or the work is rewritten for inclusion in course materials, the copying limits provide the absolute maximum of a work that can be copied. Copies can be made by - photocopying, facsimile, overhead projector, hand written, or typed/word processed. (For further information on copying limits, refer to Schedule 2).

Licence Does Not Cover:

- 2.7 This licence does not cover:
- a) the copying of sheet music (see AMCOS agreement);
 - b) the copying of computer programs; or
 - c) use of copies made under the CAL Agreement for purposes other than educational purposes by an educational institution.

Copying for Visually or Intellectually Impaired Students:

Special concessions are available to schools which assist visually or intellectually impaired teachers. See LL-04 for these concessions.

Television & Radio Broadcasts

School may copy any program on any radio station and television channel provided the copies are marked and are for the educational purposes of the school. (See LL-04 for more details).

- Copies of broadcasts made before 1 July 1990
- Copies of these broadcasts may be kept but not recopied under any circumstances
- Copies of broadcasts made after 1 July 1990
- Any radio or television broadcast may be copied by the school, including brief commercials or full length feature films
- Any number of copies may be made
- Any person may do the copying and copies may be made out of school hours but must be marked and housed at the school.

Computer Software

It is a criminal offence to copy or use computer software or CD Roms without authorisation of the copyright owners. The purchaser of computer software obtains only limited rights to make use of that software. The purchaser obtains a licence to use the software under specific licence conditions including single user, site licence or network licence. The conditions of the licence must be strictly observed. (See LL-04 for these conditions).



4. Printed Music (AMCOS License)

- 4.1 The agreement with the Australian Mechanical Copyright Owners Society Limited (AMCOS) allows limited copying, by or on behalf of schools, of sheet music for educational purposes.

Terms and Conditions of the AMCOS Agreement

- 4.5 Copies must be made for educational purposes, but this does not include private tuition even if it takes place on the school premises, or any external examinations.
- 4.6 The licensed copies may only be made for the educational purposes of that particular school, and cannot be made on behalf of another school or organisation or lent to any other person other than a member of staff or student of that school.
- 4.8 Schools or teachers who purchase original music may make limited numbers of copies, as long as these are marked.
- 4.9 The following copying is permitted in relation to one original print music book or piece of sheet music owned by the school or staff member.
- Separately published works: 30 copies in primary schools and 15 copies in secondary schools for each separately published work purchased by the school or member of staff.
 - Choral sheets: 5 copies for each choral sheet purchased by the school or member of staff.
 - Vocal scores: 30 copies in primary schools and 15 copies in secondary schools of a song from a vocal score purchased by the school or member of staff. A maximum of three songs from one vocal score may be copied.
 - Instrumental works: Multiple copies of a part or parts of an instrumental work purchased by the school or member of staff provided that the aggregate number of parts copied does not exceed 30.
 - Collections/Musical works not available for purchase: 30 copies in primary schools and 15 copies in secondary schools of a work which is not separately published or available from a schools' normal supplier.
 - Transcriptions: & Transpositions: A transcription of lyrics and melody line or lyrics only may be made of a work purchased by the school, or member of staff. Thereafter 30 copies (of the transcription) may be made in primary schools and 15 copies in secondary schools. Same for Transpositions.
 - Replacement copies: Replacement copies may be made where copies have been lost, stolen or destroyed but under no circumstances should the total number of copies of each work exceed the permitted number.
 - Out of print: Schools may make the permitted number of copies of a work (primary/secondary) which is out-of-print and is not commercially available, providing that the school has been advised by the publisher of the work or its agent (AMCOS) that the work is unavailable within 3 months of ordering, and the school has made a written record of that advice.

Performances

Copyright owners have exclusive rights over their material. Performance rights apply not only to the physical performance of a work, such as a play, or a piece of music, but also to the playing of a school recording or the showing of a film or video recording.

- Performances *in the course of educational instruction*
- Public performances are subject to copyright. However, a performance is deemed not to be a performance in public if it is given by teachers or students in the normal course of educational instruction, and the audience is limited to those taking part in the instruction or to those who are otherwise directly connected with the place where the instruction is given.
- Teachers may show videos or films, play sound recordings or give live performances to a class provided that the above conditions are met. Films and videos must not be screened for entertainment as this use is considered to be a public performance e.g. end of term, rainy days or school camps.



- Note, if videos are rented from a domestic video outlet, the contract of hire may prohibit screening other than in private or domestic situations. Videos should be hired by the school, not by the teacher. (The copying of pre-recorded material such as purchased or hired videos is illegal).
- Performances of *public domain material*
- Performances of material which are no longer subject to copyright are public domain material and are free to use without permission.
- Performances of *literary or dramatic works*
- Copyright is not infringed by reading or reciting in public up to 10% or one chapter from a published literary or dramatic work, provided sufficient acknowledgment is given. Acting a play, is however, subject to copyright and permission must be sought from the publisher.
- Performances of *music*
- Small performing rights, under an Education Queensland agreement, allow for performances by a choir or by musicians, of songs or music up to 20 minutes in length (in their entirety) and the playing of commercially distributed sound recordings, including the playing of the radio.
- Grand performing rights are not covered under the agreement. Grand rights works include the performance of entire dramatico - musicals (for which music/lyrics were especially written), oratorios and choral works more than 20 minutes in length and the performances of the whole part of any music/lyrics composed or used for a ballet, when performed in conjunction with a visual representation. A performance of any musical work in a theatrical context involving actors, costume, lighting, scenery, whether the work was composed for that purpose or not, is considered a grand right work.

7. Copyright – Internet (See CM-12 for details)

- 7.1 Copyright laws protect most documents and software available through the Internet. EQ officers should consider the copyright implications associated with copying or otherwise reproducing Internet material. It is prohibited to use the Internet service to copy, reproduce or transmit any document, software (including HTML source code) or other information protected by copyright laws.
- 7.2 Officers should refer to document LL-04: Copyright within the Legal and Legislation category of the Department of Education Manual for further information on digital copyright. Note that the government and department's educational licences referred to in this document do not extend to Internet use.

Copyright Email

- 7.3 Use of the email system to copy and/or transmit any documents, software or other Information protected by the copyright laws is prohibited.**