

## What about material on the Internet?

Material on the internet is covered by copyright. You should treat all material on the internet the same way you treat media in the hard copy environment.

In some cases copyright owners provide you with a licence to use material they have made available on the Internet under certain conditions. This information will normally be displayed on the site.

Some material is made available on the Internet under a Creative Commons licence. This means that the copyright owner gives you some limited permission to re-use their material.

For more information see: [www.creativecommons.org.au](http://www.creativecommons.org.au)

## Publishing on a web site, blog or wiki

If you publish material on the Internet such as on a web site, blog or wiki, in most situations you will need to either own copyright in the material or have permission from the copyright owner to do so.

The fair dealing exemption for research or study is less likely to apply if you are making something publicly available on the Internet.

## Private use exemptions

The *Australian Copyright Act 1968* provides limited exceptions for the use of copyright material for your own private and domestic purposes. This includes time-shifting of television broadcast material and format-shifting of sound recordings, such as transferring a sound recording from a CD onto an MP3 player.

## Moral rights

Creators of copyright material have the right to be correctly attributed as the author of their work and not to have that work treated in a derogatory manner.

You must always ensure that you properly attribute the author when you use copyright material by citing your source correctly in your work. This also helps you to avoid plagiarism in your academic work.

For more information see:  
[www.swinburne.edu.au/itas/plagiarism/](http://www.swinburne.edu.au/itas/plagiarism/)

## Useful links

Swinburne Copyright Website:  
[www.swinburne.edu.au/copyright](http://www.swinburne.edu.au/copyright)

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

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

Australian Copyright Council:  
[www.copyright.org.au/](http://www.copyright.org.au/)

## Questions?

More information:  
Copyright Office  
Hawthorn Library  
[www.swinburne.edu.au/copyright](http://www.swinburne.edu.au/copyright)

Send a query to:  
[copyright@swinburne.edu.au](mailto:copyright@swinburne.edu.au)



# Copyright at Swinburne

A GUIDE FOR STUDENTS

## What is copyright?

Copyright law provides protection for the authors or creators of certain forms of media against the unauthorised use of their material.

In Australia the use of copyright material in media such as books, journals, newspapers, photographs, music, films or on the Internet is governed by the *Copyright Act 1968 (Cth)*.

Because of this legislation, only the owner of copyright in this media can do certain acts such as copy, publish, perform or communicate the material. If anyone else does so without obtaining permission from the copyright owner, they will infringe copyright and may be liable for a penalty.

To own copyright in an item is different to owning the item itself. If you buy a book or a CD you own the physical item, but you do not have a right to copy or publish the contents (there are some exceptions – see below).

## Who owns copyright?

Copyright is generally owned by the creator, author or the publisher of the media item. There is no requirement to register copyright, it comes into existence automatically once an idea is rendered into material form (i.e. written down or stored in electronic form).

If material is created by an employee as part of their job, the copyright is generally owned by their employer. Under Swinburne's Intellectual Property Policy students own the copyright in their own material. If there is more than one creator, then they will be joint owners of copyright.

## Can I use copyright material in my study?

Australian law provides some exceptions to the rights of copyright owners allowing students to use material without permission from copyright owners as long as they comply with certain conditions. This is called fair dealing for research or study. The conditions that must be complied with are:

- The purpose of your proposed use must be research or study. This would include work you are required to undertake as part of the course you are enrolled in at Swinburne.
- The proposed use must be 'fair'. This is determined by taking into account the following factors:
  - The purpose and character of the dealing
  - The nature of the work or adaptation
  - The possibility of obtaining the work or adaptation within a reasonable time at an ordinary commercial price
  - The effect of the dealing upon the potential market for, or value of, the work or adaptation
  - The amount and substantiality of the part copied taken in relation to the whole work or adaptation
- In most cases you may only copy a reasonable portion of a work. A reasonable portion is the whole of one or more articles from a periodical publication if they are for the same research or course of study, 10% or one chapter of a book or 10% of the number of words in an electronic copy.

For more information on fair dealing for research or study see the Australian Copyright Council's information sheet on Research or study which is available at:

[www.copyright.org.au/find-an-answer/browse-by-a-z/](http://www.copyright.org.au/find-an-answer/browse-by-a-z/)

## How do I avoid infringing copyright?

Digital technologies make it very easy to reproduce and distribute material such as photographs, text, sound recordings and audio-visual material. Any such reproduction may breach copyright. If you do not have the permission of the owner, or your intended use does not fall within one of the permitted exceptions in the *Copyright Act 1968* then you are not permitted to do it.

Copyright owners are particularly concerned about unauthorised copying and distribution of commercial sound recordings and audio-visual material over peer-to-peer file trading software or video file sharing sites.

If you do not own copyright in an item, or do not have permission of the copyright owner to copy and distribute it, then you must not place it onto such services. If you do so you risk legal action from the copyright owner.

You should also be aware that as a student of Swinburne you are required to comply with the Swinburne Information Technology (IT) Systems Acceptable Use policy, which includes the following statement:

*In particular, the use of file-sharing software or other methods to obtain or provide infringing copies of music, movies or other copyright material is expressly forbidden, and is regarded as a serious offence.*

The policy is available at:

<http://policies.swinburne.edu.au/ppdonline>

