



## **COPYRIGHT POLICY**

### **Rationale**

St Patrick's College is an educational institution that encourages students to strive to achieve personal excellence in all areas of curricular and co-curricular endeavour. Central to this ethos is the recognition of students and staff who achieve personal excellence. The College, in recognising personal endeavour and excellence, is committed to following all legislation, protocols and guidelines that acknowledge the intellectual property of individuals and groups and rights to protect material from inappropriate and/or illegal usage.

Copyright is the legal means by which authors or other creators control the use of their work and their means of earning a living by being able to financially profit from their work. 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.

The College will conduct regular education programmes with staff and students to ensure that in their endeavours at the College that they comply with all legal requirements as outlined in applicable legislation.

### **Scriptural Context**

'The worker is worthy of his pay'. 1 Timothy 5:18

### **Policy**

St Patrick's College recognises the intellectual property of authors, creators and designers of educational and other resources and will develop and maintain systems, protocols and training to ensure that staff and students use such resources in line with applicable legislation.

### **Guidelines**

Copyright is the legal means by which authors or other creators control the use of their work and their means of earning a living by being able to financially profit from their work.

Copyright in Australia is:

- Automatic
- Even without a copyright notice, all work is protected.

Copyright Protects:

- Literary works
- Artistic works
- Musical works
- Dramatic works
- Computer programs
- Compilations
- Films
- Sound Recordings

### **Requirements Placed On Schools Under the Copyright Act, March 2001**

1. Computers, scanners and photocopying machines installed in libraries and other places in the school should have affixed on them or in close proximity a notice not less than 297 mm long and 210 mm wide (A4) in the form attached and marked 'A'.
2. Where a Resource Centre, provides a person (staff member or student) with information under Section 49 of the Copyright Act, for that person's research for study, a copyright notice must be attached. This should only be done by the authorised officer.
3. Where a Resource Centre has facilities for making copies of audio-visual works, a copyright notice must be attached.
4. Where a Resource Centre has the facilities to copy broadcasts for reproduction in the College, a copyright notice must be attached, UNLESS it is produced by the school and cannot be reproduced or communicated outside the school.
5. Where electronic information is distributed the College must attach a copyright notice and take all reasonable steps to ensure that the information is only received or accessed by the people entitled to receive or access it – usually teaching staff and students.

### **Copyright Amendment (Moral Right) Act 2000**

Creators of work have the right to:

- Attribution
- Integrity
- Not to have authorship of work falsely attributed

Applicable to all works existing after 21st December 2000.

Work may not be altered in any way without the express permission of the creator.

## **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 Published Editions, Commonwealth Of Australia, Copyright Regulations 1969**

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 10 pages and is not an artistic work, 10% 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, 10% 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.

### **Copyright Requirements Placed On All Staff**

- Familiarise yourself with the requirements of applicable legislation.
- Acknowledge author and copyright owner on all copies, that is, attribute authorship. See: Copyright Amendment (Moral Right) Act.

Staff can claim authorship of any materials created for students or staff whilst employed at St Patrick's College, however the copyright belongs to the College.

### **Requirements Placed On Students**

- Students should be made aware of applicable copyright requirements.
- Students should be required to attach a correctly formatted Bibliography to all tasks requiring independent research.

Students can claim authorship of any materials created for students or staff whilst at St Patrick's College, however the copyright belongs to the College. Any student material proposed to be used by the College for display or promotion will be subject to the consent of the student and his parents/guardians.

**Basic Allowance Guidelines**

- 10% or one chapter of a book.
- 10% of words on a web page.
- One article of a newspaper/magazine/journal unless closely related, and then 10% guideline applies.
- Anthologies less than 15 pages – 100%
- Anthologies over 15 pages – check with book supplier.

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**Status of Policy:** Ratified by the College Board, 2012

**Review:** 2017

# ALL STAFF AND STUDENTS

## PLEASE NOTE

## COPYRIGHT REQUIREMENTS

### ATTACHMENT 'A'

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 PUBLISHED EDITIONS

COMMONWEALTH OF AUSTRALIA

*Copyright Regulations 1969*

### WARNING

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 a reasonable proportion of a work.

**In the case of a published work in hardcopy form that is not less than 10 pages and it is not an artistic work, 10% of the number of pages, or one chapter PER YEAR, 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, 10% 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.

#### PLEASE NOTE

**MORAL RIGHT ACT 2000 – Always identify the title, author and publisher on the first photocopy and photocopy the rest from this one.**

