

Scanning – What Am I Allowed To Do?

This information sheet deals with scanning of [hardcopy text](#) and/or [artistic works](#) for [educational purposes](#) and in what circumstances teachers may:

- scan (make a copy);
- make scanned copies available to students to access (communicate); and
- email scanned copies to students.

Rules for Scanning and Communicating Scanned Text Works

Under the [Statutory Text and Artistic Licence](#) teachers are able to:

- scan [hardcopy text](#) and/or [artistic works](#) (e.g. textbooks, picture books, novels, plays, poems, newspaper articles);
- make the scanned copies available to students to access via a password protected share drive/intranet (eg Microsoft 365), content or learning management systems (eg Moodle, Blackboard, Brightspace or Equella), closed class area on an education platform (eg Edmodo, Verso, Google Classroom or iTunesU), cloud storage etc; and
- email scanned copies to students

for [educational purposes](#) **subject to the following copying limits.**

Under this Licence, a teacher can scan and upload to a repository a 'reasonable portion' which for [hardcopy text](#) works means:

- 10% or one chapter of a textbook (whichever is greater);
- one article in a journal, newspaper, magazine (more than one article from the same publication if on the same subject matter); and
- one literary work in an anthology (no more than 15 pages) (eg one short story in a book of short stories).

When can you scan a whole book?

A teacher can scan and upload more than a 'reasonable portion' or a whole work if the work (eg book):

- is not available to purchase (whether hardcopy or electronic) within a reasonable time (3 months for a textbook and 30 days for other print material); or
- is out of copyright .



Rules for Making Scanned Copies of Text Work Available to Students

Restricted Access

Access to scanned copies must be restricted (eg by use of a password) to teachers and students. You must ensure that the material is not able to be accessed by the general public. It is, however, permissible to allow parents to have access to enable them to assist students with homework etc.

Simultaneous Storage Rule

A school or TAFE is not permitted to have more than 10% or one chapter of the same textbook available online at the same time. We recommend a practical way of managing this rule is for the teacher to limit access to the class that requires it and to archive the chapter as soon as practicable to the teacher's personal folder when no longer required by the students.

For further information on the Simultaneous Storage Rule, see the Copyright Compliance Manual for Teachers on the Smartcopying website at:

<http://www.smartcopying.edu.au/information-sheets/schools/using-digital-content-repositories-copyright-compliance-manual-for-schools>

Rules for Scanning and Communicating Scanned Artistic Works

Artistic works in hard copy form include photographs, cartoons, diagrams and drawings. Artistic works can either accompany or illustrate text (eg an illustration of a scientific process described in a text book) or have no accompanying text.

If an artistic work accompanies text, the whole or part of an artistic work which accompanies text may be scanned and uploaded under the Statutory Text and Artistic Licence.

If an artistic work has no accompanying text, the whole or part of an artistic work may be scanned if the work:

- is not available to purchase (whether hardcopy or electronic - eg as a postcard, poster, slide set or similar reproduction or as an e-card or digital artwork on the Internet) within a reasonable time (30 days); or
- is out of copyright.

Rules for Making Scanned Copies of Artistic Work Available to Students

Restricted access

National Copyright Unit on behalf of the Copyright Advisory Groups
(Schools and TAFEs)

October 2016



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Notice Requirements for Text and Artistic works

Scanned copies which are then made available online and accessible by students and staff (eg on a password protected shared drive, intranet, cloud storage, content or learning management system) should contain the following notice:

<p style="text-align: center;">NOTICE ON MATERIAL REPRODUCED OR COMMUNICATED UNDER STATUTORY TEXT AND ARTISTIC LICENCE</p> <p style="text-align: center;">FORM OF NOTICE FOR PARAGRAPH 135ZXA(a) OF COPYRIGHT ACT 1968 COMMONWEALTH OF AUSTRALIA Copyright Regulations 1969</p> <p style="text-align: center;">WARNING</p> <p style="text-align: center;">This material has been reproduced and communicated to you by or on behalf of [insert name of institution] pursuant to Part VB of the Copyright Act 1968 (the Act).</p> <p style="text-align: center;">The material in this communication may be subject to copyright under the Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act.</p> <p style="text-align: center;">Do not remove this notice.</p>

In practice, it might be impractical to insert this notice or include a link to the notice on every scanned copy. It is permissible to print out the notice and include it when scanning the hard copy text or artistic work. A practical alternative is for the notice to be displayed (flashed) on the screen as the student or teacher logs into the password protected share drive.

For additional information, see the [Schools: Using Digital Content Repositories: Copyright Compliance Manual for Schools](#)

Smartcopying Tips

Consider Using Creative Commons Licensed Works



As an alternative to scanning hard copy text or artistic works, you may find Creative Commons licensed material that you could use instead. This not only helps save money on the national copyright fees, it's also much safer for teachers, as they are free to reuse, remix, redistribute and adapt education resources without running the risk of breaching complex copyright exceptions and copyright licence rules.

For more information on CC and OER content, see the following links:
[OER](#), [OER TOOLKIT](#) and [Creative Commons Quick Reference](#) and [CC Guide for Educators](#).

Delete or Archive Scans

Material scanned and communicated under the [Statutory Text and Artistic Licence](#) is potentially paid for again for every 12 months it remains online and accessible by students and staff (eg on a password protected shared drive, intranet, cloud storage, content or learning management system). Clearing out scans that are no longer required is one practical way of managing copyright costs.

This can be done by deleting scans no longer required for educational purposes or archiving scans which might be used again for educational purposes in the future. Archiving involves moving the scans into a closed area online where it can only be accessed by one person, such as the librarian, ICT Manager or teacher who uploaded the scan in the first place. Restricting access to the scans will ensure that additional copyright fees are not incurred.

For further information see the SmartCopying website at www.smartcopying.edu.au or contact your local copyright manager. You can also contact the National Copyright Unit on (02) 9561 1204 or at email: smartcopying@det.nsw.edu.au.

