

NO: 4.7
COPYRIGHT



SOUTH WEST
HEALTHCARE

**MANUAL OF ADMINISTRATIVE POLICIES
& PROCEDURES**

NO: 4.7
COPYRIGHT

Prepared by: J. Dalton

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John F. Krygger, Chief Executive Officer

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MAPPs No: 4-7 – Copyright

1. PURPOSE:

To ensure compliance with the Copyright Act 1968 and the Copyright Amendment (Digital Agenda) Act 2000.

2. DEFINITION:

Copyright is the legal right that protects creative works from being reproduced, performed or disseminated by others without permission.

'Works' are original creations produced in a tangible medium. Copyright does not protect ideas or concepts only the way an author has expressed that idea or concept including the format, sequence of text and arrangement of diagrams and illustrations.

Copyright protection is free and applies automatically when material is created.

3. REFERENCES:

Copyright Act 1968

Copyright Amendment Act 2006

Australian Copyright Council www.copyright.org.au

Copyright Agency Limited (CAL) www.copyright.com.au

Aust. Library & Information Association (ALIA)

www.alia.org.au/copyright (members only access)

4. DOCUMENTATION:

Appendix 1 - Request for Copying.

5. ATTACHMENTS:

Appendix 2 - Prescribed Warning Notices.

6. POLICY:

Area	Policy
Risks	<ul style="list-style-type: none">Copyright infringement can result in placing legal obligations on South West HealthcareCopyright infringement can result in both civil and criminal prosecution for the individual.
General	<ul style="list-style-type: none">Copyright law is complex and this policy does not cover the many aspects that often need to be taken into considerationAdvances in modern technology have made downloading, scanning

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	<p>and emailing of material much easier. Unless permission to copy is granted or clearly implied, copyright restrictions still apply within the 'Copying for Research or Study' and 'Fair Dealing' rules.</p> <ul style="list-style-type: none"> ▪ (See Australian Copyright Council Information Sheet G056v06 – Internet: copying and downloading material)
Use of Copyright Protected Material	<ul style="list-style-type: none"> ▪ Staff may only copy within the provisions made for 'fair dealing' within the relevant Copyright Acts ▪ Copying must be for the purpose of research and study.
Research and Study	<ul style="list-style-type: none"> ▪ In one case the court took the meaning of 'research' and 'study' from the Macquarie Dictionary ▪ There is no obligation to be enrolled in a course of study – researching or studying for yourself is acceptable. ▪ (See Australian Copyright Council Information Sheet G53- Research and Study)
Print Materials Fair Dealing	<p>Periodicals: A single copy only may be made of:</p> <ul style="list-style-type: none"> ▪ the whole or part of an article in a periodical ▪ two or more articles from the same periodical may be copied if they relate to the same subject <p>Individual Works:</p> <ul style="list-style-type: none"> ▪ Up to a reasonable portion of a work that has been published separately. ▪ (See Australian Copyright Council Information Sheet G079 – Fair Dealing)
Reasonable Portion	<ul style="list-style-type: none"> ▪ In general for a work of 10 or more pages this is defined as: <ul style="list-style-type: none"> - 10% of the pages (or words for Internet material) in that edition - up to one chapter (even if more than 10%) where the work is divided into chapters. <p>However, infringement may occur when less than these amounts are copied if the part is considered to be an important or distinctive part of the whole.</p>
More than a Reasonable Portion	<ul style="list-style-type: none"> ▪ Permission must be obtained from the copyright owners ▪ In some circumstances more than the above amounts may be copied. ▪ (See Australian Copyright Council Information Sheet G53 – Research and Study)
Internet Fair Dealing	<ul style="list-style-type: none"> ▪ In general material on the internet fits within the provisions for print materials as set out above ▪ Check web sites for copying permission or restrictions ▪ Permission may in some cases be implied as for example if a 'Print Version', or 'Email to a Friend', button is provided ▪ It is important to be confident that the creator of the web site has a legal right to the material and/or has the authority to give permission to use it. ▪ Unless express or implied permission is given or it fits within the fair dealing provisions, do not print, save or email material from a web

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	site or bulletin board.
Referencing	<ul style="list-style-type: none">▪ If you use another person's work or part of a work, you should identify both the work and the author▪ N.B. This does not substitute for permission if the work requires the copyright owner's permission to use it.
Copying by Library Staff	<ul style="list-style-type: none">▪ Library staff will carry out copying of copyright protected material within the legal limits▪ A signed and dated 'Declaration and Request for copying' (Appendix 1) must be provided.
Warning Notices	<ul style="list-style-type: none">▪ 'Warning' notices (Appendix 2) must be displayed near relevant photocopiers and computers.
Further Assistance	<ul style="list-style-type: none">▪ The references above should be referred to for detailed information of copyright provisions▪ For further assistance contact Library Staff.



SOUTH WEST
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**SOUTH WEST HEALTHCARE
STAN CARROLL LIBRARY**

**DECLARATION AND REQUEST FOR COPYING
(as required by the Copyright Act, 1968)**

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Page No(s):

Author of Article:

Title of Article:

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**PRESCRIBED FORM OF NOTICE FOR SECTIONS 39A AND
104B OF THE COPYRIGHT ACT 1968, IN RELATION TO THE
REPRODUCTION OF WORKS AND THE COPYING OF
PUBLIC EDITIONS**

COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969

W A R N I N G

Copyright owners are entitled to take legal action against persons who infringe their copyright. A reproduction of material that is protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including:

- A reproduction that is a fair dealing under the *Copyright Act 1968* (the *Act*), including a fair dealing for the purposes of research or study; or
- A reproduction that is authorised by the copyright owner.

It is a fair dealing to make a reproduction for the purposes of research or study, of one or more articles on the same subject in a periodical publication, or, in the case of any other work, of a reasonable portion of a work.

In the case of a published work in hardcopy form that is not less than ten pages and is not an artistic work, ten per cent of the number of pages, or one chapter, is a reasonable portion.

In the case of a published work in electronic form only, a reasonable portion is not more than, in the aggregate, ten per cent of the number of words in the work.

More extensive reproduction may constitute fair dealing. To determine whether it does, it is necessary to have regard to the criteria set out in subsection 40(2) of the *Act*.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969

WARNING

Copyright owners are entitled to take legal action against persons who infringe their copyright. Unless otherwise permitted by the *Copyright Act 1968 (the Act)*, unauthorised use of audiovisual items in which copyright subsists may infringe copyright in that item.

It is not an infringement of copyright in an audiovisual item to sue that item in a manner that is a fair dealing under section 103C of the Act.

Section 103C of the Act relates to fair dealing for the purposes of research or study and sets out the matters that must be considered in determining whether a reproduction of an audiovisual item is a fair dealing.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringement involving the conversion of material into digital or electronic form.
