

**EYNESBURY COLLEGE  
EYNESBURY SENIOR COLLEGE  
EYNESBURY INSTITUTE OF BUSINESS AND TECHNOLOGY**

**COPYRIGHT**

**Revised May 2004**

**1. LICENCES**

1.1 There are separate licensing arrangements for *Eynesbury College Years 11 and 12* (EC11-12: Australian students) and *Eynesbury College* (EC: International students in Years 10, 11 12, FSP, Elicos and EIBT).

1.2 EC 11-12 is covered for the following forms of copyright:

- AMCOS (Australian Mechanical Copyright Owners Society) - *photocopying licence for sheet music*
- ARIA (Australian Record Industry Association) - *music recording licence*
- APRA (Australian Performing Rights Association) - *public performance licence*
- CAL- SECONDARY (Copyright Agency Limited – hardcopy original, digital original)  
- *photocopying of hardcopy to hardcopy*  
- *copying hardcopy to digital*  
- *copying digital to digital*
- SCREENRIGHTS - *recording and communication of audio visual materials only*  
- *radio and television [including cable]*

1.3 EC is covered by a separate CAL- Commercial licence for hardcopy reproduction. In May 2004 the College received verbal advice from the above-mentioned copyright authorities to the effect that as long as the purpose of any reproduction of materials, other than that covered by licence, is for 'educational purposes', and that the limits of the above licences are adhered to, then all international students and teachers of those students in practice are covered by EC 11-12's licence.

**2. RESPONSIBILITIES**

2.1 The Copyright Officer is the Co-ordinator, Information Services (LS), who is responsible to the Principal for:

2.1.1 Maintaining and disseminating current copyright information to all program managers at Franklin St and Grote St campuses, non-school programs included;

2.1.2 Briefing all new staff members appointed to teach in school-based programs; and

2.1.3 Briefing all students in school-based programs on their obligations under copyright law.

2.2 Program Managers in non-school programs (Elicos, FSP, Certificate/Diploma) are responsible for:

2.2.1 Briefing all new staff members appointed to teach in their programs; and

2.2.2 Briefing all students on their obligations under copyright law.

2.3 Staff members teaching in all programs have an obligation to familiarise themselves with current copyright literature and the limits imposed on copying under license. If a staff member infringes copyright, or sanctions a student to infringe, he or she is personally liable at law, not simply the school/entity. Any owner of copyright can take action for a perceived infringement.

2.4 If in any doubt, the obligation is on the staff member rather than the College Copyright Officer to clarify the situation by:

2.3.1 Referring to copyright information in the RCC Teacher Reference Collection.

2.3.2 Making direct contact with the relevant copyright authority.

2.3.3 Consulting the references set out in Section 5 of this policy paper.

2.5 Specific copyright requirements must be adhered to for public performances of drama productions, making copies of drama production scripts, copying musical scores and using musical recordings for instruction or in a drama production. Teachers involved in these areas need to consult the particular provisions that apply to these applications and should refer to the RCC Teacher Reference Collection on Copyright.

2.6 Any teacher involved in the delivery of private tuition is not covered by the licences purchased by EC 11-12 for the reproduction of materials using its reproduction technology.

**3. GENERAL PRINCIPLES COVERING COPYRIGHT IN EDUCATIONAL INSTITUTIONS**

3.1 Teachers must assume any material [hardcopy or digital] is copyright unless specifically

excluded by the copyright owner.

3.2 All creators of materials have automatic copyright and place obligations on the users, staff and students, of those materials to:

3.2.1 Attribute the work to its creator – *to avoid plagiarism.*

3.2.1 Attribute the work to its creator – *by appropriate referencing.*

3.3.3 Respect the integrity of the work – *by not taking it out of context, or modifying it in any way without acknowledging the original.*

3.3 Under licence, copyright material can be reproduced without seeking permission from the owner.

3.4 Copyright material other than sound recordings or film can be used in examination papers without limit, and without seeking permission from the copyright owner, provided the examination paper it reproduced in hardcopy rather than electronic form. Films and sound recordings can be used in examination papers only within copying limits set down in the relevant licence.

3.5 Any amount of copyright material can be written out by hand for a class.

3.6 Any hardcopy of materials reproduced by staff must be stamped with the Eynesbury CAL stamp, available at all photocopiers.

3.7 Any digital reproductions and communications [from hardcopy or electronic originals] must include a copy of the special message as outlined in the *Notices* section and in the literature in the RCC Teacher Reference Collection on Copyright.

#### 4. LIMITS TO COPYRIGHT LICENCES

4.1 Limits apply to all the copyright licences. All staff members are obliged to be familiar with those limits. Please refer to the copyright information supplied at training sessions and in print rooms at both campuses. Copies will be made available in the RCC Teacher Reference Collection on Copyright.

4.2 General principles:

4.2.1 Copyright is covered by the licences to the extent that the use is for 'educational purposes'.

4.2.2 The 'reasonable portion' rule applies (10% in most cases) but there are exceptions.

4.2.3 Radio and TV, including cable delivery, can be copied and played without limits, as long as certain procedures and precautions are in place. The RCC and ICT Managers, under the direction and instruction of the Copyright Officer, will ensure that all procedures and precautions are adhered to.

4.2.4 Commercial videos cannot be reproduced unless unavailable for purchase and then only under certain procedures and precautions. The RCC and ICT Managers, under the direction and instruction of the Copyright Officer, will ensure that all procedures and precautions are adhered to.

4.2.5 Reproduction of copyright materials under the licences identified above does not apply if the materials are commercially available within a 'reasonable time' – 30 days to 6 months, depending on the nature of the materials.

4.2.6 Copyright applies to all information on the Internet. The same limits for reproduction apply. However, the definition of 'whole work', 'chapter' etc may not be clear. If in doubt, you are encouraged to contact the copyright owner directly. Note that:

- Hardcopy of this material must be stamped with the CAL stamp.
- Digital reproduction and communication of this material must have the appropriate message attached. See *Notices Section*.
- All materials reproduced or communicated via email, on the Intranet, in the Public Folder on the VPN through *Edugateway*, or any other method of electronic delivery used by staff will have the appropriate message attached. See *Notices Section*.

4.2.7 No DVD, CD or computer software can be reproduced without the direct permission of the copyright owner. Note that:

- In some cases, the licence for software permits some or all of the software to be reproduced but any reproduction must be marked with an appropriate message, as directed by the particular software licence.
- The Manager, ICT, will mark all such copies accordingly.

- The Manager, ICT, will record and store all licences in regards to computer software.

- *Educational Institutions: Digital & AV Resources. A Practical Guide.* Australian Copyright Council, February 2002.

**5. FOR FURTHER INFORMATION**

5.1 The following materials on copyright can be found in the RCC Teacher Reference Collection on Copyright.

- *Copyright Teaching Resource Book.* Australian Copyright Council, 1998.
- *Educational Institutions: Copyright Compliance Resources. A Practical Guide.* Australian Copyright Council, March 2003.

- *Educational Institutions: Text, Images & Music. A Practical Guide.* Australian Copyright Council, February 2002.
- *Fair Dealing in the Digital Age. A Discussion Paper.* Australian Copyright Council, November 1998.

5.2 From time to time staff members may need to contact AMCOS/ARIA/APRA on 02299357700.

**6. NOTICES**

6.1 To be attached to all digital copies: - email, intranet, Public Folder on the VPN

**FORM OF NOTICE FOR PARAGRAPH 135KA [a]  
OF THE COPYRIGHT ACT 1968**

**COMMONWEALTH OF AUSTRALIA  
Copyright Regulations 1969**

**WARNING**

This material has been copied and communicated to you by or on behalf of Eynesbury College pursuant to Part VA of the Copyright Act 1968 [The Act].

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

Do not remove this notice.

6.2 To be attached to all audio-visual copies

Made for Eynesbury College Years 11 and 12 Inc  
Under Part VA Copyright Act 1968  
Date program was broadcast.....[insert date]  
Date copy was Made.....[insert date if different]  
Recorded by .....[not required by ACC]

6.3 Please refer to RCC Teacher Reference Copyright file for notices to be attached to photocopiers, scanners and computers re copyright. Copyright law does not permit the college to reproduce these notices in digital form here.

**Policy Revision**

This policy may be revised from time to time without notice. The current version is always available in electronic form from staff at Front Desk or on *Policies at Eynesbury* on staff computers.