

HSC: All My Own Work

Copyright

Introduction

This module explains copyright and its relevance to students. The Board of Studies NSW gratefully acknowledges permission to quote from and paraphrase information issued by Copyright Agency Limited.

Module Outline

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- 1.What is copyright? Why do we need it?
- 2.What is the Copyright Act?
- 3.Why is it important to respect intellectual property?
- 4.How does copyright work in a digital environment?
- 5.How is copyright related to music and images found in digital media and on the internet?

Summary

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Copyright - screen 1

What is copyright? Why do we need it?

Copyright protects what writers, artists, photographers and musicians have created. These creations are called their intellectual property. The creator of any original work owns the copyright of that work, which is the exclusive right to authorise copying and communication of their work. We need copyright for a number of reasons:

- Australian law recognises that individuals have the right to make money from the sale of copies of their work.
- Copyright also protects creative works from being used without the copyright owner's agreement.

Copyright protection is free and automatic, but it is advisable to use the copyright symbol on work you create: eg © Toby Wright 2006

Consider these situations

Q: You have just created an original T-shirt design. Is it protected by copyright?

A: Yes, it is automatically protected by copyright because it is your original design. You do not have to register your copyright in Australia. Copyright protection is free and automatic. It is recommended that you put a copyright notice on your work so that you are identified as the copyright owner, for example: Copyright Jane Smith 2006 or © Jane Smith 2006.

Q: You want to use part of someone else's design in your T-shirt. Can you do this?

A: If the part is instantly recognisable as that person's work then you must get permission from them no matter how small a part of their work it is. However, if it is more than 70 years after the designer's death it is usually safe to use their work without the permission of their publisher or estate.

Q: Will you always have to pay a royalty for using someone else's design or a sample of someone else's music in your own work?

A: Sometimes you will need to pay. Make sure you always get an answer in writing. Very often the copyright owner will thank you for asking permission and will not charge you a fee. Check the copyright organisation links in this module for further information. See also information on fair dealing later in this module.

Q: Is your own web page protected by copyright?

A: Yes, your web page is protected by copyright because you are the creator of an original work. The same applies to your assignments, songs, computer games and artworks. You created them and you own copyright in them. You have the right to control their use and to receive money for any copies that are made.

Q: Does copyright protect ideas?

A: No. Copyright does not protect ideas. It only protects the expression of ideas in some format eg visual (written word, photograph, artwork, film) or audible (music, spoken word). If you think you have come up with an idea or invention that should be protected, then you may wish to apply for a patent which will cost you money. You may also wish to pay to register any design you create that has commercial or industrial applications with IP Australia which protects intellectual property.

Copyright - screen 2

What is the Copyright Act?

The Copyright Act 1968 legally grants and regulates the exclusive right of authors and creators in Australia to control the use of their work and their means to earn a living from their work. Copyright applies to literary, musical, dramatic and artistic works found in a wide range of media, including material found on the internet and on CDs and DVDs. The Act contains some exceptions which allow certain copying to be done without permission. These exceptions include provisions for fair dealing and the statutory licences that allow educational institutions to copy and print digital material. For more information, download a copy of Guidelines for Schools, TAFEs and Independent Educational Institutions - Copyright Agency Limited - Australia

Q: How much copying can students do?

Students can use the following as a guide when copying for study or research purposes:

Books: Up to 10% of the book or one chapter
Anthologies: One whole item [up to 15 pages]
Journals: One article

Q: How long does copyright last?

Copyright generally lasts until 70 years after the author's death at which time copyright lapses. The work then enters the public domain and it can be used freely without permission or payment of royalties.

Q: Is the Copyright Act ever updated?

In Australia, copyright law is set out in the Copyright Act 1968 and in court decisions which have interpreted the provisions of the Act. The Act is amended from time to time to keep the law up to date.

Q: Are there exemptions from seeking copyright permission?

Some copyright material can be used without seeking permission. These exceptions include:

- Fair dealing for the purpose of research or study, which allows a student or researcher to copy 10% or one chapter of a published literary, dramatic or musical work of 10 pages or more and one article from a journal.
- Fair dealing for the purpose of criticism or review, which allows reviewers to make fair use of copyright material provided that they acknowledge the work.
- Statutory licences which allow educational institutions to reproduce and communicate material protected by copyright.

Copyright - screen 3

Why is it important to respect intellectual property?

It is important to respect intellectual property for these three reasons:

1. To promote creative communities and rich cultures. We must support creative work by paying writers, artists, musicians and designers for their work.
2. To promote freedom of speech and expression. When individual creative people can make a living from sales of their work, they are free from the pressures of sponsorship by governments or large corporations.
3. It is wrong to steal. It is immoral and illegal to steal other people's property unless they give you permission to use it.

Consider these situations

Q: Can you charge someone who wants to use your design as part of their work?

A: Yes, if a person contacts you to use some original art work or music from your web page, you can charge them money for using it, as well as giving them permission to use it. Naturally, they must acknowledge your work by naming you and your work. This acknowledgement is called attribution.

Q: What are some common infringements of copyright?

A: Every time someone copies a video, DVD, film, logo or picture or pirates a CD or computer game without permission, they are stealing intellectual property and breaking copyright law. Everyone deserves the right to earn money from selling copies of their original work.

Q: Is cultural copyright already in place to protect indigenous communities?

A: Cultural copyright is not yet operational to protect the creative work of indigenous groups of artists, including Aboriginal Australians. The World Intellectual Property Organisation (WIPO) within the United Nations is hard at work drafting a future 'indigenous cultural productions' right. This will protect the work of groups of indigenous people and will also protect traditional designs. It is taking some time because copyright typically protects the original work of individuals, rather than the traditional work of groups.

Copyright - screen 4

How does copyright work in a digital environment?

Copyright works in the same way in a digital environment as it does with books.

- Similar copying limits apply in a digital environment.
- As a general rule, students should check for a copyright notice attached to any material on the internet. Just because it is online does not mean that it is copyright free.
- As copyright is internationally recognised and Australia, through various agreements and treaties, respects the copyright of other nations and they ours, material on overseas websites may also be copyright.

The Copyright Act was amended in 2000 in response to the rapid growth of use of the internet. The Copyright Amendment (Digital Agenda) Act 2000 gives the owners of material on the internet certain exclusive rights. These include:

- the right to reproduce material
- the right to communicate the material to the public.

Q: What is a communication right?

A communication right is an extra right in addition to copyright associated with the internet. It relates to the online transmission of material and is usually controlled jointly by the author and the publisher.

Q: How can you download copyright-free images?

A: To find images that are copyright-free, type 'copyright-free images' into your search engine, eg Google, and you will find many images which do not require copyright clearance. You should check carefully what rights the owner actually allows you when you select any images for use, by reading the 'Terms of Use' or 'Copyright' sections on each website. If this information is not available, you cannot assume that material is copyright-free.

Q: Does 'copyright free' always mean that I can just use an image or content?

A: Not always. There may be obligations such as attribution, or you may have to register or subscribe to a site before using the image or content.

Q: What is the international symbol indicating copyright?

A: © is the internationally recognised copyright symbol.

Q: How do you contact an author or web page creator to ask for online copyright permission?

A: Contact the web page author or publisher through the 'Contact Us' email link or click on 'About Us' to get their phone number. It is best to get all answers in writing, so emailing is often the best option.

Copyright - screen 5

How is copyright related to music and images found in digital media and on the internet?

Music and images in digital media and on the internet are subject to copyright and require permission for their use, unless there is a clear statement by their creator that they are copyright-free.

Any 'substantial portion' of a work, that is a portion of a work that is instantly recognisable, requires copyright permission if that portion is not used for study or review purposes. Even a tiny portion may be instantly recognisable and would in that case be regarded as a 'substantial' extract requiring copyright permission.

There are four rights associated with music:

- reproduction right
- communication right
- performance right
- mechanical right.

To find information about music performance rights, go to APRA- Australasian Performing Right Association

To find information about using music for advertisements, go to AMCOS - Australasian Mechanical Copyright Owners' Society

Q: How do you get copyright permission for music?

A: A musical recording may have three copyrights - the copyright of the musical work and the copyright of the lyrics (owned by the song writer or their music publisher), plus the copyright of the sound recording (owned by whoever paid for the recording, often a record company). This means that you may have to negotiate with a recording company and a music publisher to get licences for the sample you want to use. You may email a band's website or contact AMCOS to help you find the relevant people. The fee you pay will be a matter for negotiation as there is no set fee for sample licences.

Summary of this module

In this module you have learnt about copyright so that you know your responsibilities.

You have learnt:

- what copyright is
- what copyright protects
- what portion of a book schools and students may copy without copyright permission
- that a 'substantial portion' is an instantly recognisable portion of a work requiring copyright permission if the portion is not used for study or review purposes.

Key information

Copyright

Copyright is the exclusive right to authorise copying and communication of a creator's work.

Individuals have the right to make money from the sale of copies of their work.

Copyright also protects creative works from being used without the copyright owner's agreement.

The Copyright Act

- The Copyright Act 1968 legally grants and regulates the exclusive right of authors and creators in Australia to control the use of their work and their means to earn a living from their work.
- Copyright applies to literary, musical, dramatic and artistic works found in a wide range of media, including material found on the internet and on CDROMs.

The Educational Statutory Licence

- This licence allows students to copy parts of a book or journal for study or research reasons without seeking copyright permission.
 - Books: Up to 10% of the book or one chapter
 - Anthologies: One whole item [up to 15 pages]
 - Journals: One article
- See Copyright Agency Limited's info sheet: Guidelines for Schools, TAFEs and Independent Educational Institutions - Copyright Agency Limited

Key issues

Copyright is a form of respect for intellectual property for these three reasons:

1. Copyright protection promotes creative communities and rich cultures.
2. Copyright protection promotes freedom of speech and expression.
3. Copyright protection is morally right. It is right to acknowledge people's intellectual property and wrong to steal it.

Tips and hints

- Know the requirements of copyright.
- Check the copyright details of any material you wish to use.
- Remember that copyright works in the same way in a digital environment as it does with books.
- Be aware that a 'substantial' portion of a work is one that is instantly recognisable, no matter how small, and will require copyright permission.

See this module's resource page for additional help.

FAQ - Frequently Asked Questions

Q: What is copyright? Why do we need it?

A: Copyright protects what writers, artists and musicians have created. These creations are called their intellectual property. The creator of any original work has copyright which is the exclusive right to authorise copying and communication of their work. Australian law recognises that individuals have the right to make money from the sale of copies of their work. Copyright also protects creative works from being used without the copyright owner's agreement. We need copyright so that people can earn money from their creative work.

Q: Is an original T-shirt design protected by copyright?

A: Yes, it is automatically protected by copyright because it is your original design. You do not have to register your copyright in Australia. Copyright protection is free and automatic. It is recommended that you put a copyright notice on your work so that you are identified as the copyright owner, for example: © Jane Smith 2006.

Q: Does copyright protect ideas?

A: No. Copyright does not protect ideas. It only protects the expression of ideas. If you think you have come up with an idea or invention which should be protected, then you may wish to apply for a patent which will cost you money.

Q: How much copying can students do?

A: Students can use the following as a guide when copying for study or research purposes:

- books: Up to 10% of the book or one chapter
- anthologies: One whole item [up to 15 pages]
- journals: One article.

Q: How long does copyright last?

A: Copyright generally lasts until 70 years after the author's death at which time copyright lapses. The work then enters the public domain and it can be used freely without permission or payment of royalties.

Q: Why is it important to respect intellectual property?

A:

- To promote a creative communities and rich cultures.
- To promote freedom of speech and expression.
- It is wrong to steal intellectual property and right to pay people for what they have made.

Q: What are some common infringements of copyright?

A: Every time someone copies a video, a DVD, a film, a logo or a picture or pirates a CD or computer game without permission they are stealing intellectual property and breaking copyright law. Everyone deserves the right to earn money from selling copies of their work.

HSC: All My Own Work

Module 4 - Copyright

1. What is copyright? Why do we need it?

Use the following words to fill in the blanks in questions 1 and 2:

communicate	intellectual
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1. Creative work by authors, musicians, filmmakers, designers, visual artists and song writers is called _____ property.
2. Copyright protects a creator's right to _____ their work, make money from their work and control who uses it

True or False?

3. We don't have to register in Australia to be protected by copyright.
4. Copyright generally runs out 70 years after an author's death.
5. Every use of someone else's copyright work will require a licence fee or royalty payment.
6. Copyright protects original ideas.
7. It's okay to use an Aboriginal design or motif from a painting that you saw in an exhibition when you are creating your major work.
8. It's a good idea to include a copyright notice on anything you create to identify you as the copyright owner.
9. One exemption from copyright involves the notion of "fair dealing".

2. What is the Copyright Act?

True or False?

1. A student can usually use up to 10% or one chapter of a copyright work such as a book or website, up to 15 pages from an anthology and one article from a periodical for study or research purposes.
2. Copyright doesn't generally last after an author dies.
3. The Copyright Act is never amended to keep up with changes in the law.
4. A reviewer can use copyright material to write a movie review.

Use the following words to fill in the blanks:

anthology	amended	royalties	dealing	licence
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1. When a work enters the public domain, _____ no longer have to be paid.
2. Students are able to copy one chapter of a book, up to 15 pages of an _____ and one article from a journal for study or research reasons without seeking copyright permission.
3. The Copyright Act is _____ from time to time to keep it up to date.
4. A statutory _____ can give certain institutions exemption from copyright obligations.
5. "Fair _____" is a term that is used to allow restricted exemptions from copyright for research and study and criticism or review.

3. Why is it important to respect intellectual property?

True or False?

1. Cultural copyright is already in place to protect the work of indigenous communities.

Use the following words to fill in the blanks:

speech	creative	steal
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It is important to respect intellectual property for these three reasons:

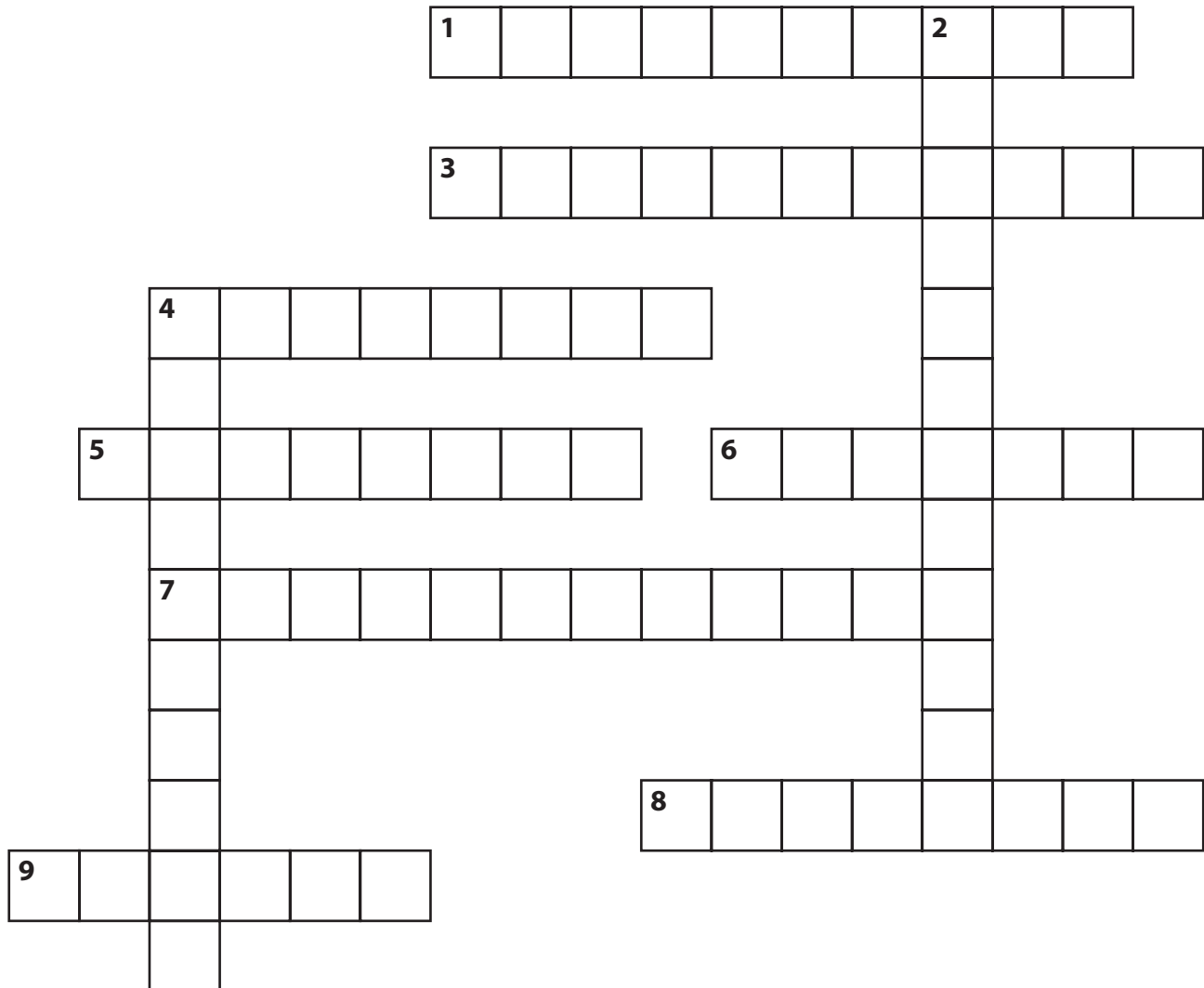
2.To promote _____ communities and rich cultures.

3.To promote freedom of _____ and expression.

4.It is wrong to _____ and right to pay people for their work.

Complete the following crossword from this list of words by using the clues provided below:

protection	pirating	infringement	freedom	attribution
property	intellectual	permission	groups	stealing



ACROSS

- 1 This is provided by the Copyright Act for the work of artists and designers (10)
- 3 A way of acknowledging the creator of a work (11)
- 4 Copying without permission, particularly in relation to videos, films and music (8)
- 5 Authors and creators of work own it. Their work is their _____ (8)
- 6 Authors and creators of works need _____ which comes from making a living from their work (7)
- 7 When works are copied without permission this is an _____ of the Copyright Act (12)
- 8 Taking things that don't belong to you without permission (8)
- 9 Copyright typically protects individuals rather than _____ (6)

DOWN

- 2 Creative people have their _____ property protected by copyright (12)
- 4 This is needed before using an original art work or music (10)

4. How does copyright work in a digital environment?

True or False?

1. All material on the internet is copyright free.
2. If you download or stream a film or television program via an unauthorised website, you have infringed copyright (also known as piracy).
3. If you type 'copyright free images' into Google you will locate images that you can use without worrying about copyright.
4. © is the international symbol for copyright?
5. The same copyright rules generally apply to digital content, such as the internet, as with hardcopy publications, such as books.
6. Copyright is internationally recognised.
7. Online works are always free of copyright.
8. A "communication right" is an additional right to copyright associated with the internet.
9. You must always contact an author or web page creator to ask for an exemption from copyright.

5. How is copyright related to music, screen content and images found in digital media and on the internet?

True or False?

1. Using music and images on the internet and in digital media require copyright permission.
2. Some images on the internet are copyright free.
3. There is no way to tell if an online site offering movies and/or television programs to download or stream is authorised or not.
4. APRA is the organisation that can help in applying for a music performance right.