**Library Copying**

There are a number of copyright exceptions that apply to copying undertaken by TAFE and school libraries. This guide explains when each of these exceptions applies.

**Making copies of content held by a TAFE or school library for the purpose of preserving the content: the preservation copying exception**

Library staff can copy content in order to preserve their collection under section 113H of the Copyright Act. This applies to all copyright material (eg text and artistic works, sound recordings and films). They can make a physical copy, email it to others and back it up on cloud services as long as this is for preservation purposes. This exception will not apply if the library had another purpose for making the copy, such as creating an electronic copy to make available to students undertaking the course.

You will only need to purchase a new copy of the material if it is commercially available in the preservation format you need. For example, if you need a preservation copy of a book in digital format, and the book is available to purchase in digital form, you will need to buy the book and cannot rely on s 113H to make a preservation copy.

Once a preservation copy has been made for the relevant purpose, the library can rely on this provision to allow users of the library to:

* access the copyright material in electronic form in the library
* loan the preservation copies out

provided reasonable steps are taken to ensure the person who accesses the copy does not infringe copyright. The Copyright Act does not provide specific guidance on what constitutes ‘reasonable steps’ to ensure a person who access the material does not infringe copyright. However, one way to do this is to include a notice next to any photocopiers at the library or any [hardcopy](https://smartcopying.edu.au/glossary/hardcopy/)books, and in the case of digital material, a notice next to (or on the screen of) any computers at the library as well as on the cover of the actual DVD or USB or onscreen when someone loads the DVD or USB.

See [here](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/library-fair-dealing-and-copying-notice/) for some examples of copyright warning notices you can use or adapt to suit your purposes.

**Making copies of content held by a TAFE/school library for the purpose of research carried out at the library: the library research exception**

The library research exception in s 113J of the Copyright Act permits TAFE/school libraries to make copies of copyright material that they already hold in their collections for the purpose of research carried out at the library, provided that the library takes reasonable steps to ensure that the person who accesses the copy does not infringe copyright.

An example of this would be making a digital copy of a book that the library holds in its collection in order to enable staff or students to access the copy (eg via a terminal at the library) for their own research purposes. This exception applies to all copyright material (eg [text](https://smartcopying.edu.au/glossary/text/) and [artistic works](https://smartcopying.edu.au/glossary/artistic-works/), [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/) and [films](https://smartcopying.edu.au/glossary/film/)).

There is no requirement to include any notice on copies made under this exception.

**Making and supplying copies of content held by a TAFE or school library at the request of a student for that student’s research or study: the copying for users exception**

The copying for users exception in s 49 of the Copyright Act permits TAFE and school libraries to make a copy of a [text](https://smartcopying.edu.au/glossary/text/) or [artistic work](https://smartcopying.edu.au/glossary/artistic-works/) at the request of a user (whether a teacher or a student) for that person’s own research or study. The request must generally be in writing and must contain a declaration from the person requesting the copy that it is only for research or study and not for any other purpose, and that the person has not been previously supplied with a copy of the same work by the library.

This exception does not apply to [audio-visual](https://smartcopying.edu.au/glossary/audio-visual/) material or [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/).

The following copying limits apply:

* periodical publications – one article, or two or more articles from the same issue if the articles are for the same research or course of study
* works in [hardcopy](https://smartcopying.edu.au/glossary/hardcopy/) form, other than an article in a periodical publication – 10% or one chapter, whichever is the greater
* works in electronic form – 10% of the words in the work .

If more than this is required, the teacher-librarian must first be satisfied that the work to be copied is not available for purchase, new, as a separate publication, at an ordinary commercial price within a [reasonable time.](https://smartcopying.edu.au/glossary/reasonable-time/)

Copies made under this exception must contain a notice stating that the copy was made by the TAFE or school library, and the date on which the copy was made.

If the copy has been made by scanning from a [hardcopy](https://smartcopying.edu.au/glossary/hardcopy/) in the library’s collection, the electronic copy that is made must be destroyed as soon as practicable after it has been sent to the person requesting it.

If a copying charge is made, the cost must not exceed the cost to the library of making and supplying the copy.

**Making copies of content held by a TAFE or school library at the request of another library: the interlibrary loan exception**

The interlibrary loan exception in s 50 of the Copyright Act permits a TAFE or school library to make a copy of a [text](https://smartcopying.edu.au/glossary/text/) or [artistic work](https://smartcopying.edu.au/glossary/artistic-works/) for either a user of another library, or to be included in another library’s collection. Where a TAFE or school library requests a copy of material from another library under this exception, it must complete an interlibrary request form in the required form. You can obtain a sample request and copying form [here.](https://smartcopying.edu.au/wp-content/uploads/2020/06/interlibrary-request-form.doc)

This exception does not apply to [audio-visua](https://smartcopying.edu.au/glossary/audio-visual/)l material or [sound recordings](https://smartcopying.edu.au/glossary/sound-recordings/).

The copying limits are the same as those set out above in relation to the copying for users exception in s 49.

Copies made under the interlibrary loan exception must contain a notice stating that the copy was made by the TAFE or school library, and the date on which the copy was made.

If the copy has been made by scanning from a [hardcopy](https://smartcopying.edu.au/glossary/hardcopy/) in the library’s collection, the electronic copy that is made must be destroyed as soon as practicable after it has been sent to the person requesting it.

If a copying charge is made, the cost must not exceed the cost to the library of making and supplying the copy.

All records of copying should be kept for four years. Three separate files are recommended, namely:

* requests made
* requests pending
* copies supplied.

All the forms that relate to interlibrary loans must be filed chronologically by the date of declaration.

**Using copyright material for administration purposes**

The administration copying exception in s 113K allows libraries to use copyright material directly related to the care or control of their collection. This section covers all materials including online and electronic materials.

Some examples of copying for administration purposes include:

* to train library staff in preservation copying and the restoration of old or damaged materials
* for library reporting requirements
* including ‘snippets’ of information from the back of books or websites that provide a brief description of the material to be included in a library catalogue
* using thumbnails of the cover of a book to include in a library’s online catalogue.

**Making copies for use in class**

The library copying provisions discussed above cannot be used when the purpose of the [copying](https://smartcopying.edu.au/glossary/copy/) is to make copies for use in class.

TAFE and school libraries can rely on the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/) to copy an entire work and make this available to students if the work is out of print and cannot be purchased in electronic form in a reasonable time for an [ordinary commercial price](https://smartcopying.edu.au/glossary/ordinary-commercial-price/).

**Copying and communicating content in reliance on the flexible dealing exception in s 200AB**

The flexible dealing exception in s 200AB of the Copyright Act also contains a library copying provision that can be relied on by TAFE and school libraries for copying in very limited circumstances. Note that the library copying flexible dealing exception is contained in s200AB(2), and is a separate provision to the educational flexible dealing exception contained in s 200AB(3), which can be relied on when the TAFE or school is making copies for the purpose of “giving [educational instruction](https://smartcopying.edu.au/glossary/educational-instruction/)”.

You can only rely on the library copying flexible dealing exception if none of the exceptions discussed above (or any other exception) apply. There are likely to be few circumstances in which the library copying flexible dealing exception would apply to copying by a TAFE or school library.