



Copyright Policy

Copying is an integral part of educational and work activities. Accessing and utilising copyright materials, whether it be for education, business or private interest is important in our community.

Many authors and publishers create literary works such as books and journals for a living. While other people may rely on a salary, authors and publishers rely on 'royalties' from the use of their works. Copyright laws are the basis of their entitlement to 'royalties'.

In Australia, copyright exists automatically. A person does not have to apply to any authority to obtain copyright over specific material. As soon as an original work appears in a material form (e.g. written, artistic, visual, recorded, audio, electronic) it is protected by the Commonwealth Copyright Act 1968.

As a result of international treaties such as the Berne Convention, most foreign copyright owners are protected in Australia, and Australian copyright owners are protected in most other countries.

Rationale

Widespread copying of works without permission deprives author and publisher of their income and provides no incentive for the creation of new works. The advent of the photocopier and many other electronically transmitting machines has eroded the control that copyright owners had over their works and dramatically affected the dynamics of the publishing industry. Copyright is an essential element in maintaining an equitable balance between the rights of copyright owners and copyright users.

Policy

It is the policy of the Edmund Rice Foundation that all requirements regarding copyright material, whether written, artistic, visual, recorded, audio or electronic are strictly adhered to by all members of staff of Treacy Centre.

Material protected by copyright includes:

- **Written material** such as journal articles, books, novels, poems, song lyrics and reports
- **Artistic works** such as paintings, drawings, cartoons, sculpture, craft work, photographs, maps and plans
- **Musical works**
- **Dramatic works** such as plays and mime



- **Computer programs**
- **Compilations** such as anthologies, directories and databases.
- **Cinematograph films** such as feature films, television programs and commercials.
- **Sound recordings** such as recorded music or a recorded lecture.

Moral Rights

- Recent changes in the law have introduced moral rights for creators. The creator of a work has the right to:
 - be attributed as the creator of the work;
 - take action if his or her work is falsely attributed as being the work of someone else;
 - take action if his or her work is distorted or treated in a way that is prejudicial to his or her reputation.

Copyright material created at work

The employer will generally own copyright in any material created as part of a staff member's job unless that staff member and the employer have an agreement that says otherwise. Universities generally have policies on ownership of copyright in material created by academic staff. For more information, see the Copyright Council's publication *Teachers & Academics as Creators*.

Infringement

Using copyright material in a way which is exclusively controlled by the copyright owner requires permission unless the copyright has expired or a special exception to infringement applies. Failure to get permission will usually result in copyright being infringed. Using part of a work without permission may also infringe copyright, if that part is important to the work – it does not need to be a large part. You may also infringe copyright if you authorise an infringement (that is, if you sanction, approve or countenance someone else to infringe copyright).

It is important to remember that one item may contain a number of separate copyrights. For example, a book may contain a literary or dramatic work, photographs, drawings and typesetting, each of which may be separately protected.

There are some defences, or exceptions, to infringement which allow some uses of copyright material without permission – for example by students who are using copyright material for their research or study.



There are also special provisions for copying by educational institutions, libraries and governments. In some cases, certain procedures must be followed, and in some cases, fees must be paid.

Copying for schools or ministries

On advice from the Australian Copyright Council, staff at Edmund Rice Foundation may copy copyright material for use by staff or students or Board Members in Edmund Rice schools. This would be covered by the agreement that the individual schools have with CAL (Copyright Agency Limited) by which schools pay an annual payment for permission to copy material under certain conditions.

Internet References

Australian Copyright Council website - www.copyright.org.au and info@copyright.org.au
- particularly helpful is Information Sheet G53 "Copying for Research or Study"

Copyright Agency Limited - web site at www.copyright.com.au