

## Copyright overview for undergraduates

### What is copyright?

Copyright is the legal system intended to balance the requirements of both creators and users of intellectual works.

A work is automatically protected by copyright as soon as it is created in material form.

'Material forms' include text, sound recording, email, film, photograph, digital formats, etc.

### Who owns the copyright in a work?

Usually the creator of a work is the first copyright owner; copyright can be sold or given to other people.

If two or more people collaborate on a work, they have joint ownership in the copyright.

Copyright in films and sound recordings is usually held by the producer; and copyright in radio and tv broadcasts is owned by the broadcaster.

### What is a 'work'?

A 'work' is the tangible or material expression of an idea: fiction and non-fiction books, journal and newspaper articles, photographs, paintings, diagrams, plays, film scripts, musical scores, poems, computer programs, websites, etc.

Films, television and radio programs, sound and music recordings, etc. are also protected by copyright.

### What does copyright mean for authors and other copyright owners?

Copyright owners have 'exclusive rights' that control the reproduction and use of their work. This is sometimes expressed as 'all rights reserved'.

The copyright owner's permission is required for most uses of their work, although the *Copyright Act* does make some exceptions to the rights so that works, or parts of a work, can be used in certain situations without explicit permission.

The exclusive rights of the copyright owner are:

- . to reproduce or copy a work
- . to publish a work
- . to perform a work
- . to make an electronic communication of a work
- . to adapt a work

### What does copyright mean for people who want to use copyright protected works?

Usually the copyright owner must give permission for someone to use their work; and they may also charge a royalty.

However, copyright law makes certain 'exceptions' where neither permission nor payment is required. The most relevant exception for undergraduate students is 'Fair Dealing for Research & Study'

<http://library.murdoch.edu.au/Copyright-matters/FairDealing/>

This provision allows you to copy a 'reasonable portion' of a work without having to ask permission from the copyright owner, or having to pay any royalty fee, if it is for your studies.

Whilst you can rely on Fair Dealing to incorporate audio-visual works in your assignments, these must not be put online, or submitted for competitions or festivals.

The *Copyright Act* also provides the licences that allow educational institutions to use copyright protected works for educational purposes.

Readings (in print or online) supplied to you by the University are protected by copyright and/or licences – whilst you can download a copy for your own reading, they must not be copied and passed on to anyone else.

### **What is the 'reasonable portion' that I can copy?**

A reasonable portion is:

- 10% of the pages or 1 chapter of a book
- 1 article from any one issue of a journal or newspaper;
- 2 or more articles from the one issue if they're all for the same research or course of study.
- a work of fewer than 15 pages from an anthology

eBooks: you should be able to copy at least 10% or 1 chapter of an eBook; their terms of use may allow more, so check each one for the specific amount permitted.

see: A Reasonable Portion to Copy

<http://library.murdoch.edu.au/Copyright-matters/Reasonable-portion-to-copy/>

### **Can I ever copy more than a 'reasonable portion'?**

Yes, if copyright has expired in the book you can copy as much as you like.

see: Duration of Copyright

<http://library.murdoch.edu.au/Copyright-matters/Duration-of-copyright/>

Yes, if the book is out of print – please contact the Library if you think this may be the case.

see: Copying Out of Print Material

<http://library.murdoch.edu.au/Copyright-matters/Copying-out-of-print-material/>

Yes, if you need the book in a different format because you have a print disability – please contact the Equity office if this is the case.

see: Copying for Students with a Print Disability

<http://library.murdoch.edu.au:/Copyright-matters/Making-copies-of-works-for-students-with-print-disability/>

### **How long does copyright protection last?**

Copyright in most published works lasts for 70 years from the death of the creator.

The length of copyright protection is different for photographs, films, sound recordings, performances, and published editions.

see: Duration of Copyright

<http://library.murdoch.edu.au/Copyright-matters/Duration-of-copyright/>

When © expires the work enters the 'public domain' which means that anyone can do anything they like with it.

## What about the internet?

The internet is not a copyright-free zone: check for any copyright information or terms-of-use on the site.

Many websites offer the option to download copies of articles etc – if you see a printer or PDF icon, for instance, this gives you implicit permission to do so for your personal use e.g. for study.

see: Using Text & Images from the Internet

<http://library.murdoch.edu.au/Copyright-matters/Copying-text-and-images-from-the-internet/>

It is against the law, and the University's code of practice if you use university equipment or network, to download infringing materials – unauthorised copies of films, music, and so on.

These activities can be traced very easily and incur severe penalties – including the risk of exclusion from the University.

see: University code of practice in the use of computing and network facilities

<https://policy.murdoch.edu.au/dotNet/documents/default.aspx?docid=255&LinkedFromInsertedLink=true&public=true>

## Is there anything that is not protected by copyright?

Ideas, concepts, and facts are not protected by copyright.

Names, single words, short phrases, and titles are not covered by copyright.

It is the particular material expression of an idea that is protected e.g. as a song, a novel, or a diagram.

Trade Marks or Trade Practices protection may apply to business names, etc.

## "all rights reserved" versus "some rights reserved"

Instead of claiming "all rights reserved", Creative Commons <http://creativecommons.org/> is a licensing system for creators (musicians, artists, authors, institutions) to claim only "some rights reserved" e.g. the right to be named as the author and the right to commercialise the work.

CC licences allow works to be used more freely and without having to seek permission for every occurrence.

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