

Useful links

Swinburne Copyright Website:
www.swinburne.edu.au/copyright

Copyright for Researchers Toolkit:
www.swinburne.edu.au/copyright/researchers/index.html

Swinburne Copyright Policy:
<http://policies.swinburne.edu.au/ppdonline/showdoc.aspx?recnum=POL/2008/31>

Swinburne Intellectual Property Policy and Procedure:
<http://policies.swinburne.edu.au/ppdonline/showdoc.aspx?recnum=POL/2008/70>

What is copyright? Information from the Australian Attorney General's Department:
www.ag.gov.au/www/agd/agd.nsf/Page/Copyright

Australian Copyright Council:
www.copyright.org.au/

Questions?

More information:
Copyright Office
Hawthorn Library
www.swinburne.edu.au/copyright

Send a query to:
copyright@swinburne.edu.au



Copyright at Swinburne

A GUIDE FOR RESEARCHERS

What is copyright?

Copyright law provides protection for creators of certain forms of media against the unauthorised use of their material. In Australia the use of copyright material in such things as books, journals, computer programs, photographs, music, films or websites is governed by the *Copyright Act 1968 (Cth)*. As a researcher you will need to use other people's copyright material as part of your own work. As you do this you need to make sure you comply with copyright law.

Copyright ownership

Copyright is generally owned by the creator/author of the material or, in some cases the publisher of the material. There is no requirement to register copyright, it comes into existence automatically once an idea is expressed in a material form (i.e. written down or stored in electronic form). If you create material as an employee, copyright is generally owned by your employer. Under Swinburne's Intellectual Property Policy, students retain ownership of copyright in their own material; copyright material produced by staff is owned by Swinburne (there are some exceptions, for more information see the Swinburne Copyright website). Once it has been created, copyright can then be traded to other parties, either completely – such as when you sign an agreement assigning (transferring) your complete copyright ownership in an academic article to a journal publisher, or partially – as when you licence (or give permission) for someone to use the material in a limited way such as in a certain type of media for a limited time.

Copyright in research data

As a general rule there is no copyright protection for individual bits of information such as numbers, words, names or strictly factual information. However, if the information is collected and compiled, then copyright can subsist in the compilation of that information. This means databases, datasets, directories or any organisation of information can be protected by copyright.

Using other people's copyright

material in your own research

You will not infringe another person's copyright if you only include an 'insubstantial part' of their material in your research. The courts have stated that substantiality is determined on a qualitative rather than a quantitative basis, so each situation will need to be assessed on its own merits.

Fair dealing

In order to encourage the widest possible use and dissemination of intellectual material, copyright legislation includes certain exceptions to the rights of copyright owners, which allow limited uses of copyright material without having to obtain permission. These are known as the 'fair dealing' exceptions. (There are also other exceptions for educational and other uses. For more information see the Swinburne Copyright website).

As a researcher you are most likely to use 'fair dealing' for the purpose of 'research or study' and/or 'criticism or review'. These exceptions allow limited uses of other people's material as long as the use is 'fair' – to determine if your intended use is fair you need to consider a number of factors listed in the legislation. The fair dealing exceptions may allow you to copy and include certain amounts of copyright material in your research. For more information on fair dealing for research or study see the Swinburne Copyright website.

Obtaining permission

In some cases you may need to seek permission to use someone else's material in your research if you are unsure whether you are permitted to include it. How your research is used will also affect the type of permission you will need. To obtain permission from a copyright owner, you should ask for permission in writing, including details of the material you want to use and how you intend to use it. You will also need them to confirm that they own copyright in the material. Deciding how and when to ask for permission to use other people's material can be difficult. The Swinburne Copyright Office has resources available to help. More information is available at the Swinburne Copyright website.

Swinburne Research Bank

Swinburne Research Bank (SRB) aims to increase the exposure of Swinburne research by making it freely accessible online, and includes bibliographic details (title, author, abstract, etc.) for Swinburne research publications. Wherever possible the full text of the research publication is also made available. Swinburne researchers can elect to deposit their research into SRB and staff will endeavour to ascertain the current copyright status of your published research and obtain permission on your behalf to enter the full text into the research bank. More information is available at <http://researchbank.swinburne.edu.au/>

In your activities at Swinburne you are likely to act as both a creator and a consumer of copyright material. Copyright law provides a balance between rewarding creators and ensuring appropriate access for consumers of copyright material.

Swinburne is committed to:

- Providing access to the knowledge of the world for staff and students and promoting the effective use of information resources by the university community
- Ensuring that staff observe the law relating to copyright and abide by contractual commitments.