

## 1.12 How is copyright infringed?

Copyright will be infringed where one of the exclusive rights of the copyright owner is exercised without the permission of the owner.

A reproduction does not need to be exact or identical to be an infringement. For example making a 3 dimensional copy of a 2 dimensional artistic work or vice versa will be a copyright infringement. Copying a significant extract of a copyright work will also be an infringement.

Copyright may also be infringed by a person who authorises someone else to do an act covered by copyright without permission. This means that the copyright owner may sue both the person who authorises as well as the person who did the infringing act.

Copyright infringement may also be indirect. For example:

- importing certain articles such as DVD's into Australia for commercial purposes such as for sale, hire, offering for sale or hire, or distribution
- dealing with certain articles commercially by sale, hire, offering for sale or hire or public exhibition for trade purposes
- allowing a place to be used for an infringing public performance of a literary, dramatic or music work

Schools and TAFE institutes should also be aware of the provisions which relate to circumvention devices, as it can be an offence to use a circumvention device to remove copyright protection on copyright content.

See 1.15: Liability of Schools and Individuals for Copyright Infringement for information on offences relating to copyright protection technologies

There are some special exceptions and Statutory Licences that apply to schools and TAFE institutes that allow them to use copyright material without getting permission from the copyright owner.

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