



Education: Copyright Basics

This information sheet is for people who work in educational institutions and who are familiar with the basic copyright principles. There is detailed information in our books:

- *Copyright in the Classroom: A Practical Guide*
- *Educational institutions: Using Text & Images*
- *Sound & Screen in Education: An In-Depth Guide*
- *Education and Copyright Compliance: A Toolkit*

For information about our other information sheets, other publications and our seminar program, see our website copyright.org.au

We update our information sheets from time to time. Check our website at copyright.org.au to make sure this is the most recent version.

The purpose of this information sheet is to give general introductory information about copyright. If you need to know how the law applies in a particular situation, please get advice from a lawyer.

Key Points:

- Special provisions in the Copyright Act allow educational institutions to use copyright material for educational purposes without permission from the copyright owner.
- Educational institutions that are covered by a remuneration notice with Copyright Agency can rely on the statutory licence to copy and communicate text, images and notated music subject to certain conditions.
- Educational institutions who are covered by a remuneration notice with Screenrights can rely on the statutory licence to copy and communicate TV and radio programs subject to certain conditions.
- Copyright Agency (copyright.com.au) and Screenrights (screenrights.org) are the non-profit companies that have been appointed by the Australian government to collect copyright fees from educational institutions cover by the statutory licence and distribute those fees to copyright owners.
- In addition to the statutory licence, other provisions in the Copyright Act permit educational institutions to use copyright material without permission from the copyright owner. These include section 200AB (the “special case” or “flexible dealing” exception) and section 28 (playing music and showing films in class).

What is an “educational institution”?

Schools, universities and TAFE colleges are “educational institutions” for the purposes of the Copyright Act and will be covered by the statutory licence if they have provided a remuneration notice to Copyright Agency and Screenrights respectively. (A remuneration notice is an undertaking to pay for the uses made.) Other organisations that provide training (whether registered as a training organisation or not) can also be an “educational institution”, but in some cases will need to follow certain procedures before they are entitled to rely on the provisions available to educational institutions in the Act.

For further details see www.copyright.com.au/licences-permission/educational-licences/ (in relation to text, music and notated music), and www.screenrights.org/content-users/australian-services/educational-licence (in relation to broadcast material).

The statutory licence

Copying and communicating text, images and notated music

The statutory licence allows educational institutions covered by a remuneration notice with Copyright Agency to copy and communicate text, images and notated music for educational purpose up to certain limits. Not only can educational institutions make hard copies of material for their students, they can also upload the material to a secured shared drive or learning management system or email the material to students directly.

In most cases, the amount that can be copied and communicated is limited to a “reasonable portion” (eg., 10% or 1 chapter) if the work is available for purchase. A specific notice must be included with digital copies and communications.

If a copy is sold, or used for a purpose other than education, it is deemed to be an infringing copy.

For further guidance, see our book *Educational institutions: Using Text & Images*.

Copying and communicating material from TV and radio

The statutory licence allows educational institutions covered by a remuneration notice with Screenrights to record from radio and TV for educational purposes, and to copy and communicate those recordings. It allows for an entire program to be recorded and copied, even if you can buy that program (on DVD, for example). Certain information must be displayed on analogue recordings and copies, and with communications of recorded programs.

The statutory licence only applies to audiovisual material sourced from a broadcast. It does **not** apply to purchased, rented or borrowed DVDs or videos. Nor does it apply to streaming platforms, a digital download or podcast, unless it is a program that has been shown as a free-to-air broadcast and has been made available online by the official broadcaster (eg., on the ABC website).

If a copy is sold, or used for a purpose other than education, it is deemed to be an infringing copy.

For further information, see our book *Sound & Screen in Education: An In-Depth Guide*.

Section 200AB: the “special case” or “flexible dealing” exception

Section 200AB allows an educational institution to use copyright material for educational instruction in certain cases, where the use is not covered by other specific exceptions in the Copyright Act. For example, it does not apply to a use that would be covered by the statutory licence or the other provisions relevant to educational institutions.

Section 200AB only applies if:

- the circumstances of the use amount to a special case;
- the use does not conflict with a normal exploitation of the material;
- the use does not unreasonably prejudice the legitimate interests of the owner of the copyright; and
- the copying is not made for commercial advantage or profit.

Section 200AB is more complex than other exceptions in the Copyright Act, and you will usually need advice about whether or not it applies in a particular situation.

In some cases, section 200AB can allow the conversion or “format-shifting” of videos to DVDs.

For more information, see our book “*Special case*” exception: *Education, Libraries, Collections* or our information sheet [Special Case or Flexible Dealing Exceptions: Section 200AB](#).

Other provisions

Other provisions in the Copyright Act relevant to educational institutions allow (without payment to copyright owners):

- playing music and screening films in class: section 28 (see our information sheet [Films, DVDs, Videos: Screening in Class](#)). This provision also allows non-infringing content to be directly streamed from websites in class unless you have contractually agreed not to do so;
- copying by hand (e.g. on a whiteboard) “in the course of educational instruction”: section 200(1);
- copying and communicating in connection with exams: section 200(1A); and
- copying by students for their research or study: section 40 (see our information sheet [Research or Study](#)).

Educational licences with the music industry collecting societies

Some institutions are covered by licence agreements with the music industry collecting societies. The licence agreements allow the institution to use music in ways that are not covered by the special exceptions in the Copyright Act. The music industry collecting societies are APRA AMCOS (www.apraamcos.com.au), ARIA (www.aria.com.au) and PPCA (www.pzca.com.au).

Primary and secondary schools

All government schools are covered by the following licences:

- *AMCOS Photocopying Licence*: photocopying print music;
- *APRA Performance Licence*: performance of music (outside a class); and
- *APRA AMCOS ARIA Schools’ Music Recordings and Access Licence*: recording/copying music and sound recordings.

For further details see the APRA AMCOS website: apraamcos.com.au/music-customers/licence-types/music-in-education/schools/

Most other primary and secondary schools are also covered by these licences: check with your peak organisation if you are unsure.

Universities

Universities are covered by an agreement with APRA AMCOS and ARIA PPCA. Activities covered by the agreement include making audio and video recordings for use at university events, of

university events and for educational purposes (that is, activities associated with a particular course of study or research) and making music available via a password-protected and login-protected intranet site. Some music is excluded from the licence, and there are conditions for some of the uses.

For further details contact your university's copyright officer or Universities Australia, and see the APRA AMCOS website: apraamcos.com.au/music-customers/licence-types/music-in-education/universities/

Using and playing films and music at your institution

For further general information about:

- using film and music in an educational setting, see our information sheet [Education: Using AV Materials](#).
- synchronising music into student films, see our information sheet [Music: Use in Film](#).
- screening films in class, see our information sheet [Films, DVDs, Videos: Screening in Class](#).
- performing music at your institution, see our information sheet [Education: Concerts, Plays & Musicals](#).

For more comprehensive coverage of these issues, see the books referred to at the beginning of this information sheet.

Further information

For further information about copyright, see our website copyright.org.au.

Reproducing this information sheet

You may download and print one copy of this information sheet from our website for your reference.

About Us

The Australian Copyright Council is an independent, non-profit organisation. Founded in 1968, we represent the peak bodies for professional artists and content creators working in Australia's creative industries and Australia's major copyright collecting societies.

We are advocates for the contribution of creators to Australia's culture and economy; the importance of copyright for the common good. We work to promote understanding of copyright law and its application, lobby for appropriate law reform and foster collaboration between content creators and consumers.

We provide easily accessible and affordable practical, user-friendly information, legal advice, education and forums on Australian copyright law for content creators and consumers.



Australian Government



The Australian Copyright Council has been assisted by the Australian Government through the Australia Council, its arts funding and advisory body.

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