

Copyright Guide for Tutors

This document is not legal advice but gives some general information.

Copyright introduction

In Australia, copyright protection is applied automatically, is free, and does not require registration for original works fixed in a material form. Therefore, it applies to a wide range of creations, including literary, dramatic, musical, and artistic works, as well as sound recordings and films regardless of whether there is a copyright notice or not.

The copyright owner has exclusive rights, such as the right to reproduce, publish, and communicate the work to the public for a period of time as below. This copyright protection means that tutors cannot use such items for class without considering the copyright issues

How long does copyright last?

Copyright duration can differ depending on the type of copyright material and if it has been made public. However, generally, copyright lasts for:

- 70 years after the death of the author for works.
- 70 years after creation or being made public for sound recordings and films.
 - Older films are slightly different and there are many complications. See the link below
- 50 years after creation or being made public for government works
- However, there are many complications eg: Eg a work by Beethoven would be in the public domain but not necessarily the arrangement / or particular sheet music

When copyright expires, the material falls into the 'public domain' and may be freely used without permission.

For more detail - **Search for the Duration of copyright table on the Attorney General Australia website.** Or click here: [duration of copyright table](#) It summarises the duration of copyright for different types of material.

Copyright and U3A

U3A Network NSW, to which KMVU3A belong, has published a Copyright Guide drafted by its Governance Officer, Carmen Champion. Carmen Champion has 40 years of experience in Intellectual Property Law (including copyright) as a corporate lawyer, solicitor and later as a barrister.

U3A Network's Copyright Guide is at <https://nsw.u3anet.org.au> under U3A GOVERNANCE>COPYRIGHT FOR U3A GROUPS.

The U3A Network has negotiated licences (which apply to KMVU3A Inc and to which we contribute payment) with the three main copyright collecting agencies:

- **Copyright Agency**
 - Cover under the Statutory Education Licence
- **OneMusic** joint licencing initiative covering (APRA AMCOS [the trading name of Australasian Performing Right Association Limited (APRA) and Australasian Mechanical Copyright Owners Society (AMCOS)],
 - Cover under the Community Music Group Licence
- **Screenrights** - the AudioVisual Copyright Agency Ltd

More information about what each of these licences allows can be found on the following pages.

Copyright Agency

The Education Copyright Licence allows all tutors to copy (with limits) and communicate certain copyright works (text and images) for **educational purposes**, from any source, including the internet, from anywhere in the world, without having to seek permission prior to use.

Uses allowed by the statutory licence include:

- **hardcopy content: photocopying, scanning**
- **digital content: saving to disk, printing, making available online, emailing.**

There are many limits including whether the work is available commercially or not and when it was created or the creator was born. The Copyright Act says that you can copy an amount that does not “unreasonably prejudice the legitimate interests” of the owner of the copyright.

Under the U3A agreement tutors can with restrictions:

<https://www.copyright.com.au/licences-permission/educational-licences/private-education-providers/how-the-licence-works/>

- copy and share extracts of text, and images, from printed and digital sources including books, journals, magazines, newspapers, posters, photographs, maps, eBooks and online sources including the internet
- make copies by photocopying, printing, scanning and photographing
- make as many copies as you need for educational purposes
- make copies offsite
- make text and images available on a learning management system
- share text and images with students via email or other messaging services
- adapt and compile with other resources or text written by teachers
- screen films in class for non-profit educational instruction
 - not in public or for non U3A members
 - not for purely entertainment purposes
- **The next page has a guide on how much you can copy**

<https://www.copyright.com.au/licences-permission/educational-licences/copying-under-education-licence/>

<https://www.copyright.com.au/licences-permission/educational-licences/private-education-providers/how-the-licence-works/>

How much can you copy with a Statutory Education licence?

Under the Statutory Educational Licence - The Copyright Act says that you can copy an amount that does not “unreasonably prejudice the legitimate interests” of the owner of the copyright.

The Copyright Agency acknowledges that the following amounts meet this test:

Content type	For works not commercially available, you can copy:	For works that are available for purchase, you can copy:
Textbooks	100% of work	1 chapter, or 10% of the pages – whichever is greater per course
Articles from newspapers and journals	100% of work	1 article (or more than 1 if they are on the same subject)
Documents downloaded from a website	100% of work	10% of the number of words
Digital images	Any digital image from any source	Any digital image from any source
Hardcopy images	Any hardcopy image from any source	If accompanied by text

** This is a guide that applies to individually licensed educational institutions only.*

<https://www.copyright.com.au/licences-permission/educational-licences/private-education-providers/how-the-licence-works/>

Screen Rights

The organisation [Screenrights](https://www.screenrights.org) manages the application of the Education Statutory Licence to **TV** and **radio broadcast** content.

- The [Educational licence](#): enables educational institutions to copy programs, make them available online, email them and store them on digital management systems such as Moodle and Blackboard.

Read more here: <https://www.screenrights.org/screen-audiences/screenrights-licences/australian-educational-licences/>

With a Screenrights licence you can copy from TV or radio for use for educational purposes in a classroom:

- Any program – including movies, current affairs, documentaries, news
- Any amount – copy five minutes or an entire drama, make one copy or 20, it's up to you
- Anywhere – make copies at home or in your library
- From any channel – copy from free to air TV, pay TV or radio
- From free to air broadcasters' websites or the broadcasters' official YouTube channels – copy broadcast material made available online by the broadcaster including podcasts and vodcasts or catchup TV
- From online simulcasts of broadcasts – including online radio
- In any format – copy or download and store digital copies on a hard drive or other devices
- From old copies – update your DVD (or VHS) copies by putting them in digital format

And make the following uses of your copies:

- Show them in class
- Keep them in the library as an ongoing resource
- Store them on a network for staff and students
- Email them to staff and students
- Show them on an electronic whiteboard

Note: The statutory licence does not cover material from online streaming platforms (e.g., Netflix) unless the online streaming platform is that of a broadcaster (e.g., ABC iView).

Activities covered by this licence would include the copying and making available of a television show on an institution's intranet system so that students can access it for research, and the recording into an MP3 file of some music broadcast on a radio show for study in a music class.

One Music

The NSW U3A agreement covers affiliated U3A's (which KMUV3A is) under the **Community Music Group Licence** and provides blanket cover for use of all music under copyright by U3A's in the forms/ situations below. This licence relates to the playing of recorded music at U3A courses and community events and the use of print sheet music.

Information about music copyright and OneMusic licences relating to Schools, unis, TAFE's etc **does NOT apply to U3A**. These are separate licences.

About the Community Music Groups Licence

A Community Music Group means an individual band, choir, ensemble or performance group that has public performance of music as its primary purpose and;

- that is operated not for profit;
- with only amateur, unpaid participants (other than any conductor or band leader);
- formed with the aim of developing musical learning;
- led by experienced music educators;
- conducted with open and inclusive participation; and
- where any joining fees are conducive to open and inclusive participation.

The Music for Community Groups licence covers:

- Unrestricted playing of PPCA Sound Recordings by our U3A.
- Unrestricted number of live music performances by the Community Music Group at Community Events that are operated not for profit
- Reproduction of AMCOS Works in any audio-only format (including in digital form) for the purposes of practice and rehearsals of performances by the Community Music Group at Community Events.
- Reproduction of AMCOS Works for the purposes of making audio sound recordings of performances by the Community Music Group at Community Music Events for provision to the public of those recordings, provided they are offered only:
 - free-of-charge; *or*
 - if for a fee, either:
 - for the purpose only of recovering the Community Music Group's costs;
 - for fund raising directly for the Community Music Group.
- Copying by U3As of print sheet music where the music is still in copyright. An essential requirement of that licence is that the U3A must own the original print sheet music.
- The Reproduction of AMCOS Works of Original Print Music excludes the right to make Arrangements.
- Under this licence, course leaders may play recorded music, e.g., CDs as part of their course.

About the Community Music Groups Licence > click on Download Information Guide.

U3A's <https://onemusic.com.au/licences/community-music-groups/>

A bit about OneMusic

OneMusic provides blanket copyright cover for music use by businesses etc.

OneMusic (established 2019) is an [APRA AMCOS](#) and [PPCA](#) joint music licensing initiative. *Before 2019 for businesses wanting to play music, the process was different: rather than having a single license from OneMusic, they had to apply separately to [APRA AMCOS](#) for performing rights and to the [PPCA](#) for sound recording rights, which OneMusic later combined into one simplified license.*