
Copyright

Copyright and the Internet

Key points

- Material on the Internet and in emails may be protected by copyright.
- In many cases, permission to download material is given on the site itself. But the fact that material may be viewed on the next, does not by itself mean you can use it as you wish.
- Do not assume that everything you see on the Net was put there with the permission of the copyright owners. If the site is not in the position to give permission on behalf of the copyright owner, you will infringe copyright it, for example, if you download it or copy it.

The Berne Convention

As a result of international treaties such as the Berne Convention, most foreign copyright owners are also protected in Australia, and Australian copyright owners are also protected in most other countries.

How might you infringe copyright?

Copyright owners have a number of rights, including the right to control the **reproduction** of their material and the right to control the **communication** of that material **to the public**.

Generally you infringe copyright if you use copyright material in one of the ways that the copyright owner controls, without permission, in circumstances where no exception applies. Some examples of how you may infringe copyright are:

- print material from a website or bulletin board with express or implied permission;
- upload or download a pirated version of a movie (that is, a movie posted to the Net or made available by P2P (Peer-to-Peer) software, or over P2P networks without permission;
- save material from a website or bulletin board onto your hard drive without express or implied permission;
- download pirated copies of a song or software; or
- email material from a website or bulletin board to other people without express or implied permission.

Isn't everything on the Net in the "public domain"?

The term "public domain" is used in different ways:

- for material in which all copyright has expired; and
- for material, such as software, where the copyright owner gives very-broad permission for people to use it.

The fact that something is on the Net does not mean that it is "copyright-free" or in the "public domain" in either of these senses.

Printing and downloading from the Internet

You should not assume that you are entitled to print or download everything you can access over the Internet. You should check to see if there is a statement about copyright on the web site.

Copyright

Printing small parts of a work available on the Net

Copying part of a work may infringe copyright if the part is deemed to be a “substantial part”. In this context, a “substantial part”, does not necessarily mean a large part: it may mean any part that is important, distinctive or essential.

Can I use information from the Net?

You can use the information you find on the Net just as you use information you find in the books and the print resources in the library. You do not infringe copyright if you express it in your own way (for example, by using your own words or diagram) the information or ideas you have found on the Net. You may infringe copyright if you copy all or an important part of some else’s expression or words.

Remember also to always give credit where credit is due. Appropriate citation and reference lists should be constructed for all the information you refer to in your research work. Acknowledging sources applies equally to material and information from the Net as it does from other sources, such as, books and magazines.

Can I use articles or images I have downloaded from the Net onto the college’s Intranet?

First always check if there is a statement on the site about what you are permitted and not permitted to do. If there is no statement permitting you to put material on an intranet, you will generally need to get permission of the owner of the copyright to do so. You can do this by sending an email to the general email address on the website, or to the web master.

Can I download files from the Internet?

If a copyright owner has given permission, you may download a file from an authorised website or by using P2P software. For example many major record companies offer music downloads through their sites or via one of their partners such as iTunes. Some TV stations now also broadcast online.

However, just by locating a file on a file-sharing network through P2P software does not mean you can copy it, even for personal use. Even those sites that say copying software over their networks is legal, this is not the case and permission must still be sort from the copyright owner.

Can I copy material from the Net for an assignment?

Generally you are able to print and/or save material to a disk if:

- it is for research and study; and
- the copying is “fair” (eg you do not interfere with the legitimate market for an item).

Sources:

Internet: copying & downloading. Australian Copyright Council, Information Sheet G056v06, February 2008.
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