

USP COPYRIGHT COMPLIANCE GUIDELINES

As an educational institution and provider of educational courses of instruction, the University of the South Pacific has a legal obligation to ensure that all University staff are copyright compliant. **All USP staff are required to ensure that they are copyright compliant when using third party copyright material.** As most course materials are prepared in Fiji, these Guidelines are based on the Fiji Copyright Act 1999. Appendix 3 provides information on the copyright provisions relating to fair dealing use and copying by educational institutions in other countries in the region.

COPYRIGHT COMPLIANCE PROCEDURES

Staff should provide a full bibliographic list of all readings copied for students at the beginning of the course book or reader in which they are contained. This should include the title of the work, the author and publisher, the country and year in which it was published, the ISBN (where possible), the pages copied and the number of pages in the work. **This list should be forwarded to the Copyright & IP Officer (moore_k@usp.ac.fj) together with the Copyright Compliance Certificate (Appendix 2) for sign off before the material is copied and distributed to students.**

Material copied for "criticism or review" does not need to be included in the bibliographic list of readings (only acknowledged in the course materials).

Where a direct link is provided through Moodle to Journal articles available through electronic databases held by the library (ProQuest, EBSCOhost), clearance is not required for the electronic copy, only photocopies made for distribution to students.

A notice should be provided indicating that the copy was made under the provisions of the Fiji Copyright Act 1999 or under licence from rightsholders or their agents. The notice must also state that the material may not be copied further without appropriate authority.

Where the copyright owner has indicated that the material can be freely copied for non-commercial or educational purposes, this should be indicated on the bibliographic list provided in the course pack or reader. Similarly, where specific authority has been obtained to copy beyond the provisions of the Copyright Act, then this should be indicated here as well in line with the following suggestions:

CC – Creative Commons; CL - Copied under licence; OA – Open Access; PD – Public Domain

Permission must be obtained to copy or use works beyond the limits set by these guidelines. Clearance can be obtained direct from the publisher or author or through a copyright collective. The Copyright Clearance Centre (www.copyright.com) in the USA can provide clearance for most works at a cost of up to 50 cents per page per copy. Alternatively clearance can be sought from the Copyright & IP Officer (email: moore_k@usp.ac.fj) . Appendix 1 provides a form which can be used to provide details of the works for which clearance is sought. **Only seek clearance where you wish to exceed the copying limits set out herein.**

The guidelines below outline what USP is able to do in its role as an educational provider.

PRINT & GRAPHIC MATERIALS

Category	Types of Work	Examples	Copying Limits	Copyright Act
Books/publications	Literary, dramatic, musical, artistic	Textbook, novel, play, conference paper, pamphlet, brochure	10% or one chapter (whichever is less)	S44
Anthologies of works	Literary, dramatic, musical, artistic	Anthology of poems, plays, sheet music	10% of any of the works included in the anthology - clearance needed to copy whole work	S44
Books/periodicals	Graphic or artistic works accompanying or explaining text	Photograph illustrating example in text; explanatory diagram	The whole work where part of the authorised 10%/1 chapter being copied	S44
Periodical publications	Literary, dramatic, musical, artistic	Newspapers, magazines, journal articles	Only 10% of a journal article can be copied - clearance needed to copy whole article	S44
Periodical publications	Academic, scientific, technical	Scientific/technical articles	Abstracts accompanying such articles can be freely copied	S65
Out of Print works	Literary, dramatic, musical, artistic	Textbook/book/sheet music out of print or not commercially available	10% or one chapter (whichever is less)	S44
Web resources	Any of above	Any of above	10% or one chapter (whichever is less); an artistic work where part of that 10%/1 chapter	S44
Databases of works subscribed by Library	Literary, dramatic, musical, artistic, academic, general	Journal articles, periodicals, research material, official documents, records, encyclopaedias	Governed by licensing agreement. Usually permits printing of one copy for study/research. Student access by direct link.	
Any of above	Any of above	Any of above	Can be freely copied if reasonable to assume that copyright has expired or where not possible to ascertain author's identity after reasonable enquiry.	S62

DEFINITION OF COPYING [S30(2)]

Copying means reproducing or recording a work in any material form and includes storing (literary, dramatic, musical, or artistic works) in any medium by any means (eg CD Rom, DVD, computer). It does not include communicating the work or making it available online electronically – on an intranet or through Moodle.

When copying from a copyright work it is important that it is an accurate copy of the original. It should not be adapted or reformatted - this will infringe the rights of the author or the rights of the publisher in the typography of the work.

AUDIO-VISUAL WORKS & SOUND RECORDINGS

Category	Types of Work	Examples	Copying Limits - where collective licence not available	Copyright Act
Broadcast TV/Radio/Internet	Literary, dramatic, musical, artistic	Documentaries, news reels, plays, drama series, national geographic series	Programmes broadcast on TV, Radio or the internet can be recorded and copied by or on behalf of USP for educational purposes	S46
Audio visual works, sound tracks, sound recordings	Literary, dramatic, musical, artistic	Documentaries, films, news reels, plays, drama series, national geographic series, musical recordings	Whole work can be copied for instruction on making of an audio visual work or audio visual soundtrack Works may be rented out on non-profit basis	S44(6) S73
Databases of works subscribed by Library	Literary, dramatic, musical, artistic	Audio-visual works	Governed by licensing agreement. Student access by direct link.	
Web resources	Literary, dramatic, musical, artistic	Any of above	As above	

SOFTWARE

Computer programs	Literary	Microsoft Office	Backup copy of legally acquired computer program can be made in case of loss/destruction Can also be rented out on non-profit basis	S74 S73
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PERFORMANCE OF COPYRIGHT WORKS

Category	Types of Work	Examples	Performance permitted	Copyright Act
Publications (literary, musical), audio visual, sound recordings	Literary, dramatic, musical, artistic	Dramatic works, musical works, sound recordings, audio visual works, broadcasts	Restricted to students and staff - not family or paying audience	S45
Books, periodicals	Literary, dramatic	Poems, short stories, articles, writings	Reasonable extracts (a chapter/paragraph) can be read in public as long as the author is acknowledged. Can be recorded and broadcast.	S64

Copyright material can be freely used to set and answer questions for examination purposes and can be communicated online to candidates.	S47
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Staff and students can use the following provisions to copy from copyright works for their own use.

Fair dealing – permitted uses

Incidental copying of a work in a film or sound recording or other work permissible where copying not deliberate [S40]	
Extracts can be copied for criticism, review, news reporting (as long as work acknowledged – title/author) [S41]	
Copying for research or private study by individuals or through library [S42]	Reasonable portion - e.g. one article from periodical or up to 10% of a book
	One copy only – cannot be copied further
Fairness of use dependent on	Nature of work copied
	Whether available at reasonable price
	Effect of copying on market for and/or value of work
	Significance of portion copied in relation to whole (10% significant where copying includes summaries of all chapters)

Copyright

Copyright law aims to provide a balance between the rights of creators to earn a living from their works and the need for public access to them. It provides copyright owners with the exclusive right to publish and issue copies of their work for sale to the public; to copy, store or perform their works, to communicate or broadcast their works to the public online, adapt their works for other media or authorise any use of their works. A creator's moral rights to be identified as creator of the work and to object to derogatory use of the work are also recognised under copyright law.

Copyright balances these rights by providing individuals with limited rights to copy from the works of others for criticism, review or news reporting or for research or private study. The Fiji Act also makes provision for copying by educational institutions.

Works protected [S14]

Copyright protects a wide range of published and unpublished materials in a variety of formats, including print, audio, video, computer programs, databases and web resources. All original works that are in material form are automatically protected under copyright law. The copyright symbol © does not need to be displayed for a work to be protected. Some works permit copying of the whole for educational or non-commercial purposes. You need to check the copyright provisions on the work or internet resource itself to ascertain the situation.

Literary (written, spoken or sung) and dramatic (dance, mime) works – include translations and adaptations (scripts for audio visual works), computer programs, periodical articles, tables and compilations; typographical arrangements of published editions	Artistic works – include graphic works - paintings, drawings, diagrams, maps, plans; photographs; sculptures, architecture (buildings and models of buildings)
Musical works (exclusive of words)	Films/audio visual works
Sound recordings	Broadcasts, cable programmes and communication works

Ownership of Copyright [S21]

Duration of copyright [S22]

Author/creator first owner	Copyright lasts 50 years
Publisher has typographical rights in published work [S25]	<ul style="list-style-type: none"> ▪ From end of year in which author/creator of literary, dramatic, musical or artistic work dies, OR
Employer owner where work created during course of employment	<ul style="list-style-type: none"> ▪ From the end of the year in which the work was first published
Copyright in certain commissioned works (artistic/photographic/sculpture) owned by person commissioning and paying for work	Publisher's typographical right in published work lasts 25 years from end of year in which work published [S25]
	Works then in "public domain" and free to use, copy, disseminate

COURSE/SEMESTER

LECTURER

EMAIL

The copyright clearance costs will be met by the School / Faculty.

Head of School

Date



APPENDIX 2

COPYRIGHT COMPLIANCE CERTIFICATE

Attached is a bibliographic list of external copyright material contained in the attached course material for

Course Title:.....Code:.....

Faculty/School/Department:.....Semester/s/Year.....

I confirm that all copying complies with the USP Copyright Compliance Guidelines or has been cleared through the USP Copyright & IP Officer.

Course Writer/Developer:.....Date:/...../.....

Confirmed by:

Copyright & IP Officer:.....Date:/...../.....

Director CFDL:.....Date:/...../.....

APPENDIX 3

This table provides simplified information about permitted uses in certain countries to enhance understanding of copyright laws. For full information, refer to the appropriate legislation.

COUNTRY	LEGISLATION	FAIR DEALING Copying permitted by individuals	EDUCATIONAL EXCEPTIONS (# Unless collective licence available)	LIBRARY EXCEPTIONS Copying for research & private study of individual	LIBRARY EXCEPTONS Copying of whole works where work unavailable for purchase
Cook Islands	NZ Copyright Act 1962	For criticism & review: acknowledged extracts; For research & private study of individual: Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	Short passages from published literary or dramatic works (not published for use by educational institutions) can be copied for inclusion in a collection intended for educational use where such use is indicated and the collection compiled by the educational institution consists mainly of non-copyright material*	Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	For supply to other libraries where unable to obtain clearance from copyright owner
Fiji	Copyright Act 1999	For criticism & review: acknowledged extracts; For research & private study of individual: Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	10% or 1 chapter of literary, dramatic musical work, whichever less#	Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject); unpublished work where not prohibited by author	For supply to other libraries: where work unavailable for purchase; To replace or preserve copies of works in own collection or collection of other library where item lost, destroyed, damaged.
Kiribati	UK Copyright Act 1956: Copyright Ordinance 1980	For criticism & review: acknowledged extracts; For research & private study of individual: Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	Short passages from published literary or dramatic works (not published for use by educational institutions) can be copied for inclusion in a collection intended for educational use where such use is indicated and the collection compiled by the educational institution consists mainly of non-copyright material	Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	For supply to other libraries where unable to obtain clearance from copyright owner
Marshall Islands	None	Above acceptable	Fiji provisions acceptable	Above acceptable	Fiji provisions acceptable
Nauru	None	Above acceptable	Fiji provisions acceptable	Above acceptable	Fiji provisions acceptable
Nuie	NZ Copyright Act 1962	For criticism & review: acknowledged extracts; For research & private study of individual: Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	Short passages from published literary or dramatic works (not published for use by educational institutions) can be copied for inclusion in a collection intended for educational use where such use is indicated and the collection compiled by the educational institution consists mainly of non-copyright material*	Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	For supply to other libraries where unable to obtain clearance from copyright owner

Samoa	Copyright Act 1998	Acknowledged quotation of short extract from published work permitted. Single copy of published work permitted for personal use where not prejudicial to legitimate interests of copyright owner (ie not available for purchase - in which case 10%/article OK as above)	Isolated copying of short extracts from published works for face to face teaching to illustrate topic - must be in line with fair dealing#	Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	To replace or preserve copies of works in own collection or collection of other library where item lost, destroyed, damaged.
Solomon Islands	Copyright Act 1996 (only extends protection to SI works** so use of Fiji provisions acceptable for non SI works)	For criticism & review: acknowledged extracts; For research & private study of individual: Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	Short passages from published literary or dramatic works (not published for use by educational institutions) can be copied for inclusion in a collection intended for educational use where such use is indicated and the collection compiled by the educational institution consists mainly of non-copyright material	SI Works: Approval from author required if possible to locate name/address; Unpublished works in public domain may be copied for research or private study or for publication. Other: Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	For supply to other libraries where unable to obtain clearance from copyright owner
Tokelau	NZ Copyright Act 1994	For criticism & review: acknowledged extracts; For research & private study of individual: Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	3% or 3 pages of a work can be copied every 14 days for students; single copies of whole works can be copied for instructional use in the classroom	Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	For supply to other libraries: where work unavailable for purchase; To replace or preserve copies of works in own collection or collection of other library where item lost, destroyed, damaged.
Tonga	Copyright Act 2002	Acknowledged quotation of short extract from published work permitted. Single copy of published work permitted for personal use where not prejudicial to legitimate interests of copyright owner (ie not available for purchase - in which case 10%/article OK as above)	Isolated copying of short extracts from published works for face to face teaching to illustrate topic - must be in line with fair dealing#	Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	To replace or preserve copies of works in own collection or collection of other library where item lost, destroyed, damaged.
Tuvalu	UK Copyright Act 1956: Copyright Ordinance 1978	For criticism & review: acknowledged extracts; For research & private study of individual: Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	Short passages from published literary or dramatic works (not published for use by educational institutions) can be copied for inclusion in a collection intended for educational use where such use is indicated and the collection compiled by the educational institution consists mainly of non-copyright material	Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	For supply to other libraries where unable to obtain clearance from copyright owner

Vanuatu	UK Copyright Act 1956: (Copyright and Related Rights Act 2000 not yet gazetted)	For criticism & review: acknowledged extracts; For research & private study of individual: Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	Short passages from published literary or dramatic works (not published for use by educational institutions) can be copied for inclusion in a collection intended for educational use where such use is indicated and the collection compiled by the educational institution consists mainly of non-copyright material#	Single copy of reasonable portion of book (e.g. 10% or more if unavailable for purchase); Article from journal (2 if on same subject)	For supply to other libraries where unable to obtain clearance from copyright owner
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*Although S.21 of the 1962 NZ Act permitted fair dealing copying for students by libraries and educational institutions, common law has since found that copying for research and private study relates to that of the individual not an educational institution (Longman v Carrington (1991) 2 NZLR 574 (HC)).

**Where there is no copyright law or protection, copying in line with the provisions of the Fijian Copyright Act is currently acceptable.