

Copyright Law Guidelines

(1) The Federal [Copyright Act 1968](#) protects the rights of authors and creators of original material and regulates the use to which those other than copyright owners can put this material.

(2) Material protected by the Act includes books, journals, newspaper articles, video and film, computer programs, music (both scores and sound recordings) and artistic works.

(3) The Act generally prohibits the use without the permission of the copyright owner of any copyright material except in certain circumstances:-

- a. insubstantial use, such as quoting a line from a novel or long poem;
- b. fair dealing for the purpose of research or study, within specified limits (see below);
- c. back-up copy of a computer program, for use if the original is lost, destroyed or unusable.

(4) The University is licensed under the Act to use copyright material for teaching and research, and it pays fees to allow staff and students to photocopy print material and to tape television and radio programs. These fees go to the creators of the works copied.

(5) Your own use of copyright material must fall within the limits prescribed by the Act under the “fair dealing” exemption: a use is a “fair dealing” only if it uses no more than a reasonable portion of the work.

(6) Reasonable portion is defined as:-

- a. the whole or part of an article in a periodical publication (such as a journal or magazine);
- b. more than one article in a periodical publication if they relate to the same subject matter (e.g. Two articles on high blood pressure in a medical journal);
- c. in other literary, dramatic or musical works longer than 10 pages, 10% of the total number of pages in the edition or where the work is divided into chapters, the whole or part of a chapter, even where that exceeds 10% of the total number of pages.

(7) For other works (poems of less than 10 pages, artistic works, audio-visual works) there is no definition of reasonable portion. In deciding what is reasonable, the Act requires you to consider:-

- a. the purpose and character of the dealing;
- b. the nature of the work or adaptation;
- c. the possibility of obtaining the work within a reasonable time at an ordinary commercial price;
- d. the effect on the potential market for or value of the work; and
- e. where only a part of the work is to be copied, the amount and substantiality of that part in relation to the whole work.

(8) Copying material off the World Wide Web is no different: the same rules apply. However, some material on the Web will be marked as being in the public domain. This means that no-one is claiming copyright and the material is free for use. Other material will be clearly marked as copyright, with a statement or just the copyright symbol ©. Unless stated to be in the public domain, you should assume that materials on the Web are subject to the limitations imposed by the [Copyright Act 1968](#).

(9) These requirements and rules must be followed to avoid breaching the [Copyright Act 1968](#). If in any doubt about your planned copying, ask the [UON Library](#) staff or your lecturer.

Status and Details

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Enquiries Contact	Catherine Moffat Senior Librarian, Intellectual Property +61 2 43484026

Glossary Terms and Definitions

"Program" - When referring to learning, a program is a sequence of approved learning, usually leading to an Award. For all other uses of this term, the generic definition applies.

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

"Exemption" - When referring to a student's learning pathway, exemption means being excused from undertaking preparatory subjects, units, modules or competencies in a course or program, while still being required to undertake the same number of subjects, units, modules or competencies as would be completed if an exemption had not been granted. For all other uses of this term, the generic definition applies.

"Lecturer" - All teaching academics including lecturers (of all levels), sessional academics and conjoint academics.