

Format shifting

1. What is format shifting?

"Format shifting" is a term used to describe copying content from one technological format to another. Some examples of format shifting include making a copy of a music CD to store on an iPod, or making a DVD copy of a VHS tape of a film.

2. Are schools and TAFEs ever allowed to format shift?

Some limited format shifting is permitted under the flexible dealing exception in s 200AB. The requirements for relying on this exception are set out in <http://www.smartcopying.edu.au/information-sheets/schools/flexible-dealing>. Before undertaking any format shifting in reliance on this exception, you must assess your proposed use against those criteria on a case-by-case basis.

Schools and TAFEs are also permitted to format shift in certain circumstances to create accessible copies for students with a disability. See <http://smartcopying.edu.au/copyright-guidelines/library-and-disability-copying/3-2-assisting-children-with-disabilities> for information on this.

3. Are there any marking or labelling requirements for format shifted copies?

There is no legal requirement to mark or label a format shifted copy, but is good practice to mark a format shifted copy with words similar to:

"Copied under section 200AB of the Copyright Act 1968".

4. Can a school or TAFE copy its entire collection of educational resource firms to store on a CMS?

It is generally not permitted to format shift the whole library or collection.

A school will always need to consider the requirements set out in <http://www.smartcopying.edu.au/information-sheets/schools/flexible-dealing> before undertaking any format shifting. This means it is not possible to copy an entire collection without checking the answers to these questions in relation to each item that the school wishes to format shift. If it is possible to buy any of the resources in the school's collection in digital format, the school will not be allowed to copy that resource onto the CMS in reliance on s 200AB.

5. Can a school copy an educational resource film on videotape to another format if the resource is degrading?

Yes, as long as the requirements set out in <http://www.smartcopying.edu.au/information-sheets/schools/flexible-dealing> have been complied with.

6. Can I format shift anything other than films?

Yes, as long as you have complied with the requirements set out in <http://www.smartcopying.edu.au/information-sheets/schools/flexible-dealing>.

