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**SCHOOLS**

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**Protocol for the Processing of Website  
Copyright Notices**

# **PROTOCOL FOR THE PROCESSING OF WEBSITE COPYRIGHT NOTICES**

## **BACKGROUND**

CAL and CAG have agreed that an examination will be made of the copyright notice on each website identified in the schools EUS as having been copied and/or communicated by schools.

As part of this examination CAL's researchers will classify a website's copyright notice according to one of the following classifications:

- 1 Personal use
- 2 Non commercial use
- 3 Use in your organisation
- 4 Free copying
- 5 Free for education
- 6 No terms and conditions but contains a © statement
- 7 No terms and conditions
- 8 Copying not permitted
- 9 Reference to the Australian Copyright Act/Educational Statutory Licence
- 10 Password protected

On a without prejudice basis, CAL and CAG have agreed that items 1, 6, 7, 8, and 9, will be processed for volume estimates. Items 2, 3, 4, and 5 will be excluded and will not form part of the volume estimation.

Item 10, which is the "Password Protected" category, will only be included for volume estimation if the website copied has not appeared on the relevant school's Register of Licences. It should be noted that according to the agreed EUS data processing protocol, any websites classified as "Password protected" where no licence has been recorded on the school's Register of Licences are to be referred back to AMR to check with the school before inclusion in the dataset for volume purposes.

## **HIERARCHY**

A website's copyright notice may contain a combination of the above classifications.

Items 6 to 10 are normally exclusive classifications. However items 1 to 5 may involve a combination of classifications.

CAL will only however make a single classification when researching the records. The hierarchy/priority scheme of classifications adopted by CAL is as follows:

- 1) Categories 2-5 will take priority with Category 4 taking precedence, followed by 5, 2 and finally 3.
- 2) Category 1,6-9 (no priority given)

Where a record is assigned a 2-5 category the record is flagged and excluded.

This "stop-at-the-first-category-identified" approach means that the absolute (real) values can only be reported for category 4 (Free Copying). For example, a website may be 'Free for Education' and also 'Free Copying' but it will only be reported as 'Free Copying'. This hierarchy approach does not affect the overall 'exclusion' rate.

## **LOCATION OF A WEBSITE'S COPYRIGHT NOTICE**

A website's copyright notice (or terms and conditions of the site) can often be found as a link on a website's homepage. However the researcher should also examine the copied pages, the original site taking note of licence conditions that may be page or site specific (See Annexure "I"), Creative

Commons and other licences resident on the site should also be examined when determining a website's classification.

Some suggested terms that may be used by a researcher to locate a website's copyright notice includes: copyright, terms, conditions, the © symbol, legal etc.

## CLASSIFICATION CODES IN DETAIL

The following information is provided to assist researchers in applying the correct classification to a website.

### 1. Personal Use (included)

A work appearing on a website that has a copyright notice containing one of the following phrases will be classified as "Personal Use":

- personal use
- private or individual use
- personal reference only
- personal **AND** *[emphasis added]* non commercial use
- personal, *[emphasis added]* non commercial use

Please note that if the website contains the words: "personal OR non-commercial use" then the website will be classified as "non-commercial use".

See Annexure "A" for some examples.

### 2. Non commercial use (excluded)

A work appearing on a website that has a copyright notice containing one of the following phrases will be classified as "Non commercial use":

- non commercial use
- personal **OR** *[emphasis added]* non commercial use
- Creative Commons licenses with a non-commercial aspect. The following Creative Commons licenses are examples:



Attribution-Noncommercial



Attribution-Noncommercial-ShareAlike



Attribution-Noncommercial-NoDerivatives

See Annexure "B" for some examples.

Sometimes a website's notice may not specifically use the term "non commercial use" but rather will state it in the reverse. For example, a website may say that it cannot be used for commercial purposes.

Note – This category will be overruled by the following terms and conditions "Free Copying" or "Free for Education".

### 3. Use in your organisation (excluded)

A work appearing on a website that has a copyright notice containing one of the following phrases will be classified as “Use in your organisation”:

- use in your organisation
- your personal, non-commercial **OR** *[emphasis added]* use within your organisation
- the ASharenet licence ‘End-User Licence’. The following branding accompanies this licence:



See Annexure “C” for some examples.

Note – This category will be overruled by the following terms and conditions “Free Copying”, “Free for Education” or “Non-commercial Use”

### 4. Free copying (excluded)

A work appearing on a website that has a copyright notice containing one of the following phrases will be classified as “Free copying”:

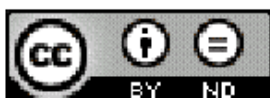
- free copying
- public domain
- free use
- copyleft
- Creative Commons licenses with a ‘free copying’ element. Examples include:



Attribution



Attribution-ShareAlike



Attribution-NoDerivatives

- the ASharenet licences ‘Unlocked Content’, ‘Share and Return’ and ‘Preserve Integrity’. The following branding accompanies those licences:



See Annexure “D” for some examples

### **5. Free for education (excluded)**

A work appearing on a website that has a copyright notice containing one of the following phrases is considered “Free for education”:

- free for education
- \*NEALS
- the AESharenet licence ‘Free for Education’. The following branding accompanies this licence:



\*NB: Works which CAL has been advised to exclude under the NEALS licence are excluded at the point of entry. However, if researchers discover a NEALS work which has not been excluded at the point of entry, they will take the record to the database team leader for registration. The record will not be processed under this classification system. For an example of the NEALS logo, please refer to Annexure “J”.

See Annexure “E” for some examples.

### **6. No terms and conditions but contains a © symbol (included)**

This is classification used where no terms and conditions are found on the site, but the site includes a © symbol. Any records tagged with this should be double checked by the researcher to make sure they have not missed a websites terms and conditions.

### **7. No terms and conditions (included)**

This is the classification used when there are no terms, conditions or any sign of a © symbol on a website. Again any records tagged with this should be double checked by the researcher to make sure they have not missed a websites terms and conditions.

### **8. Copying not permitted (included)**

A work on a website will be classified as copying not permitted if it contains a statement detailing that the work is not to be reproduced without permission. This includes the statement “© All Rights Reserved” in the absence of any of the other exclusionary terms.

See Annexure “F” for some examples.

### **9. Reference to the Australian Copyright Act/Educational Statutory Licence (included)**

This classification is used when a website’s copyright notice either explicitly sets out that Australian educational institutions may copy under Part VB of the Act, educational statutory licence or alternatively the copyright notice refers to the Australian Copyright Act.

Note – This category will be overruled if the notice simply refers to the Australian Copyright Act, but then proceeds to list one of the following terms and conditions ‘Non-commercial Use’, ‘Use in Your Organisation’, ‘Free Copying’ or ‘Free for Education.’ ‘Personal Use’ will not override this category.

See Annexure “G” for some examples.

### **10. Password protected (included)**

This classification is used when access to the copied material was blocked by a password request. In all instances the research is to refer this record to the team leader. The team leader will at the appropriate time, check the relevant school’s Register of Licences. If the material copied is not contained on the schools Register of Licences the copying instance is to be referred to AMR for validation with the

school. If the material is not licensed, any site under this type of classification will be subject to the relevant terms and conditions for use of that site.

See Annexure “H” for some examples

### **Direct Licences**

#### Corporate ASharenet Licences

Any websites with an AESHARENET **Corporate** licence are to be reported to the team leader. The team leader will collate all of these instances and give them to the Processing Manager who will table them at the next Processing Committee meeting.

## ANNEXURE A EXAMPLES OF PERSONAL USE WEBSITES

### EXAMPLE 1

**Source:** <http://www.fairfax.com.au/conditions.ac;jsessionid=a1VC3nznfnGT8>

**Licence:**

The material provided on Fairfax Digital is copyright protected. You may use this material for your own personal reference only. Except for the temporary copy held in the computer's cache and a single permanent copy for your personal reference, the material may not otherwise be used, copied, reproduced, published, stored in a retrieval system, altered or transmitted in any form or by any means in whole or part (except where such use constitutes fair dealing under the Copyright Act) without the prior written approval of Fairfax Digital or the appropriate supplier or licensor of Fairfax Digital.

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### EXAMPLE 2

**Source:** <http://www.whereis.com/products/terms-of-use/>

**Licence:**

*Copyright*

Copyright in the site and the digital map data presented in this Whereis® OnLine site is jointly owned by Telstra Corporation Limited, Universal Press PTY Ltd and others. This website incorporates data which is © Commonwealth of Australia (Geoscience Australia ) 2007.

This website and the data contained in it are supplied solely for informational use. Apart from any fair dealing for the purpose of private study, research, criticism or review, as permitted under the Copyright Act 1968, no part of this website may be reproduced or re-used for any purpose whatsoever without the written permission of Sensis. However, users may download individual maps for their own private use in the course of the normal use of this site for information and locational purposes. Users must not, whether through the use of additional software or otherwise, data mine or conduct automated searches on this site or the data contained in it.

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### EXAMPLE 3

**Source:** <http://www.sparknotes.com/legal>

**Licence:**

H. Ownership Rights.

The materials provided on the Service may be downloaded or reprinted for personal use only. You acknowledge that the Service contains information, software, photos, video, graphics, music, sounds or other material (collectively, "Content") that are protected by copyrights, trademarks, trade secrets or other proprietary rights, and that these rights are valid and protected in all forms, media and technologies existing now or hereafter developed. All Content is copyrighted as a collective work under the U.S. copyright laws, and SparkNotes owns a copyright in the selection, coordination, arrangement and enhancement of such Content. You may not modify, publish, transmit, participate in the transfer or sale, create derivative works, or in any way exploit, any of the Content, in whole or in part. You may not upload, post, reproduce or distribute Content protected by copyright, or other proprietary right, without obtaining permission of the owner of the copyright or other proprietary right. SparkNotes, SparkNotes.com and its logos are trademarks of SparkNotes. Other products, brands, company names and the like are trademarks of their respective owners.

## ANNEXURE B

### EXAMPLES OF NON COMMERCIAL USE WEBSITES

#### EXAMPLE 1

**Source:** <http://www.icee.org/disclaimer/index.asp>

**Licence:**

This site contains copyrighted material. This material may be copied, provided that textual and graphical content are not altered and that the source is acknowledged. The International Centre for Eyecare Education (ICEE) reserves the right to revoke that permission at any time. Permission is not given for any commercial use or sale of this material. Copyright © International Centre for Eyecare Education.

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#### EXAMPLE 2

**Source:** <http://www.tas.gov.au/stds/codi.htm>

**Licence:**

The Tasmanian Government encourages public access to government information and provides on-line access to some government services. However, all material published on this website is protected so far as is allowed by the provisions of the Copyright Act 1968 (C'th) ("the Act").

Apart from any use permitted by the Act, the State of Tasmania grants users of this site a licence (within the meaning of the Act) to download, print and otherwise reproduce the information for non-commercial purposes only.

If it is indicated on a website that specific information may be used for commercial purposes, users are licensed to the extent so expressed and subject to the condition that the copyright owner's name and interest in the information be acknowledged when the information is reproduced or quoted, either in whole or in part.

For permission to reproduce or use information on this web site beyond this limited licence, permission must be sought from the State through the relevant Agency or instrumentality of the State, as identified on the relevant web site.

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#### EXAMPLE 3

**Source:** <http://www.bath.ac.uk/web/copyright/>

**Licence:**

All material on any of the University's Web sites is, unless specified otherwise, copyright of the University of Bath and may not be reproduced without prior permission.

You may copy, print or download onto disc material for non-commercial use provided that any existing copyright or other intellectual property notices are retained.

You may not use or distribute material from this site or change the content of these pages in any way for any public or commercial purpose other than with the express written consent of the University of Bath and on such terms as the University of Bath may specify.

The University logo is a registered trade mark of University of Bath and should not be used without permission; requests to use the logo should be sent to [web-support@bath.ac.uk](mailto:web-support@bath.ac.uk).

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**EXAMPLE 4**

**Source:** <http://www.thebricktestament.com/churches/index.html>

**Licence:**

Due to the high volume of requests from churches and other organizations, the procedure for gaining permission for use of materials from The Brick Testament for off-line, non-commercial, nonprofit purposes has been streamlined:

1. Send an email to [thebricktestament@gmail.com](mailto:thebricktestament@gmail.com) that includes your name, the name and location (city and country) of your church or other organization, and a brief description of your intended use of Brick Testament materials. Although Rev. Smith will read this e-mail and keep it in his files, **you will not receive a reply.**
2. Once your e-mail has been sent, you may assume you have Rev. Smith’s permission and proceed to use Brick Testament materials for your stated purposes **so long as your usage continues to be off-line, non-commercial, and nonprofit.** Below is a further explanation of those terms.

<b>Offline</b>	You do not have permission to put materials from the Brick Testament on the internet. For example, do not put images from the Brick Testament on your own website, ftp site, blog, myspace page, youtube video, etc.
<b>Noncommercial and nonprofit</b>	You do not have permission to use materials from The Brick Testament for any venture or organization that could in any way be construed as having profited from the use of those materials. For example, you may not include images from The Brick Testament in any product that is sold, nor as part of any performance that charges an admission fee, nor within an advertisement any such product, performance, or pay service of any kind.

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**EXAMPLE 4**

**Source:** <http://www.boingboing.net/>

**Licence:**

This work is licensed under a Creative Commons License permitting non-commercial sharing with attribution.

**You are free:**

- **to Share** — to copy, distribute and transmit the work
- **to Remix** — to adapt the work

**Under the following conditions:**

- **Attribution.** You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).
- **Noncommercial.** You may not use this work for commercial purposes.

## ANNEXURE C EXAMPLES OF USE IN YOUR ORGANISATION WEBSITES

### EXAMPLE 1

**Source:** <http://genome.wellcome.ac.uk/node30099.html>

**Licence:**

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- You may print copies of any item in hard copy for your personal use or for use by others within your organisation
- You may also download any item to a local hard disk provided it is for your personal use or access by others within your organisation.

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### EXAMPLE 2

**Source:** <http://www.ga.gov.au/nmd/products/purchasing/licencing.htm>

**Licence:**

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## ANNEXURE D EXAMPLES OF FREE COPYING WEBSITES

### EXAMPLE 1

**Source:** <http://en.wikipedia.org>

**Licence:**

<http://en.wikipedia.org/wiki/Wikipedia:Copyrights>

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**Source:** <http://www.mindtools.com>

**Licence:**

<http://www.mindtools.com/pages/article/worksheets/CommunicationsPlanTemplate.pdf>

Please feel free to copy this sheet for your own use and share it with friends, co-workers and team members, just as long as you don't change it in any way.

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### EXAMPLE 3

**Source:** <http://www.dltk-kids.com>

**Licence:**

<http://www.dltk-kids.com/copyright.htm>

All of the materials on my websites are intended for people to print and use for free to their heart's content. That includes daycares, schools, churches, camps, clubs, grandparents, moms, nannies, children, librarians and, yes, even dads!

Do not sell any of the materials on my websites or include any of it for sale as part of a larger package... it's intended to be free for everyone to use. (Yes, that means, no Ebay selling of it.) Do not include the material in books, magazines or television shows. You are welcome to include a reference (ie: web address) to the websites, but not the content or images.

Do not copy any of the content onto another website. I encourage everyone out there to build websites and contribute their own unique content. I'm sure we've all run into the frustrating situation where you click link after link and arrive at the same material. Take a deep breath, close your eyes and plunge into making up your own content (I know you can do it!).

You are welcome to link to any of the .htm or .html or .asp pages on my sites.

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#### EXAMPLE 4

**Source:** <http://www.teachnet.com>

**Licence:**

<http://www.teachnet.com/help/copyright/index.html>

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#### EXAMPLE 5

**Source:** <http://www.openeducation.net/>

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*Creative Commons*



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**You are free:**

- **to Share** — to copy, distribute and transmit the work
- **to Remix** — to adapt the work

**Under the following conditions:**

- **Attribution.** You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).
-

**EXAMPLE 6****Source:**

[http://www.lawlink.nsw.gov.au/Lawlink/Corporate/ll\\_corporate.nsf/pages/attorney\\_generals\\_department\\_index](http://www.lawlink.nsw.gov.au/Lawlink/Corporate/ll_corporate.nsf/pages/attorney_generals_department_index)

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- a. charge others for access to the work (other than at cost)
- b. include all or part of the work in advertising or a product for sale, or
- c. modify the work
- d. or a product for sale, or
- e. modify the work.

## ANNEXURE E

### SOME EXAMPLES OF FREE FOR EDUCATION WEBSITES

#### EXAMPLE 1

**Source:** <http://www.wildwildweather.com/terms.htm>

**Licence:**

Teachers, Schools, Not-for-Profits, et al..

Schools, Educational Institutions, Not-for-profit Organizations, and Private Groups may link to, print, and/or re-distribute material from WILDWILDWEATHER.COM without requesting prior permission. Please include a credit indicating that Dan's Wild Wild Weather Page was your source, and cite the proper URL (<http://www.wildwildweather.com>) to view the material on-line.

If you are providing a link to Dan's Wild Wild Weather Page, you may use the Dan's Wild Wild Weather Page title graphic, description and/or button located at:

[http://www.wildwildweather.com/images/dwwwp\\_button.gif](http://www.wildwildweather.com/images/dwwwp_button.gif)



#### EXAMPLE 2

**Source:** <http://www.bized.co.uk/copyright.htm>

**Licence:**

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5. Broadcast, display, perform or present the materials publicly;
6. Rent, lease or lend the materials.

7. Commercially publish or exploit the materials in any manner.
- 

### EXAMPLE 3

**Source:**

<http://www.edna.edu.au/edna/go/about/policies/terms/cache/offonce;jsessionid=D1D96FF5971BEEFEF0AAF59EA80469DF>

**Licence:**

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- b. You must not use or distribute material from this site for any public or commercial purpose.
- c. You must not breach copyright or any other intellectual property rights of education.au limited or the Commonwealth of Australia, or its licensors, by amending or adapting any material on this site, or reverse engineering any material consisting of downloadable software.

Nothing you do on or in relation to the site will transfer any copyright or other intellectual property rights to you or licence you to exercise any copyright or intellectual property rights unless this is expressly stated.

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### EXAMPLE 4

**Source:** <http://australianscreen.com.au>

**Licence:**

<http://australianscreen.com.au/about/terms/>

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  - The National Film and Sound Archive's permission must be sought to amend any information in the materials, unless otherwise stated in notices throughout the Site.
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### EXAMPLE 5

**Source:** <http://www.cancer.org.au>

**Licence:**

<http://www.cancer.org.au/Disclaimer.htm>

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- Content is used one time only, in a non-commercial educational setting (one written report, one oral report, or one day of educational display is allowed by a single nurse, GP, allied health professional teacher or student for a single presentation).
- Material can only be branded Cancer Council Australia and an acknowledgment to Cancer Council Australia must be prominently displayed.
- No fees are charged for your presentation using the content.
- Content is not altered, linked to, reused, further reproduced, or distributed.

Content is not to be reproduced for use on a web page or with any online service or application with permission of the Director, Communications.



## ANNEXURE F

### SOME EXAMPLES OF COPYING NOT PERMITTED WEBSITES

#### EXAMPLE 1

**Source:** <http://www.course.com/about/copyright.cfm>

**Licence:**

#### Copyright

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#### EXAMPLE 2

**Source:** <http://www.yale.edu/ynhti/terms.html>

**Licence:**

#### Terms of Use

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#### EXAMPLE 3

**Source:** <http://libraries.claremont.edu/copyright.asp>

**Licence:**

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#### EXAMPLE 4

**Source:** <http://jr-central.co.jp/>

**Licence:**

東海旅客鉄道株式会社

Copyright 2006 Central Japan Railway Company, No reproduction nor republication without permission

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**ANNEXURE G**  
**SOME EXAMPLES OF REFERENCES TO THE COPYRIGHT ACT**  
**(including a direct reference to STATUTORY LICENCE) WEBSITES**

**EXAMPLE 1**

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**EXAMPLE 4**

**Source:** [http://www.dpi.qld.gov.au/cps/rde/dpi/hs.xsl/77\\_ENA\\_HTML.htm](http://www.dpi.qld.gov.au/cps/rde/dpi/hs.xsl/77_ENA_HTML.htm)

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## ANNEXURE H

### SOME EXAMPLES OF PASSWORD PROTECTED WEBSITES

#### EXAMPLE 1

**Source:** <http://www.quia.com/servlets/quia.web.QuiaWebManager?tagModuleType=11700>

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**Welcome to Quia Web**

Please enter your username and password to log in.

**Username**

**Password**

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In order to use the services, you must obtain access to the World Wide Web, either directly or through devices that access Web-based content, and pay any service fees associated with such access. In addition, you must provide all equipment necessary to make such connection to the World Wide Web, including a computer and modem or other access device.

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## ANNEXURE I

### SOME EXAMPLES OF WHERE WEBSITES HAVE MULTIPLE TERMS AND CONDITIONS

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**ANNEXURE J**

