

IBIBS Course Subject Packs & Copyright

What is covered by educational copying?

Part VB of the Copyright Act contains a statutory licensing scheme for the copying and communication of *text* and **graphic** works by universities & other higher education institutions.

Investment Banking Institute Business School Pty Ltd. (ABN: 46 142 988 921) is a registered higher education institution with TEQSA Registration Provider Number 12188 (IBIBS) are entering into an agreement to pay royalties to Copyright Agency Ltd (CAL).

The protection against infringement afforded by Part VB will be lost if the copy is, with the permission of a higher education institutions, used for a purpose other than the educational purposes of the institution; made, sold or otherwise supplied for

1. a financial profit; **or**
2. **given to an educational institution which does not at that time have a remuneration notice in force.**

The 'educational purposes of the Higher Education Provider' include:

- use to teach students;
- making the copy available to students as part of a course of study at the Higher Education Provider; and
- retention in the Library or elsewhere (eg. by a staff member) as a teaching resource
- the administration of students and courses

If copies are made in Australia for enrolled off-shore students, they are licensed copies (unless an exception applies). If the copies are not made in Australia, Australian copyright law will not apply.

Lecturer's responsibilities for copying

Part VB of the Copyright Act 1968 allows the Higher Education Provider to make copies of limited amounts of hardcopy and electronic material for educational purposes; including the production of **course subject packs (course readers / subject readers /)**.

Typically, a lecturer collates material from a variety of sources and submits it to a copying service like the Print on Demand Centre at the Bookshop, which copies, binds and sells the material. In addition, many readers are also produced internally within individual Schools.

Lecturers have a strict responsibility to ensure that the material which they submit for copying in complies with copyright and other licensing requirements. This is the case whenever copying is being carried out either directly by them or on their behalf. Although some aspects of copyright can be confusing, there are a small number of rules which cover the majority of copying situations, and lecturers have a responsibility to understand and apply them.

Copying should never occur where there is doubt it is the lecturer's responsibility to seek advice. Legal action may be instigated by the copyright owner against the staff member and the Higher Education Provider for any breaches. Further, non-compliance is a breach of the staff member's contract of employment. This could be regarded as serious misconduct.

Copyright sign-off form

To assist compliance in a practical way, IBIBS requires the use of a  [IBIBS Sign Off Form](#) by the lecturer before copying is carried out. This form requires details of the material to be copied and a copy should be given to whoever is carrying out the copying and another copy retained by the staff member.

Sources of material for hardcopy course readers

1. Original is in hardcopy

1.1 Book chapters

- A maximum of one chapter may be copied in print for any one course for the period that course is being offered.
- It is not possible to progressively filter to students larger quantities from a single book.

1.2 Out of print books

There are no limits to the amount which can be copied in reliance on Part VB if the material is out of print. For your protection, you must contact your liaison librarian to confirm that the book is indeed out of print.

1.3 Journal or newspaper articles

- One article per journal issue, or two or more if they are from a special issue of a journal.
- No greater quantity from a single issue may be copied for students for the duration of the course.

2. Databases and electronic journals

Material copied from licensed databases subscribed to by the Library should never be included in hardcopy or electronic course readers without first checking that the relevant commercial licence permits reproduction in that form. A summary of copying provisions for licensed electronic resources is available.

An alternative strategy is to provide students with the relevant web-based links to the required articles. This process avoids all issues regarding copyright and licences. However, providing persistent links is frequently more complicated than simply copying the link from a web browser. For more details, see linking to electronic resources.

3. Permission of copyright owner

- Obtain a written agreement from the copyright owner allowing the making of multiple copies
- Attach a copy of the agreement to the sign-off form

4. Free web resources

The site must clearly state that it is OK to make multiple copies for educational purposes.

4.1 Journal or newspaper articles

- One article per journal issue per course, or two or more if they are from a special issue of a journal.
- No greater quantity from a single issue may be copied for students for the duration of the course.

4.2 Divided into chapters, reports or sections

- One chapter, report or section
- No greater quantity may be copied for students for the duration of the course.

4.3 No chapter or other structure

- 10% of number of words
- No greater quantity may be copied for students for the duration of the course.

4.4 Access is via a 'click through' licence

- 10% of number of words
- No greater quantity may be copied for students for the duration of the course.

5. Artistic works

Under the Part VB licence, artistic works which are embedded in text for the purpose of explaining or illustrating the literary work (incidental artistic works), are treated differently from stand alone artistic works. Artistic works (other than incidental artistic works) that are in hardcopy form can be copied without further inquiry provided you are sure that they have not been separately published.

If an artistic work in hardcopy has been separately published, it can only be copied if the person who makes the copies or causes them to be made has satisfied himself or herself, after reasonable investigation, that copies (other than second hand copies) cannot be purchased within a reasonable time at an ordinary commercial price.

Incidental artistic works can be copied without the need to make the inquiries discussed above.

Sources of material for electronic course readers

The limits are essentially the same as to hard-copy copying. However, there are some important differences: It also varies according to the format of the original material

1. Copying from hardcopy to electronic form

1.1 Book chapters

- The Higher Education Provider may copy and make available online a maximum of one chapter of a book at any one time.
- It is not possible to progressively filter to students larger quantities from a single book for the same course.

IBIBS has issued a policy to manage its online copyright responsibilities. All IBIBS staff are required to read and implement the policy. Central provisions of the policy are:

- Where possible, directly link to the Library's extensive collection of licensed journals articles and ebooks, rather than make another copy from a printed source, For more details, see linking to electronic resources.
- All digitised book chapters for which the IBIBS not own the copyright must be located on the central server managed by the Library on behalf of IBIBS.
- Access must be restricted to current IBIBS students and staff.

1.2 Out of print books

There are no limits to the amount which can be copied in reliance on Part VB if the material is out of print. For your protection, you must contact your liaison librarian to confirm that the book is indeed out of print.

1.3 Journal or newspaper articles

- One article per journal issue per course, or two or more if they are from a special issue of a journal.
- No greater quantity from a single issue may be copied for students for the duration of the course.

Each licensed communication must contain the following, prominently displayed, notice:

COMMONWEALTH OF AUSTRALIA Copyright Regulations 1969
WARNING

This material has been copied and communicated to you by or on behalf of Investment Banking Institute Business School pursuant to Part VB of the Copyright Act 1968 (**the Act**).

The material in this communication may be subject to copyright under the Act. Any further copying or communication of this material by you may be the subject of copyright protection under the Act.

Do not remove this notice.

This notice must be prominently displayed on each electronic copy made in reliance on Part VB and whenever a copyright work is communicated (i.e made available on-line or electronically transmitted) in reliance on Part VB. It must appear either before or at the same time as the material being communicated appears on the screen.

2. Databases and electronic journals

Generally, few vendors allow making a copy of an article in a licensed product and housing the file on a local server. For more details, consult copying from licensed databases.

3. Permission of copyright owner

- Obtain a written agreement from the copyright owner allowing the making of multiple copies
- Attach a copy of the agreement to the sign-off form

4. Free web resources

The site must clearly state that it is OK to make a copy and place on a local server for educational purposes.

4.1 Journal or newspaper articles

- One article per journal issue per course, or two or more if they are from a special issue of a journal.
- No greater quantity from a single issue may be copied for students for the duration of the course.

4.2 Divided into chapters, reports or sections

- One chapter, report or section
- No greater quantity may be copied for students for the duration of the course.

4.3 No chapter or other structure

- 10% of number of words
- No greater quantity may be copied for students for the duration of the course.

4.4 Access is via a 'click through' licence

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5. Artistic works

Under the Part VB licence, artistic works which are embedded in text for the purpose of explaining or illustrating the literary work (incidental artistic works), are treated differently from stand alone artistic works. If the artistic work you wish to copy is available in electronic form, and the copy you are making is from the electronic form, you can copy or

communicated the work in reliance on the Part VB licence without the need to inquire into whether it is available for purchase.

Incidental artistic works can be copied without the need to make the inquiries discussed above.

More information

If you have any queries regarding these matters, contact IBIBS Copyright and Library Officer, by email library@ibibs.edu.au