**Copyright exceptions**

The Copyright Act provides a series of exceptions which allow schools and TAFE institutes to use copyright material without permission:

**Fair dealing**

Teachers and students can [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) limited amounts of [works](https://smartcopying.edu.au/glossary/works/) under “[fair dealing](https://smartcopying.edu.au/glossary/fair-dealing/)”. No permission is required or payment made to the copyright owner if the use is fair and for the purpose of:

* research or study
* criticism or review
* reporting the news or
* [parody](https://smartcopying.edu.au/glossary/parody/) or [satire](https://smartcopying.edu.au/glossary/satire/).

If a [work](https://smartcopying.edu.au/glossary/works/) is protected by a [technological protection measure](https://smartcopying.edu.au/glossary/technological-protection-measure-tpm/), you may not be able to use the [fair dealing](https://smartcopying.edu.au/glossary/fair-dealing/) exceptions.

**Research or study**

In general, students and teachers can rely on [fair dealing](https://smartcopying.edu.au/glossary/fair-dealing/) when using extracts from copyright material as part of their own research or study for a class or particular course of instruction. The person undertaking the study and research (for example, the school student) must be the person doing the copying for it to be considered a **“**[**fair dealing**](https://smartcopying.edu.au/glossary/fair-dealing/)**”.**

A student/teacher may [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) parts, and in some cases the whole, of a:

* [literary](https://smartcopying.edu.au/glossary/literary-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/), [musical](https://smartcopying.edu.au/glossary/musical-works/) or [artistic work](https://smartcopying.edu.au/glossary/artistic-works/)
* radio or television [broadcast](https://smartcopying.edu.au/glossary/broadcast/)
* [film](https://smartcopying.edu.au/glossary/film/), video /DVD
* [sound recording](https://smartcopying.edu.au/glossary/sound-recordings/)
* multimedia product
* computer program and
* database,

for free for the purposes of research or study. Teachers/students are allowed to [copy](https://smartcopying.edu.au/glossary/copy/) as a [fair dealing](https://smartcopying.edu.au/glossary/fair-dealing/) for research or study:

* a ‘reasonable portion’ of a [published edition](https://smartcopying.edu.au/glossary/published-editions/) of a [literary](https://smartcopying.edu.au/glossary/literary-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/) or [musical work,](https://smartcopying.edu.au/glossary/musical-works/)
* whole or part of an article in a periodical or
* more than one article in a periodical if you are [copying](https://smartcopying.edu.au/glossary/copy/) it for different research or a different course of study.

Teachers/students may [copy](https://smartcopying.edu.au/glossary/copy/) or [communicate](https://smartcopying.edu.au/glossary/communicate/) more than a reasonable portion of a [literary](https://smartcopying.edu.au/glossary/literary-works/), [musical](https://smartcopying.edu.au/glossary/musical-works/) or [dramatic work](https://smartcopying.edu.au/glossary/dramatic-works/) or more than one article for the same research if this is fair.

You can decide if your [copying](https://smartcopying.edu.au/glossary/copy/) or [communication](https://smartcopying.edu.au/glossary/communicate/) is fair by considering the following factors:

* the purpose and character of the dealing
* the nature of the [work](https://smartcopying.edu.au/glossary/works/)
* the possibility of obtaining the [work](https://smartcopying.edu.au/glossary/works/) within a [reasonable time](https://smartcopying.edu.au/glossary/reasonable-time/) at an [ordinary commercial price](https://smartcopying.edu.au/glossary/ordinary-commercial-price/)
* the effect of the dealing upon the potential market for, or value of the [work](https://smartcopying.edu.au/glossary/works/) or
* in the case where only the part of the [work](https://smartcopying.edu.au/glossary/works/) is [copied](https://smartcopying.edu.au/glossary/copy/) – the amount and substantiality of the part [copied](https://smartcopying.edu.au/glossary/copy/) in relation to the whole [work](https://smartcopying.edu.au/glossary/works/).

Teachers may not use [fair dealing](https://smartcopying.edu.au/glossary/fair-dealing/) to make multiple copies of material for their students’ research or study. This is covered by the [Statutory Licence](https://smartcopying.edu.au/glossary/statutory-licences/) schemes.

**Criticism or review**

A student/teacher may [copy](https://smartcopying.edu.au/glossary/copy/) or [communicate](https://smartcopying.edu.au/glossary/communicate/) parts of a [literary](https://smartcopying.edu.au/glossary/literary-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/), [musical](https://smartcopying.edu.au/glossary/musical-works/) and [artistic work](https://smartcopying.edu.au/glossary/artistic-works/) for the purpose of criticism and review (eg where a student or teacher is reviewing a book, CD or [film](https://smartcopying.edu.au/glossary/film/) for a student newspaper, teacher’s journal or a website).

Sufficient acknowledgment must be made of the source material, the copyright owner, the [autho](https://smartcopying.edu.au/glossary/author/)r (if different) and the title of the [work](https://smartcopying.edu.au/glossary/works/) being [copied](https://smartcopying.edu.au/glossary/copy/) (if different from the copyright owner).

The same exception applies for [audio-visual](https://smartcopying.edu.au/glossary/audio-visual/) material ([sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/), [films](https://smartcopying.edu.au/glossary/film/) and [broadcasts](https://smartcopying.edu.au/glossary/broadcast/)).

**Reporting the news**

A student/teacher may [copy](https://smartcopying.edu.au/glossary/copy/) or [communicate](https://smartcopying.edu.au/glossary/communicate/) parts of a [literary](https://smartcopying.edu.au/glossary/literary-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/), [musical](https://smartcopying.edu.au/glossary/musical-works/) and [artistic work](https://smartcopying.edu.au/glossary/artistic-works/) for the purpose of reporting news that appears in the print, radio or television media.

Sufficient acknowledgment must be made of the copyright owner and the [author](https://smartcopying.edu.au/glossary/author/) of the [work](https://smartcopying.edu.au/glossary/works/).

The same exception applies for the use of [audio-visual](https://smartcopying.edu.au/glossary/audio-visual/) material ([sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/), [films](https://smartcopying.edu.au/glossary/film/) and [broadcasts](https://smartcopying.edu.au/glossary/broadcast/)) featured in the news.

**Parody or satire**

A student/teacher may [copy](https://smartcopying.edu.au/glossary/copy/) or [communicate](https://smartcopying.edu.au/glossary/communicate/) parts of a [work](https://smartcopying.edu.au/glossary/works/) or [audio-visual](https://smartcopying.edu.au/glossary/audio-visual/) material for the purposes of [parody](https://smartcopying.edu.au/glossary/parody/) or [satire](https://smartcopying.edu.au/glossary/satire/).

[Parody](https://smartcopying.edu.au/glossary/parody/) is defined as a humorous or satirical imitation of a serious [work](https://smartcopying.edu.au/glossary/works/), a caricature, or a poor imitation of something designed to ridicule it (eg a ‘take off’).

[Satire](https://smartcopying.edu.au/glossary/satire/) means the use of irony, sarcasm or ridicule in exposing vice or folly.

An example of [parody](https://smartcopying.edu.au/glossary/parody/) might be students re-working a television advertisement to ridicule it.

An example of [satire](https://smartcopying.edu.au/glossary/satire/) might be students using part of a television advertisement in a PowerPoint presentation to make a satirical point about an issue related to the advertisement (eg using a fast food commercial to make a satirical point about childhood obesity levels).

**Flexible dealing**

The [flexible dealing](https://smartcopying.edu.au/flexible-dealing/) exception allows teachers to use copyright material in limited circumstances for the purposes of [educational instruction](https://smartcopying.edu.au/glossary/educational-instruction/). Teachers are not allowed to use this exception if another exception or [statutory licence](https://smartcopying.edu.au/educational-licences/) applies (eg if the teacher is already allowed to make a copy of a [text](https://smartcopying.edu.au/glossary/text/) or [artistic work](https://smartcopying.edu.au/glossary/artistic-works/) under the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/glossary/statutory-text-and-artistic-works-licence/)).

For further information, see [Flexible Dealing](https://smartcopying.edu.au/flexible-dealing/).

**Disability Access Exceptions**

The Copyright Act contains two non-remunerable disability copying exceptions:

(i)                use of copyright material by organisations assisting persons with a disability and

(ii)               fair dealing for the purpose of assisting persons with a disability.

Both of these exceptions can be used by schools and TAFE to assist students with a disability, but the circumstances in which they apply differ.

For further information, see [Disability Access Exceptions](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/disability-access-exceptions/).

**Library copying**

There are a number of copying exceptions that apply to copying by libraries. These include making:

(i)               copies of content for the purpose of preserving the content

(ii)              copies of content for the purpose of research carried out by the library

(iii)             supplying copies of content at the request of a student for that student’s research and study and

(iv)             copies of content at the request of another library.

For further information, see [Library Copying](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/library-copying/).

**Educational exceptions**

There are a number of exceptions where no payment is required for educational use of copyright material:

**Performing copyright works and playing films and sound recordings in class**

Students/teachers can read or perform a [literary](https://smartcopying.edu.au/glossary/literary-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/) or [musical work](https://smartcopying.edu.au/glossary/musical-works/) and play [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) and [films](https://smartcopying.edu.au/glossary/film/) in class, where it is done:

* in the course of education and is not for profit and
* the people in the audience or class are giving or receiving instruction or are directly connected with the place where instruction is given.

The class may be a ‘virtual’ class, where class content is delivered (eg using virtual classroom software or Zoom) to students who are learning remotely.

This does not include performances to parents, school excursions or for fundraising activities.

**Communication of copyright works, films and sound recordings to a class**

Schools/TAFE institutes can now [communicate](https://smartcopying.edu.au/glossary/communicate/) all [works](https://smartcopying.edu.au/glossary/works/) and [audio-visual](https://smartcopying.edu.au/glossary/audio-visual/) material to classrooms to enable classroom performance using new technologies.

Some of the things you are allowed to do are to:

* use an electronic delivery system to transmit a television program or film from a central DVD player in the library to a monitor in the classroom
* use virtual classroom software to show copyright materials, such as [films](https://smartcopying.edu.au/glossary/film/), to external students
* recite a poem to students in a virtual class over Skype, Google Hangouts or other online communication platforms
* play a [film](https://smartcopying.edu.au/glossary/film/) from a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) (eg ClickView) in class
* make a [film](https://smartcopying.edu.au/glossary/film/) available via a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) for access by distance education students for the purpose of a particular class and
* display or project material to a class, such as a poem, on an electronic whiteboard, flat panel or data projector.

This exception does not cover placing content onto [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) unless it is for the purpose of showing that material in class. We recommend that such material is removed at the end of the lesson or not longer than 14 days after the classroom use.

**Copying by hand**

A teacher or student may [copy](https://smartcopying.edu.au/glossary/copy/) an [artistic](https://smartcopying.edu.au/glossary/artistic-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/), [musical](https://smartcopying.edu.au/glossary/musical-works/) and [literary work](https://smartcopying.edu.au/glossary/literary-works/) by hand for instructional purposes or use in the classroom. This exception applies to copying a [work](https://smartcopying.edu.au/glossary/works/) onto a:

* piece of paper
* white board
* blackboard or
* overhead transparency.

There are no limits on how much may be [copied](https://smartcopying.edu.au/glossary/copy/), adapted, translated or arranged by hand.

Examples of [works](https://smartcopying.edu.au/glossary/works/) copied by hand include:

* diagrams or plans
* poems or
* musical notation and lyrics.

**Copying for exams**

Schools and TAFE institutes may [copy](https://smartcopying.edu.au/glossary/copy/) any kind of copyright material including [artistic](https://smartcopying.edu.au/glossary/artistic-works/), [dramatic](https://smartcopying.edu.au/glossary/dramatic-works/), [musical](https://smartcopying.edu.au/glossary/musical-works/), [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/), [broadcasts](https://smartcopying.edu.au/glossary/broadcast/), [film](https://smartcopying.edu.au/glossary/film/) or [literary works](https://smartcopying.edu.au/glossary/literary-works/) in exam papers for free and do not need to seek the copyright owner’s permission. This includes exams and assessments conducted online. It does not apply to practice [exams](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/copying-for-exams/).

**Playing sound recordings in public**

Schools are permitted to play [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) in public. For independent and Catholic schools, this is under s 106 of the Copyright Act. For government schools, it is under an interim licence from [PPCA](https://smartcopying.edu.au/glossary/ppca-phonographic-performance-company-of-australia-limited/), which is in effect until 31 December 2020.

**Other exceptions**

There are other exceptions where no payment is required for educational use of copyright material:

**Artistic works**

There are special exceptions in relation to [artistic works](https://smartcopying.edu.au/glossary/artistic-works/).

**a.**[**Works**](https://smartcopying.edu.au/glossary/works/)**in public places**

Copyright in a sculpture, craft work or building (and models of buildings) displayed permanently outdoors or in a place or building open to the public is not infringed by students or staff making a painting or photograph of it.

**b.       Incidental use on television**

The use of an artwork in the background of a [film](https://smartcopying.edu.au/glossary/film/) or television program filmed by students and staff will not infringe copyright in the artwork, provided the use is incidental and does not form part of the main action being presented.

**Computer Programs**

Schools and TAFE institutes may make back-up [copies](https://smartcopying.edu.au/glossary/copy/) of computer programs.