



COPYRIGHT

Practical Tips

how to use your photocopier & computer lawfully

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The South African Copyright Law No 98 of 1978 (as amended) gives authors and creators a "bundle" of special or exclusive rights over their original works which they create.

What works are protected under copyright?

Literary, musical and artistic works; cinemato-graphic films, sound recordings, broadcasts, programme-carrying signals, computer programs and published editions.

What are the rights of authors and creators?

They have the sole or exclusive right to authorise that their works be –

- reproduced in any manner or form;
- published;
- performed in public;
- broadcast;
- transmitted in a diffusion service; and
- adapted or translated.



Copyright provides authors and creators with an incentive to create new works and to benefit financially from them.

How long are works protected by copyright?

Subject to exceptions (depending on the category of the work), the term of copyright protection is the lifetime of the author/creator plus 50 years from the end of the year in which the author dies. Publishers also have copyright of published editions for 50 years from the end of the year in which the edition was first published. When this period has expired, the works go into the public domain, which means that they can be used and reproduced freely.

May users of information use and reproduce copyrighted works?

Yes, the Copyright Law has some "limitations and exceptions" to the exclusive rights of the author.

Section 12 of the Copyright Act allows "Fair Dealing". This means that anyone may make a copy of a reasonable portion of a work (with proper acknowledgement), for the following purposes, without having to apply for copyright permission:

- for research or private study;
- for personal or private use;
- for criticism or review; and
- for reporting current events (such as in a newspaper or broadcast).

Reproduction is also permitted when using the work for judicial proceedings or for a report of such proceedings, and for quotation ("by way of illustration") for teaching purposes, such as placing an extract of a work on an overhead

projector or in a PowerPoint presentation, to highlight aspects of a lecture or training session.

Can educators/learners copy for teaching or educational purposes?

Yes, in terms of Section 13 (Copyright Regulations), an educator may give a limited number of separate handouts to learners in a classroom situation without having to get permission. The copies, however, may not be included in compilations (e.g. study packs or course packs) or handed out with other copyrighted material. There are also a lot of publications and digital works that allow reproduction for non-commercial or educational purposes. You would need to check the copyright notices inside the printed publications or read the copyright notices on websites. There is a great deal of free material on the Internet, but not all material on the Internet is free. Remember that even if material is free, proper acknowledgement must always be given. A lot of the material on the Internet or on electronic databases is subject to a license. You can only copy for library or educational purposes, if the license permits these activities.

Without first obtaining copyright permission, you would be infringing the Copyright Law if you were to –

- copy a whole book or journal, or major portion of a book or journal (including an out-of-print book - this is only permitted in very exceptional circumstances);
- copy sheet music, commercial audiotapes, videos, CDs, DVDs, films or other original works;
- translate, adapt, modify or convert material into alternative formats (even for persons with sensory disabilities);
- make copies, beyond the amounts permitted in under Fair Dealing (Section 12) and the Copyright Regulations (Section 13);
- scan, digitise or place material on the Internet, where permission is specifically required;
- download multiple copies of material from electronic databases or the Internet, where permission is specifically required;
- play music or perform a musical for a public audience;
- perform a play or drama;
- show a video, film or DVD to a public audience, if not specifically allowed for educational purposes;
- create, replace or substitute anthologies, compilations or collective works;
- make copies of, or from, works intended to be ephemeral, including workbooks, exercises, standardised tests, test booklets and answer sheets, or similar ephemeral material;
- make copies to substitute for the purchase of books, publishers' reprints or periodicals;
- leave copies of copyrighted works for learners to copy from; and
- make a backup copy of a computer program or an authorised copy, other than for personal or private purposes.

Practical Tips

May a librarian make copies for teachers or library users?

Yes, a librarian may make a single copy of a reasonable portion of a work for a teacher or other library user, as long as it is for research or private use. A librarian may also obtain a "fair dealing" copy for a teacher or library user via interlibrary loans. However, they may not make multiple copies for a teacher or other library users.

May librarians make copies for preservation purposes?

Section 3 (d) and (e) of the Copyright Act has limited provisions for preservation and for replacement of a copy if the work is damaged or lost. Unfortunately, libraries cannot digitise material for preservation purposes, without getting permission from the rights-owners first.

How does infringement affect the author or creator?

If their works are copied, their works are not purchased, so they lose out on sales. This has a direct impact on their income. Prices of publications and other works increase as a result. It discourages them from creating new works if there is no income for them.

What copyright notice does a library need to display near photocopiers?

The Copyright Act prescribes that the following notice must be displayed at the place where orders for copies are

accepted by libraries and near unsupervised photocopiers. It must be incorporated in all forms supplied by libraries and used by their users, for ordering copies. It must be printed on heavy paper or other durable material and typed in at least 18 points in size.

Copyright Notice

The Copyright Act, 1978, governs the making of photocopies or other reproductions of copyrighted material. Under the provisions of the Act libraries and archive depots are authorised to supply photocopies or other reproductions. One of these provisions is that the photocopy or reproduction is not to be used for any purposes other than private study or personal or private use.

If a user makes a request for, or later uses, a photocopy or reproduction for purposes not permitted by the Act, that user may be liable for copyright infringement. This institution reserves the right to refuse to accept a copying order if, in its opinion, fulfilment of the order might involve violation of the Act.

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