

## Computer Programs

### 1. **Where is the licence for a computer program located?**

Licence terms and conditions may be:

- in the pamphlet or booklet which comes with the software.
- in the program itself (you may need to agree to these before you can download the program)
- on the disc itself; they “come up” when the disc is activated.

### 2. **If a computer program is made available on the Internet is it still protected by copyright?**

Yes. You must check the terms and conditions of the website or licence. However, computer software is sometimes made available on the Internet as free shareware. Free software is often provided for users to review before purchasing or as a way of introducing new users to the software maker's products. Generally, the copyright owner retains copyright in the software but allows you to use it under certain terms and conditions. For example, they may limit how many times you may use it before you need to purchase the software or how many computers you may use it on. Check the licence terms and conditions that came with the software to make sure you understand and comply with these conditions.

### 3. **Can I download a computer program from the Internet?**

It depends on the type of copyright works contained in the computer program. For any literary, dramatic, musical and artistic works as well as some sound recordings and film, copyright will not be infringed where the copying or communication is done under a statutory or voluntary licence or fair dealing exception.

For further information, see:

2.9: Multimedia

1.11: Statutory and Voluntary Licences

For any other uses of copyright works contained in the computer program that are not covered under a licence or fair dealing exception, a school or TAFE can rely on the flexible dealing exception, where:

- the copy is made for the purposes of educational instruction;
- the use is non-commercial;
- the circumstances are a special case;
- the use does not conflict with the normal exploitation of the work; and
- the use does not unreasonably prejudice the copyright owner.

For further information on the above flexible dealing requirements, see information sheet on [Flexible Dealing](#)

### 4. **Can a school or TAFE use a computer program on more than one computer?**

The licence terms and conditions accompanying software will generally include the number of computers the software can be loaded onto. If the program is run on more computers than the licence allows, copyright may be infringed.

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### 5. **Can I make a back-up copy of a computer program?**

Yes, but only to allow you to use the copy and store the original disc or to use the copy if the

original is lost, destroyed or damaged.

6. **Can I make a back-up copy of a CD-Rom which contains both software and other material such as film, graphics and music for use in the classroom?**

Generally no, unless it is permitted by the terms and conditions of the CD-Rom.

If the CD-Rom is part of the school library collection and has been damaged or has deteriorated or is lost or stolen the library may copy it for the purpose of replacing the CD-Rom.

See information sheet, "Technological Protection Measures" or contact your local Copyright Manager for further advice.

7. **Can teachers lend software to students or staff?**

Generally no, unless permitted by the terms and conditions of the computer program. You will need to check the terms or conditions of the software licence.

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