

s.39A and s.104B copyright notice

PRESCRIBED FORM OF NOTICE FOR SECTIONS 39A AND 104B OF THE COPYRIGHT ACT 1968, IN RELATION TO THE REPRODUCTION OF WORKS AND THE COPYING OF PUBLIC EDITIONS

COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969

WARNING

Copyright owners are entitled to take legal action against persons who infringe their copyright. A reproduction of material that is protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including:

- A reproduction that is a fair dealing under the *Copyright Act 1968* (the *Act*), including a fair dealing for the purposes of research or study; or
- A reproduction that is authorised by the copyright owner.

It is a fair dealing to make a reproduction for the purposes of research or study, of one or more articles on the same subject in a periodical publication, or, in the case of any other work, of a reasonable portion of a work.

In the case of a published work in hardcopy form that is not less than ten pages and is not an artistic work, ten per cent of the number of pages, or one chapter, is a reasonable portion.

In the case of a published work in electronic form only, a reasonable portion is not more than, in the aggregate, ten per cent of the number of words in the work.

More extensive reproduction may constitute fair dealing. To determine whether it does, it is necessary to have regard to the criteria set out in subsection 40 (2) of the *Act*.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

s.104B notice (audio-visual materials)

PRESCRIBED FORM OF NOTICE FOR SECTION 104B OF THE COPYRIGHT ACT 1968 IN RELATION TO THE COPYING OF AUDIO-VISUAL ITEMS

COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969

WARNING

Copyright owners are entitled to take legal action against persons who infringe their copyright. Unless otherwise permitted by the *Copyright Act*

1968 (the *Act*), unauthorised use of audio-visual items in which copyright subsists may infringe copyright in that item.

It is not an infringement of copyright in an audio-visual item to use that item in a manner that is a fair dealing under section 103C of the *Act*.

Section 103C of the *Act* relates to fair dealing for the purpose of research or study and sets out the matters that must be considered in determining whether a reproduction of an audio-visual item is a fair dealing.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

s.49 notice (for electronic copying and communication by libraries and archives to users)

FORM OF NOTICE FOR PARAGRAPH 49(7A)(c) OF THE COPYRIGHT ACT 1968
COMMONWEALTH OF AUSTRALIA
Copyright Regulations 1969
WARNING

This material has been provided to you pursuant to section 49 of the *Copyright Act 1968* (the *Act*) for the purposes of research or study. The contents of the material may be subject to copyright protection under the *Act*.

Further dealings by you with this material may be a copyright infringement. To determine whether such a communication would be an infringement, it is necessary to have regard to the criteria set out in Part 3, Division 3 of the *Act*.

Part 3, Division 3 of the Copyright Act describe acts, which do not constitute infringement of copyright in works. These include the fair dealing provisions with which librarians are familiar, for example, copying for the purpose of research or study (s.40)]