

Reproduction or communication of copyright material under statutory licence to be distributed to the University's students overseas

The statutory licence under the *Copyright Act 1968* ("the Act") grants the power to the University to make reproductions¹ and communication² of copyright material for offshore students **PROVIDED** that the reproduction is made solely for the educational purposes³ of the institution or of another educational institution and made within the limits imposed by the Act⁴.

This means that:

- the copyright material must be reproduced and communicated in Australia;
- for students who are enrolled students of La Trobe University or another educational institution which has complied with the Act;
- for a course offered by La Trobe University;
- the relevant copyright notices are attached to the material whenever it is accessed; and
- the amount copied does not exceed the limits permitted under the Act.

YOU CAN:

1. Reproduce the copyright material in Australia and send the material overseas where the course is being conducted;
2. Reproduce the material on a CD-Rom and send it overseas for use there as the reproduction has taken place in Australia;
3. Reproduce the material and place it on a site located in Australia and provide to the La Trobe University enrolled students overseas the URL (hypertext link) to access the material; and
4. Take overseas and show to La Trobe University enrolled students for the educational purposes of the University copies of a broadcast⁵ (TV or radio) properly reported and marked and recorded in Australia under Part VA of the Act.

YOU CANNOT:

1. Take a master copy overseas to make the copies there as reproduction will be considered to be done overseas and the laws of the relevant country applying;
2. Upload the material on a server overseas as this would involve the reproduction taking place overseas and therefore outside the scope of the statutory licence. The laws of copyright in that country would apply;
3. Sell or supply the copyright material for a financial profit unless the purpose is to supply the material to students in a form which is convenient at a minimum cost while being able to recover the cost of the process⁶;
4. Use the copy for a purpose other than the educational purposes of the institution; and
5. Exceed the amount allowed to be copied under the Act.

For more information regarding copying pursuant to the statutory licence please refer to the website <http://www.latrobe.edu.au/copyright/>.

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- ¹ Reproduction is not defined in the *Copyright Act 1968*, however, S.21(1A) deems a “work is taken to have been reproduced if it is converted into or from a digital or other electronic machine-readable form, and any article embodying the work in such a form is taken to be a reproduction of the work”. Reproduction would cover analogue and digital copying.
- ² Communication is defined to mean “to make available online or electronically transmit (whether over a path, or combination of paths, provided by a material substance or otherwise) a work or other subject-matter”.
- ³ A copy is made for the educational purposes of an educational institution if:
- (a) it is made or retained for use, or is used, in connection with a particular course of instruction provided by the institution; or
- (b) it is made or retained for inclusion, or is included, in the collection of a library of the institution.” [s.10 (1A) of the Act]
- ⁴ Refer to <http://www.latrobe.edu.au/copyright/> for limits.
- ⁵ Refer to http://www.latrobe.edu.au/copyright/restricted/documents/FAQIV_Jul02.pdf for more information.

In the case of *Copyright Agency Limited v Victoria University of Technology* (1994) 29 IPR 263, Gummow J outlined some of the costs you can charge students. *'The bookshop marks up by 30% the cost of printed materials received from the print room. It does this in order to cover its identified costs of supplying the printed materials to students. The costs intended to be covered by the mark up include salaries for staff, including provision for payroll tax and superannuation, together with such things as insurance, telephone, packaging, wrapping and computer maintenance. The margin is also intended to allow for occupancy costs including lighting and heating, cleaning services, and building maintenance, and for accounting services which are provided by the central administration of the respondent.'*