

COPYRIGHT OVERVIEW FOR UNDERGRADUATES AND COURSEWORK POSTGRADS

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WHAT IS COPYRIGHT?

Copyright protects the way that someone expresses an idea, concept, or fact, in works such as:

- novels, journal articles, plays, poems, lyrics, software, websites and their content, etc.
- photographs, paintings, cartoons, memes, maps, diagrams, sculptures, etc.
- films, tv and radio programs, blogs and vlogs, sound recordings, etc.

Copyright protection is free, automatic, and lasts for the author's lifetime plus 70 years

- almost anything that anyone writes down, draws, photographs, records, etc. automatically qualifies as a protected work
- copyright does not protect ideas, concepts, or facts – it protects the particular ways in which people communicate them

Copyright gives authors and other copyright owners of 'works' the exclusive rights to:

- copy, publish, perform, email or upload to a website, and adapt their material
 - adapting includes: translating it; recreating it in another genre – turning a novel into a film script, for instance; cutting or simplifying a text; changing details in a photograph or diagram; etc.
- the copyright owner's permission is (usually) required to make use of their material, however:
 - the Copyright Act has some provisions for study and research (more detail later)
 - some copyright owners licence their work so that it can be used without seeking their direct permission (see the section on Creative Commons below)
 - some websites allow people to use their content for educational and other non-commercial purposes

what does this mean for you?

- *because you are the author of an original work, you own copyright in your assignments*
 - *copyright in a group assignment belongs to all the students who have contributed to it; everyone's permission is required if you want to, for instance, upload it to a note-sharing site*
- *anything that you didn't create yourself is known as a 'third party work' and is protected by copyright*

- *you need some sort of permission or licence to copy third party works for your research and/or to include the material in your own work (more detail later)*
- ***you must not** upload third party works to any website – including ‘note sharing’ and other file-sharing sites – as this infringes the copyright owner’s rights, and breaks copyright law*

UNIT READINGS AND OTHER STUDY MATERIALS

All of the lecture notes, study guides, quizzes, essay questions, journal articles, book chapters, and other readings (in print or online), as well as recorded lectures and other AV content, supplied to you by the University are protected by copyright and/or licences.

what does this mean for you?

- *you can make a copy of these materials for your own study and research*
- ***you must not** make further copies and/or pass these works on, in print or online – in a file-sharing site or on social media, for instance – doing so is against copyright law*

USING THIRD PARTY WORKS FOR RESEARCH AND IN ASSIGNMENTS

Fair Dealing for research & study is a provision in the Copyright Act that allows you to copy a limited amount of a third party work without having to ask permission from the copyright owner, or having to pay any royalty fee, if it is for your study or research.

Text based works, printed or digital: you can copy a ‘**reasonable portion**’:

- 1 chapter/10% of a book
- 1 article from any one issue of a journal (more, if the subsequent articles are required for the same research as the first)
- a work of up to 15 pages from an anthology

This provision also allows you to include a reasonable portion of a work in an essay, tutorial presentation, or other assignment – references are always required.

Graphic and audio-visual materials: the Copyright Act doesn’t define a reasonable portion for these formats, so you must consider whether the amount you want to copy for your research, or to use in an assignment, is ‘fair’ – this will usually be an extract of the work rather than the whole thing (especially AV works).

Fair Dealing for criticism and review is the provision you may be able to rely on to use more than a reasonable portion of a work in an assignment because you are critiquing or analysing it on its own or in comparison with other works. Your use must still be ‘fair’ and references are required.

There may be options other than Fair Dealing that you can use to copy/use third party works.

what does this mean for you?

- *Fair Dealing provisions and educational licences mean that you may make a single copy of journal articles, book chapters, etc. that you have been given in your unit’s reading list*
 - ***you must not** make or give copies to other people, or upload them to ‘note-sharing’ sites or any other websites (including blogs and social media sites such as Facebook)*
- *Fair Dealing provisions mean that you may include quotations, images, extracts of music, broadcasts, film and video material in your assignments – but only for assessment at uni*
 - ***you must not** then submit the assignment to a festival or competition, or upload it anywhere on the net; these uses are not considered to be Fair Dealings*

You may be able to use more of a third party work, or to use it more freely than under Fair Dealing, if:

- the work is out of print or 'otherwise unobtainable' and a new copy is unobtainable at an ordinary commercial price
 - ask the Library for help in assessing a book's availability
- the work is in the Public Domain
 - 'Public Domain' is a legal term meaning either that copyright has expired because the author has been dead for more than 70 years, or it never existed – for instance, there is no copyright in US government works
 - it does **not** mean 'freely available online': the net is not a copyright-free zone
- the copyright owner has given permission to use their work
 - this might appear in the terms and conditions of a website: look for statements such as 'free for education' or 'You may print or download Content from the Site for your own personal, non-commercial use'
 - you can also make a request directly to the copyright owner seeking their permission
- the copyright owner has published the work under a Creative Commons licence

Fair Dealing for people with a disability is the provision that allows people with a disability, and organisations supporting them, to convert third party works into the format(s), and with any specific features, that they require, if such a version is not available commercially.

what does this mean for you?

- your unit reader, and other learning materials can be converted to exactly suit your requirements
- you should register with the Equity Office (ph: (08) 9360 6084 or email: equity@murdoch.edu.au) to register for the University's services
- the Library will help you and the Equity Office source the materials that you need for your study

CREATIVE COMMONS AND OTHER COPYRIGHT-FRIENDLY RESOURCES

Creative Commons (CC) is the most well-known of the copyright-friendly licensing systems that an author, or other creator, can use to release their work in less restrictive ways than their 'exclusive rights' or Fair Dealing. A CC licence lets you know what you can do with a work without having to ask the author's permission.

Look out for icons similar to this  to identify CC licensed content.

- each of the six CC licences allows the user to, at least copy the work and share it
 - all of the licences require attribution of the author/creator
- all CC licensed content and derivatives can be uploaded to non-commercial websites, wikis, etc., but the specific terms of each licence will affect whether an item can be:
 - used for commercial purposes;
 - altered or adapted;
 - altered or adapted, with the derivative work distributed under the same licence
- there is no limit on the amount of a CC licensed work that you can use
- you can find different genres of CC licensed content via the Creative Commons search website
- for images, simply add 'Creative Commons' to your search terms in Google Images or Flickr
- see the Library's Free to Share collection of links to CC licensed and other copyright-friendly resources
- see these Creative Commons fact sheets specifically designed for Australia

what does this mean for you?

- *by selecting a particular licence the author/creator has already said how their work can be used by other people, so you don't have to ask any further permission from them*
- *you could copy some CC licensed music to include it in your own multi-media work for assessment, and then submit your work to a competition or festival, or upload it to your own website*
- *you could adapt a selection of CC graphics to add to your own work without worrying about the use being 'fair' under the Copyright Act: if the specific licence permits derivative works you can just go ahead*
- *you could use CC images for a tutorial presentation, and then also use that presentation in another venue outside the university, or upload it to your own website or blog, or any other appropriate website*
 - *if you are considering uploading to a commercial site, or otherwise making money from the work, check the CC licence for any terms relating to commercial vs. non-commercial use*
- *you could incorporate CC content from YouTube in your own work (search via this [Creative Commons website](#), or click on YouTube's Filter icon, and select Creative Commons from the list of Features)*
- *you can also [apply a Creative Commons licence](#) to your own work*

YOUR OWN WORK

You are the copyright owner of any Intellectual Property (IP) that you create as a student

- s. 4.1 of the [University's IP regulations](#) confirms that students own their respective IP
- s. 4.2 states that each student grants the University a perpetual, royalty-free, non-exclusive licence to use their student IP for Murdoch's teaching and research purposes
- before you start a placement with an outside business or organisation, you should clarify the ownership of any IP that you may create on behalf of the host
- Intellectual Property legislation can also protect other 'creations of the mind' such as designs and inventions (under patent legislation), and symbols and names (under trademark legislation). You can find further information at [IP Australia](#).

what does this mean for you?

- *as the copyright owner of your work you have the exclusive rights given in the Copyright Act*
 - *be aware that, as a condition of enrolment, you will have already granted the University a licence to use your student IP in certain ways*
- *the regulations do not affect your right to apply Creative Commons licences to your student IP*
- *if you have created work as part of a team, all the members of that team will share in the copyright, and their permission is required if you want to publish the work, upload it to a website, etc.*
- *an exception to the above is in film production: because there many layers of copyright in a film – in the script, music, costumes, choreography, sets, performances, etc. etc. – the University will own overall copyright as the producer*
- *if you believe you have invented something new during your studies, you should seek information from the University's [Research Office](#) as well as [IP Australia](#)*

Please don't hesitate to contact the University Copyright Coordinator if you have any queries or concerns about any of these matters

copyright@murdoch.edu.au