

New changes to

COPYRIGHT LAW

On 15 June 2017, the government passed a number of amendments to the Copyright Act 1968 that will affect all ALIA Members.

The main amendments – which are outlined in The Copyright Amendment (Disability Access and Other Measures Act 2017) – will take effect from December 2017 onwards. JO TENG and AMELIA VAN DER RIJT tell us what we need to know.

NEW COPYRIGHT EXCEPTIONS FOR LIBRARIES AND ARCHIVES

Libraries, archives, museums and galleries can now make multiple preservation copies of material held by the library in its original form whenever they require without infringing copyright. The exception applies where a library holds a copy of the material in its original form, and where a version or format

that is required for preservation in line with best practice preservation policy is unavailable. Where these circumstances apply, an authorised officer of the library can use the material without infringing copyright. The exception explicitly allows electronic copies to be made, and unlike the previous regime there is no need to wait until the original material has been damaged or suffered from deterioration before making a preservation copy. Nor is there a need to make a declaration about the unavailability of a suitable commercial copy.

Furthermore, if a library holds material in its original form, and has made a copy of that material for research purposes, the library can make an electronic version of the research copy available to the public without infringing copyright, as long as reasonable steps are taken to ensure that the user doesn't access or use the research copy in a way that infringes copyright.

The amendments also allow a library to use copyright material for administrative purposes directly related to care or control of their collection, including making electronic back-up copies and record-keeping measures, without infringing copyright. Significantly for libraries in educational institutions, the amendments



also repeal the onerous mandatory record-keeping requirements for statutory licensing under Parts VA and VB of the Copyright Act.

DURATION OF COPYRIGHT IN UNPUBLISHED MATERIAL

Before the amendments, unpublished materials could theoretically remain in copyright indefinitely. The amendments have created new standard terms of protection that take effect from 1 January 2019. Works with a known author that remain unpublished by that date will be protected by the standard term of 'life of the author plus 70 years', bringing the term of protection into line with protection for published works.

For works whose creator cannot be identified, the amendments set a standard term of protection of 'date made plus 70 years'. If the unidentified work is made public within 50 years of the 'date made', then copyright protection lasts from 'date made public plus 70 years'.

Copyright protection for works made or first published by the government will now last from the date made plus 50 years, regardless of whether the work was made public or not.

OTHER AMENDMENTS: DISABILITY ACCESS AND EDUCATIONAL PROVISIONS

In June 2014, Australia signed the Marrakesh Treaty to facilitate access to copyright works for people with print disabilities. The amendments to the Copyright Act implement this treaty by introducing a fifth fair-dealing exception for the purpose of access by persons with a disability. This new exception replaces the old section 200AB(4) flexible-dealing exception, and it permits enlarging text and graphics, and making changes to the format of a copyright work.

The amendments also simplify the statutory licensing provisions for educational institutions, which facilitate the copying and communication of works for educational purposes and allow copyright materials to be used in online exams.

For more detailed information about the changes, check out the Australian Copyright Council's information sheet at copyright.org.au. 

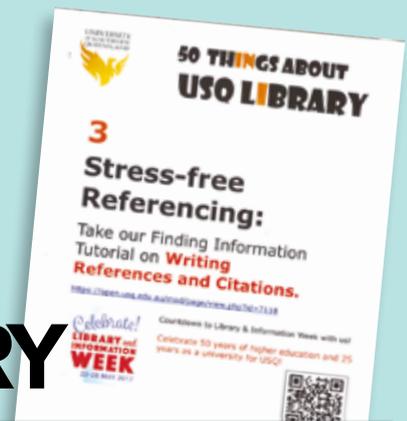
JO TENG

Senior Lawyer
Australian Copyright Council
Sydney, NSW

AMELIA VAN DER RIJT

Intern
Australia Copyright Council
Sydney, NSW
 @AusCopyright

50 THINGS ABOUT USQ LIBRARY



Libraries are repositories of huge amounts of information. But the overwhelming volume of this information often makes it difficult to bring it to the attention of library users. REBEKAH ENNOR and her team at the University of Southern Queensland decided to help library users more easily access the treasures that their library has to offer by revealing one interesting fact about their library each day.

This year there are significant milestones for both ALIA and University of Southern Queensland (USQ). So how could we celebrate 80 years of ALIA and USQ's 50th anniversary as an educational institution? By counting down from 50 to one!

The library team at the Springfield campus came up with a campaign titled 50 Things about USQ Library, which promoted one bite-sized fact about the library on each weekday in April and May.

Posters – both paper and digital – displayed at USQ's campus libraries included ALIA's Library and Information Week branding, and the campaign concluded on ALIA Day, Friday 26 May. Library staff shared the daily posts via social media, supported by USQ's corporate communications. Each 'thing' was also published on the USQ Library website, and banners on the home page highlighted the campaign.

Thanks to the dedication and creativity of the Springfield library staff, the 50 Things campaign promoted a wide range of library services, resources and collections to staff and students, from borrowing to research support, and it showcased Library and Information Week events, such as Australia's Biggest Morning Tea.

View the full list of 50 Things at bit.ly/2gWathC 

REBEKAH ENNOR

Client Support Officer
USQ Library
Rebekah.Ennor@usq.edu.au