



## Copyright guidelines for film and media students

### Copyright basics

Under Australian law the owner of copyright in a film or movie has the exclusive right to control how that material is used. No-one else has the right to use the material without the owner's permission except in certain circumstances which include study, research and assessment to use limited amounts of material. The Australian [Copyright Act 1968](#) describes how the rights of creators are protected by copyright law as well as describing special cases such as *Fair Dealing for the purpose of research or study (s.103C)*, which can be relied on for copying by students studying film and media. The fair dealing provisions also allow for copying for the purpose of criticism or review, parody or satire & reporting the news which may become relevant in your career.

### Using other people's material in your study and assessment

The fair dealing provisions in the Act allow you to use other people's material for your research, study and assessment provided you consider whether the proposed use is fair. The fairness factors taken into account are:

- Purpose and character of the dealing.
- Nature of the work or adaptation.
- Possibility of obtaining the work or adaptation within a reasonable time at an ordinary commercial price.
- Effect of the dealing on the potential market, or value of the work or adaptation.
- Amount and sustainability of the part copied in relation to the whole work or adaptation.

Note: there are no guidelines in the Act about what is considered a reasonable portion of an audio-visual work as it does with literary works (10% of a book, 1 article).

### Conditions of Fair Dealing

Students can copy snippets/clips from legitimate audio-visual works for their research, study and assessment and may also be able to share the copies with students studying the same subject but only behind Charles Sturt University's password protected intranet, such as Interact2 subject sites. This material can only be hosted on personal websites, social networking sites, YouTube, etc. if permission has been obtained from the copyright owners. If you wish to use work containing 3rd party material for purposes other than research, study or assessment, such as entering it into competitions or job applications then you must obtain

permission from the copyright owners. If you don't you are infringing the copy rights of those creators.

## **What are infringing copies?**

Reliance on the Fair Dealing provisions does not protect the use of 'infringing' copies of audio-visual works. Infringing copies are those that are copied and shared without the permission of the copyright owner. You may be aware that some material loaded onto YouTube has been copied without the permission of the copyright owner. It can be difficult to ascertain which material is infringing, so only copy from material you believe to be legitimate. Likewise if you feel that your work has been copied and loaded onto YouTube without your permission, you can follow the procedures to submit a copyright infringement notice.

## **Credit where credit is due**

While the Moral Rights section of the Act requires creators of works used to be acknowledged, it is also good academic practice to reference the sources of any 3rd party material included in your assessment.

## **Copyright protection period**

The Copyright protection period, known as duration, for films now lasts for 70 years from the year it was first published. Non-dramatic films made before 1 January, 1955, are no longer protected by copyright, meaning that they are considered to be in the Public Domain and can be used as needed. Copyright has expired on dramatic films made before and who's creators died before 1 January 1955.

## **Open access/Creative Commons audio-visual material**

Creative Commons (CC) and other open access licences have been developed for creators who want to make their works freely available for others to access and use in accordance with certain conditions. The CC licence will consist of one or more of four conditions, Attribution, Share Alike, No Derivatives and Non Commercial. If using this material you must apply the same licence to derivative works, but you can use the resulting work in accordance with the licence which may include entering works into competitions, loading to your own website or social networking sites. Example: you can use the Creative Commons search engine for to find CC licenced YouTube clips.



## Commercial films

Commercially produced films contain a number of separate copyrighted works such as screenplay, visual images and music. Most commercial films prevent copying by applying Technological Protection Measures which should not be circumvented.

### Useful links to further information:

Australian Copyright Council – Find an answer:

<https://www.copyright.org.au/resources>

Charles Sturt University – Copyright for Students:

<https://www.csu.edu.au/copyright/student>

For further information about copyright, please contact the Charles Sturt University Copyright Team at: [copyright@csu.edu.au](mailto:copyright@csu.edu.au).

