

Library Fair Dealing Copyright Notices

School and TAFE libraries **must** ensure that they display copyright warning notices near machines that can be used to copy text and artistic works (eg photocopy machines, printers and scanners) and/or machines that can be used to copy audio-visual content.

The form of these notices - which are contained in the Copyright Regulations - are set out below. There are **3** options to choose from:

- **Option 1:** this is the best option if the copying machine/s in your library can be used to copy text and artistic works only (ie the machine/s cannot be used to copy audio-visual items)
- **Option 2:** this is the best option if the copying machine/s in your library can be used to copy audio-visual items only (ie the machine/s cannot be used to copy works)
- **Option 3:** this is a combined notice. It is the best option if the copying machine/s in your library can be used to copy works and audio-visual items. It can also be used when your library has both types of copying machine in close proximity (ie to avoid the need to display two notices).

The notice must be **at least** 297 mm long and 201 mm wide (ie A4 paper size), and it must be displayed to, or in **close proximity**, to the copying machine in a place **readily visible to anyone using the machine**. The question of how “close” the notices need to be in order to satisfy this requirement will turn to a large extent on how legible/prominent the notice is to a person using the relevant machine.

The reason that these notices are so important is that displaying them can protect the school or TAFE from being liable for copyright infringements by students who use the machines.

**Option 1: Form of notice to use if the copying machine can be used to copy works only
(ie the machine cannot be used to copy audio-visual items)**

Commonwealth of Australia

Copyright Act 1968

Notice about the reproduction of works and the copying of published editions

Warning

Copyright owners are entitled to take legal action against persons who infringe their copyright. A reproduction of material that is protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including:

- (a) a reproduction that is a fair dealing under the *Copyright Act 1968* (the *Act*), including a fair dealing for the purposes of research or study; or
- (b) a reproduction that is authorised by the copyright owner.

It is a fair dealing to make a reproduction for research or study, of one or more articles in a periodical publication for the same research or same course of study or, for any other work, of a reasonable portion of a work.

For a published work in hardcopy form that is not less than 10 pages and is not an artistic work, 10% of the number of pages, or one chapter, is a reasonable portion.

For a published work in electronic form only, a reasonable portion is not more than, in the aggregate, 10% of the number of words in the work.

More extensive reproduction may constitute fair dealing. To determine whether it does, it is necessary to have regard to the criteria set out in subsection 40(2) of the Act.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

Option 2: Form of notice to use if the copying machine can be used to copy audio-visual items only (ie the machine cannot be used to copy works)

Commonwealth of Australia

Copyright Act 1968

Notice about the copying of audio- visual items

Warning

Copyright owners are entitled to take legal action against persons who infringe their copyright. Unless otherwise permitted by the *Copyright Act 1968* (the *Act*), unauthorised use of audio- visual items in which copyright subsists may infringe copyright in that item.

It is not an infringement of copyright in an audio- visual item to use that item in a manner that is a fair dealing under section 103C of the Act.

Section 103C of the Act relates to fair dealing for the purpose of research or study and sets out the matters that must be considered in determining whether a reproduction of an audio- visual item is a fair dealing.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

Option 3: Form of combined notice that can be used if the copying machine can be used to copy works and audio-visual items, or if both types of machines are in close proximity

Commonwealth of Australia

Copyright Act 1968

Notice about the reproduction of works and the copying of published editions and audio- visual items

Warning

Copyright owners are entitled to take legal action against persons who infringe their copyright. A court may impose penalties and award damages in relation to offences and infringements relating to copyright material. Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

Reproduction of works and copying of published editions

A reproduction of material that is protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including:

- (a) a reproduction that is a fair dealing under the *Copyright Act 1968* (the *Act*), including a fair dealing for the purposes of research or study; or
- (b) a reproduction that is authorised by the copyright owner.

It is a fair dealing to make a reproduction for research or study, of one or more articles in a periodical publication for the same research or same course of study or, for any other work, of a reasonable portion of a work.

For a published work in hardcopy form that is not less than 10 pages and is not an artistic work, 10% of the number of pages, or one chapter, is a reasonable portion.

For a published work in electronic form only, a reasonable portion is not more than, in the aggregate, 10% of the number of words in the work.

More extensive reproduction may constitute fair dealing. To determine whether it does, it is necessary to have regard to the criteria set out in subsection 40(2) of the Act.

Copying of audio- visual items

Unless otherwise permitted by the Act, unauthorised use of audio- visual items in which copyright subsists may infringe copyright in that item.

It is not an infringement of copyright in an audio- visual item to use that item in a manner that is a fair dealing under section 103C of the Act.

Section 103C of the Act relates to fair dealing for the purpose of research or study and sets out the

matters that must be considered in determining whether a reproduction of an audio-visual item is a fair dealing.

For further information, contact [NCU. http://www.smartcopying.edu.au/copyright-guidelines/footer-menu/contact-us](http://www.smartcopying.edu.au/copyright-guidelines/footer-menu/contact-us)

