

Fact Sheet

STAFF GUIDE - COPYRIGHT AT WORK

Copyright considerations when using other people’s copyright material in your work

Australian Copyright Law allows educational institutions to use certain copyright material for educational purposes without requiring permission from the copyright owner. Under two statutory licences (Part VA covering radio and television broadcasts and Part VB covering print and graphic material) and a tertiary music licence, UTS staff can copy (reproduce) and communicate (convey electronically) limited amounts of copyright material for specific purposes.

Unless you have written permission from the copyright owner to use their material in certain ways, you can copy or communicate copyright material as indicated below. In all cases, the copying and communication must be from a legitimate source or legitimately acquired material.

Educational purposes

You may copy and/or communicate copyright material to students or staff for a particular educational course. This includes copying and/or communicating for the administrative purposes of the course and maintenance within a library or archive (records) collection. Providing the material to the public or promoting the material through marketing or other commercial activities are not considered as 'educational purposes' under the copyright law.

The 'Educational Purpose' requirements, including a copyright limit guide, are shown in the fact sheet [Copyright for staff - Copying for Educational Purposes](#)

Insubstantial portion

You may copy an 'insubstantial portion' and make multiple copies of the insubstantial portion provided the copying takes place on UTS premises. An insubstantial portion is

- 2 pages of a hardcopy work of less than 200 pages
- up to 1% of a hardcopy work of more than 200 pages
- up to 1% of the words from an electronic work.

However, you must not reproduce any more of the work within 14 days of the first copying and, if you put the copied portion online, no further part of the work can be shown until the existing displayed portion is removed.

Fair Dealing

You may copy a 'reasonable portion' where you have a specific purpose for using the material such as research, study, criticism or review.

The Fair Dealing requirements, including what is a 'reasonable portion', are explained in the fact sheet [Copyright for students - What can you copy?](#)

Attribution

When copying or communicating copyright material, the author and source of the material must be correctly attributed.

Special conditions for using copyright material for UTS work-related purposes

In addition to the categories mentioned above, there are other specific exceptions which are relevant for UTS purposes:

Library and Archives (includes record maintenance)

<i>Copying via machines</i>	A prescribed copyright warning notice [†] must be fixed near to any copying machine (including a computer or recording device) to minimise liability to the body administering the library or archive.
<i>Making copies for preservation and administrative purposes</i>	<p>A library or archive may copy or communicate works for preservation (eg replacing damaged, deteriorating or stolen works) where an authorised officer has investigated and retains a declaration that the work cannot be obtained within reasonable time at an ordinary commercial price (excluding second hand copies).</p> <p>A library or archive may copy or communicate works for administrative purposes (eg. maintaining the collection in general), including making the material available online within the library or archive for access by relevant staff.</p>

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<p><i>Providing copies on request</i></p>	<p>An authorised officer of a library or archive may provide a copy or communicate all or part of a certain work held in the collection of the library or archive provided the need for the copy is for research or study or inter-library loan. This applies to</p> <ul style="list-style-type: none"> • a published work (includes 1 or more articles, but not all of the articles, from a periodical where the articles relate to the same subject matter) which cannot be obtained within reasonable time at an ordinary commercial price (excluding second hand copies). • an unpublished work (where it is 50 years since the death of the author) • an unpublished thesis. <p>A specific notice† must be used when communicating the material. The copy used to communicate the material must be destroyed after the communication is completed.</p>
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Information technology software and systems (includes computers, software, recording and broadcasting technology)

<p><i>Providing facilities for copying or communicating</i></p>	<p>A prescribed copyright warning notice† should be fixed near any copying machine (including a computer or recording device) to minimise liability to the body administering the systems or computers.</p>
<p><i>Making a temporary copy as part of a technical process</i></p>	<p>A temporary copy of an audio-visual item can be made as part of the technical process of making or receiving a communication.</p>
<p><i>Proxy Web Caching</i></p>	<p>Copyright is not infringed by an educational institution making available temporary reproductions and communications of authorised material via a computer system that is operated primarily to enable staff and students of the institution to gain online access for educational purposes to works and other subject-matter.</p>
<p><i>Reproducing a computer program for specific uses</i></p>	<p>A back-up copy can be made and retained in case the original is lost or damaged, or if the copy is needed for security purposes or for testing and correction of errors. This provision does not apply if the licence for the original has expired or been terminated.</p> <p>The program may be reproduced or adapted to make an interoperable product where it is 'reasonably necessary' (eg. the information to reproduce or adapt the program to an interoperable product is not available within reasonable time at an ordinary commercial price from another source). This provision applies only to the computer program not to any accompanying material protected by copyright such as text, graphics, sound recordings, etc.</p>
<p><i>Technological protection measures</i></p>	<p>An educational institution or public library or archive may circumvent an access control measure where this will help make an acquisition decision relating to copyright material or if it is necessary to copy or communicate the work for an educational purpose permitted under Part VB of the Act.</p> <p>Other exceptions for circumventing a technological protection measure include:</p> <ul style="list-style-type: none"> • where it is permitted by licence • for the sole purpose of achieving interoperability (and the solution is not available within reasonable time at an ordinary commercial price from another source) • for analysis of encryption technology by a student or professional experienced in encryption technology • for the sole purpose of testing, investigating or correcting the security of a computer, computer system or computer network as permitted by the owner of the computer, computer system or computer network • for the sole purpose of identifying and disabling an undisclosed capability to collect or disseminate personally identifying information about the online activities of the person.

† To obtain a Notice contact the copyrightcontactofficer@uts.edu.au

For further information

Contact the UTS Copyright Advisor at copyrightcontactofficer@uts.edu.au