

COPYRIGHTAGENCY

SCHOOLS

Electronic Use Survey (EUS)

Data Processing Protocol

2016 (v1.0)

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Revision/Amendment History

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0.1		First Draft Version provided to Copyright Advisory Group (CAG). Key changes from 2015: Microsoft clipart no longer reported	Copyright Agency (CA)
0.2		Second Draft Version provided to Copyright Advisory Group (CAG). No changes from 2015	Copyright Agency
1.0		Minor formatting changes to agreed version – no content changes	Copyright Agency

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1. INTRODUCTION

The purpose of this Protocol is to establish a system for assessing the type and volume of copyright materials copied and communicated by schools for which license fees are payable under Part VB of the Copyright Act.

This protocol is to guide Copyright Agency in the processing of records in order to:

- a) Establish accurate estimates of usage volume of remunerable copying, while accepting that accuracy is sometimes necessarily traded off to contain cost and reduce the burden on schools;
- b) ensure impartiality of the processors without interference by any stakeholder;
- c) provide transparency concerning the processing of survey records; and
- d) establish a platform for consultation between Copyright Agency and Schools as represented by the Copyright Advisory Group (CAG) and dispute resolution.

The Protocol covers:

- a) Activities to be undertaken by the Survey Manager in relation to validation of data;
- b) The Processing of data by Copyright Agency and the management of exclusions, including exclusions on the Global licence list; and
- c) Review Processes

CONFIDENTIALITY

Copyright Agency must keep confidential all details of the Global licences and Direct Exclusions and only release them to such of Copyright Agency's employees who have a need to know.

2. SURVEY MANAGER

2.1 DATA VALIDATION AT POINT OF COLLECTION

When entering data on the EUS website whenever the number of pages and/or times copied/audience is greater than or equal to a specific volume (differs by copy type) a message pops up asking the survey participant to confirm that the entry is correct. The survey participant then has the option of continuing with the entry or amending the number of pages and/or times copied/audience.

When submitting a record the EUS website generates an error message when key information is missing (i.e. the survey participant has neglected to tick at least one of the usage activities, has not entered a genuine value greater than zero in one of the volume fields or has not entered the necessary bibliographic details such as chapter/article title, ISBN or author name. The record cannot be submitted until the necessary information has been submitted.

2.2 DATA VALIDATION AT POINT OF RECEPTION

2.2.1 Reviewing Records

Records submitted by EUS survey participants to the EUS database are monitored on a daily basis.

As records are received, each record is assigned a Status ID. All new records are declared Status ID1 'new'.

All new records are monitored within a week of their submission.

New records are checked for common errors and data completeness. These checks are:

- a) Checking that the number of pages submitted is completed
- b) Checking that the number of copies/intended audience has been completed
- c) Checking that the number of pages submitted and number of copies declared is not identical
- d) Checking that attachments and PDF documents have attached successfully
- e) Checking that metadata is not incomprehensible where there is no attachment provided

Records are declared Status ID2 'under review' if any of these issues are identified: Records that contain 40 or more pages are reviewed for confirmation that the number of pages has been completed correctly.

Records that exceed the pre-determined threshold for copies/audience are reviewed for confirmation that the number of copies/audience has been completed correctly.

At the end of each term the Survey Manager will notify Copyright Agency via email that all 'unusually large' records have been queried and confirmed resolved or confirmed unresolved (after 3 reasonable attempts).

Where one usage type has been selected and the number of pages submitted and the number of copies/intended audience are a direct match, these records are queried with the Survey Coordinator for confirmation. Experience has shown that if the number of pages and number of copies is recorded identically, it is sometimes a result of the EUS survey participant having misunderstood the survey training. On some occasions the EUS survey participant incorrectly records the total number of pages copied (i.e. the number of pages multiplied by the number of copies) rather than the number of copies in either the 'pages' field, the 'copies' field, or both. This query is not activated for 1 page * 1 copy.

If users attempt to enter a url which is one of the major search engines they will be prompted to enter the full url. If they attempt to submit a YouTube entry they will be reminded video is out of scope of the collection.

Records that have no attachment and incomprehensible metadata are reviewed. If an 'other' type record is declared and no document is attached, the survey participant is directed to fill

in metadata fields such as Author name, Publication title, etc. If these fields are completed in an obviously nonsensical manner, the record is referred back to the survey participant for clarification.

If none of the above issues are identified the records are declared Status ID3 Complete. Completed records are stripped of user name and school name identifiers and made available to Copyright Agency for data processing.

The Survey Manager is required to initiate a weekly contact with all School EUS Coordinators to monitor their attention to the system during the survey period. This weekly contact covers the areas of login compliance, reviewing records and any other issues that may have arisen during the week. Any records that have been declared Status ID2 'under review' by the Survey Manager are reported to the School EUS Coordinator as such.

If the Survey Manager experiences any problems with a school's compliance, it must inform the relevant CAG Representative, the National Copyright Unit (NCU) and Copyright Agency.

The School EUS Coordinator is then responsible for confirming the record with, or obtaining the missing information from, the EUS survey participant who originally submitted the record. This communication is commonly done via email. Amendments to records may be made by the EUS survey participant themselves, or may be made by the School EUS Coordinator or Survey Manager with the EUS survey participant's permission, on the EUS survey participant's behalf. More commonly, the School Coordinator returns the query spreadsheet to the Survey Manager, notifying of any changes. The Survey Manager checks the responses and makes any relevant changes to the data file being prepared for the processing, keeping records of changes made.

Each record that has been declared under review is listed in a table which is emailed to the School EUS Coordinator. The table provides details of each record queried, including the nature of the query and the required action to enable the School EUS Coordinator to identify the record and address the query. Below shows an example of 4 columns from the table:

User	Record ID	Nature of Enquiry	Action
Peter McLoughlin	xxx-xxx-xxx-xx	Unusually large number of pages	Please confirm the number of pages
Debbie Jones	xxx-xxx-xxx-xx	Number of pages matches number of copies declared	Confirm with user that this is what they intended

A weekly email is sent the Monday following each week. This email includes details of records that have been placed under review by the Survey Manager.

The Survey Manager is required towards the end of the week (Thursday and Friday) to call or email the School EUS Coordinator. It is advised that the Survey Manager establish a regular calling time and day with the School EUS Coordinator to ensure time efficiency. If emails are ineffective, phone calls must be made to establish contact.

The Survey Manager inquires as the status of records that were under review during this phone call or email.

The Survey Manager monitors the progress of records put under review and marks them as complete when they have been changed. If this does not occur before the next weekly email, the Survey Manager continues to follow-up outstanding issues.

Records remain under review until the School EUS Coordinator confirms them as complete, or the survey period is signed off as complete. Copyright Agency and CAG are advised of any unresolved queries.

The Survey Manager will confirm to the EUS Coordinator that the survey has been successfully completed.

2.2.2. Managing the register of licences

It is the Survey Manager's responsibility to manage the administration of the Register of Licences information from schools during the survey period.

The Register of Licences and Permissions template is sent to all schools as part of the training materials.

The deadline for completion of the register is set as 2 weeks after the beginning of the survey period. In the event that the deadline is breached by the school, each school is issued a reminder phone call or email as appropriate. Another reminder phone call follows at the end of the survey period.

If the survey period draws to a conclusion and the Register of licences has not yet been completed, the deadline breach is referred to the relevant CAG representative, NCU, and Copyright Agency.

3. PROCESSING

3.1 Role of Data Researchers

Copyright Agency employs researchers with expertise and experience in the retrieval of information as data researchers. It is the role of the data researcher to utilise various resources to:

- a) verify (records may need to be amended if incorrect);
- b) validate (no changes required); and
- c) complete (add missing information such as author, publisher full title, ISBN etc.) information provided on the survey records by the survey participants.

In performing these tasks, researchers employ their best judgment based on accepted research tools (including those set out in paragraph 1.3) to reach decisions about copied material.

Where a change is made, the Copyright Agency researcher will annotate the change in the Copyright Agency database.

The researcher is also required to identify the relevant rightsholder of the material copied. It is not always possible for researchers to retrieve comprehensive bibliographic information so as to verify rightsholders. Researchers are constrained by the quality of original data provided in the survey and the complex nature of the publishing industry. However the role of the researcher is to identify and complete the citation as far as possible in the circumstances.

- a) Where a clear readable attachment is provided, the researcher will use the content to confirm the biblio and work type information imported from the Survey Manager
- b) If a URL is provided in addition to the attachment, the researcher will attempt to open the URL to confirm if the material should be classified as Interactive Material (or not)
- c) If there is no attachment and only a URL, the researcher will open the URL and use the content to confirm the biblio and work type information to complete the research.
- d) If there is no attachment or no URL, the researcher will use only the imported data to complete the research.

To perform these tasks the researchers make use of information provided in attached survey records and utilise the most recent editions of the following:

- a) CD ROMs such as Publishers International ISBN Directory and Ulrich's Periodicals Directory;
- b) Copyright Agency's database of works and copyright owners;
 - o Copyright Agency membership files, including members' Records of Copyright Material;
 - o Previous survey and distribution data;
- c) The Internet;
 - o Online Library Catalogues, specifically Libraries Australia;
 - o Online subscription services, such as *ISSN Online*;
 - o Australian Government Directory;
 - o Directory of Australian Associations;
 - o Directory of Acronyms and Abbreviations;
 - o Telephone directories
 - o Publisher directories and catalogues;
 - o Decayed websites – www.archive.org
 - o WHO is registry
- d) Press Radio and TV Guides

The rules set out in this document must remain relevant and up to date. Amendments and adaptations may be required from time to time to reflect and respond to any new issues arising from the data collected or the survey.

3.2 DATA SORTING AND SET UP

Copyright Agency can receive at any time, records which have been verified by The Survey Manager.

The surveyed schools are entered into the Copyright Agency database with the following information:

- a) The Schools numerical Ids (as assigned by The Survey Manager)
- b) The period in which the school participated in the survey
- c) The type of school (Primary or Secondary)
- d) The school system (Government, Catholic or Independent)
- e) The state of the participating school

3.2.1 EUS Data Preparation

The data will be loaded into a secure network drive (the data store) for each time period. All the data fields received from AMR will be entered. The researcher will then research the records as per the protocol filling in/cleaning bibliographic information and allocating the records to a recipient.

Before data from the Survey Manager is imported into the Copyright Agency database, the following procedures are carried out:

- a) checking for empty fields
- b) deletion of characters not utilised by Copyright Agency
- c) field validity checks (i.e. global sense checks of the data to ensure that the data is correctly presented under the appropriate field headings)

Where there are anomalies Copyright Agency will clarify with The Survey Manager.

Once completed, a unique identifier within a survey year is generated. This is known as an Arrival Bundle.

Quality assurance checks are conducted after the import to ensure the import data reconciles with the spreadsheet entries.

Copyright Agency's database automatically labels the data according to the following categories:

- | | |
|-----|-------------------|
| 001 | Primary Schools |
| 002 | Secondary Schools |

3.2.2 Pre-exclusions

Copyright Agency's imports & analytics team will run scripts against the data spreadsheets sent by AMR to identify records that are likely exclusions, using information gathered from past exclusions and the Global Register. The methods used to identify a list of probable pre-exclusions are:

- a) They are on the CAG Global register & have been excluded as such in the past, e.g. bbc.co.uk
- b) They have a string of edu.au in the url & have been excluded in the past as NEALS
- c) URL's with a string of .gov[end] are likely to be US Federal Exclusions
- d) URL's with a string of .gov.au may be Commonwealth exclusions. More likely to be so if they've also been excluded in the past
- e) URL strings and file types that are known to be Out of Scope, e.g. clip art, YouTube and wmv files.

Records identified for possible pre-exclusion will be reviewed by the Research Coordinator, with

each domain name confirmed for pre-exclusion or not.

All records are imported into the pre-research system. The records nominated for pre-exclusion will be classified under one of the following Exclusion categories:

- a) Out of Scope
- b) Copyright Owner Notification
- c) US Federal Government
- d) Copyright Statement Non Remunerable
- e) CAG Global Register
- f) NEALS Non Remunerable

Only those records NOT marked as pre-excluded will then be imported into the research system. Thus, pre-excluded records will not have website terms & conditions (Metcalf categories) applied to them. Website records excluded based on an assumption of them containing a Non Remunerable Website Copyright Statement will be reported as "Copyright Statement Non Remunerable" only, without the additional Metcalfe category that the researched & excluded records will contain.

3.2.3 Importing of Data – Copyright Agency Database

The data from the spreadsheet pertaining to each time period will be electronically imported into the correct Arrival Bundle in the Copyright Agency database.

3.2.4 General

Should insufficient detail be included to allow identification of the relevant rightsholder, Copyright Agency will query the record with the Survey Manager (AMR) to enable the follow up of the staff member concerned.

Processing of records where the website has changed/decayed.

- a) Changed pages:

If there appears to be some sort of disparity between the PDF document supplied by the system and the web version of the same page the PDF version will be used for research purposes. (Note, this does not apply when the wrong PDF has been attached.)

- b) Decayed/dead pages:

Dead pages will be researched using a combination of examination of the PDF document supplied by the system (if attached) and the use of web tools that archive older versions of web pages. For example, the "Wayback Machine" <http://www.archive.org/index.php> is a website which archives most web pages.

3.3 Copying Volumes

Copying volume is imported into the Copyright Agency database as recorded by the survey participant. The import information file is given to Copyright Agency by the Survey Manager.

Records demonstrating an unusually high level of usage (outside the norm) will be investigated by the Survey Manager to verify that volume information has been correctly recorded by the survey participant.

The researcher will not modify the number of pages upwards. Pages copied can be modified downwards:

- a) If there is evidence of a typo;
- b) If the attached document includes a title page/verso/contents/index or back page

- c) work is Minor Material type A and where only one page has been copied;
- d) If the work is a newspaper article which continues over 2 or more pages.

Where there is a combination of work types (standalone artistic works, text and music) in the one record of more than 1 copied page, the copy volume will be split as evenly as possible across the different work types and processed as separate lines. Copying volume remains the same.

Note: 1 standalone artistic work will only ever be counted as 1 page. The researcher is to check any changes made in accordance with this paragraph with the relevant Data Coordinator.

3.4 Material Source & Type

Material source and material types are used in combination to identify a work.

A material 'Source' and 'Type' will be manually allocated by Copyright Agency researchers, via an evaluation of the material contained within submitted files.

Where a copy of the material is not provided or is insufficient for whatever reason to accurately identify, with a reasonable degree of certainty, the researcher will use the basic information imported from the Survey Manager to process the record.

Material Source	Material Type
Book	Chapter
Newspaper	Article
Journal	Poem
Magazine	Short Story
Website	Play
Other	Artistic Work
	Music
	Interactive Material

Material Source is referred to as the Major Work Type in the Copyright Agency Database. Material Type is referred to as the Minor Work Type in the Copyright Agency Database.

3.5 Material Source

3.5.1 Book

Material will be classified as a book where:

- a) There is an ISBN;
- b) Whenever it is listed in a database of books, as listed in 1.3;
- c) Whenever it is listed as a book in a library catalogue (e.g. National Library of Australia)
- d) Whenever it is a work which is divided into chapters

3.5.2 Newspaper

Material will be classified as a newspaper:

- a) Where the work is a daily newspaper; or
- b) Where the work is a periodic publication in the form of a broadsheet or tabloid, which commonly contains news, comment, features and advertisements.

An ISSN is often an indicator that a work is a newspaper, journal or magazine.

3.5.3 Journal

A Journal is defined as a periodic publication NOT generally available in a newsagency. Material will be classified as a Journal if:

- it has the word “journal” in its title or subtitle; or
- it is principally available by subscription; or
- it contains information of the following nature:
 - Technical
 - Scholarly
 - Professional
 - Academic
 - Scientific

Note: For volume reporting purposes, a Journal is classified as a Periodical

An ISSN is often an indicator that a work is a newspaper, journal or magazine

3.5.4 Magazine

A Magazine is defined as a periodical publication generally available in a news agency and generally published no less frequently than monthly.

- a) Is a periodic publication which contains popular or general interest material; and
- b) Is generally published no less frequently than monthly; and
- c) Is not classified as a journal in accordance with this Protocol.

An ISSN is often an indicator that a work is a newspaper, journal or magazine

Note: For volume reporting purposes, a Journal is classified as a Periodical

3.5.5 Website

Material will be classified as Website where:

- a) there is a URL;
- b) whenever the work is clearly from a website; and
- c) the original source is not already classified as Book, Newspaper or Journal or Magazine.

Whenever the webpage is classified as Book, Newspaper, Journal or Magazine, the record will be flagged as being sourced from the Internet.

3.5.6 Other

Copying of the following material will be classified as other:

- a) CD ROMs – not being one of Book, Newspaper or Periodical;
- b) Annual Reports
- c) Pamphlets
- d) Transcripts, including Hansard;
or
- e) Examination papers
- f) Powerpoint
- g) Anything that cannot be classified as one of the above Sources.

3.6 Material Type

3.6.1 Chapter

Material will be classified as a chapter:

- a) If the material is a chapter or part of a chapter. A chapter or part of a chapter will have its ordinary meaning, though reference is made to the Macquarie Dictionary definition: 'a main division, usually numbered of a book or of a book treatise, or the like'
- b) If the pages cannot be classified as one of the other Material Types as described below.
- c) If more than one chapter appears on a page, the first chapter will be processed as Chapter. This chapter is taken to be the remunerable chapter and included in the remunerable dataset. If the first chapter is out of copyright, the next chapter in copyright will be processed as Chapter. Any subsequent chapters appearing on the same page will be processed as "Distribution Only". Copyright Agency processes these subsequent chapters to assist the copyright owners in making an equitable distribution and they do not appear in the remunerable dataset.

3.6.2 Article

Material Type will be classified as article

- a) If the material is an article or part of an article. Article will have its ordinary meaning, though reference is made to the Macquarie Dictionary definition; 'a piece of writing on a specific topic forming an independent part of the literary publication'
- b) If more than one article appears on a page, the first article will be processed as Article. This article is taken to be the remunerable article and included in the remunerable dataset. If the first article is out of copyright, the next article in copyright will be processed as Article. Any subsequent articles appearing on the same page will be processed as "Distribution Only". Copyright Agency processes these subsequent articles to assist the copyright owners in making an equitable distribution and they do not appear in the remunerable dataset.

3.6.3 Poem

Material Type will be classified as a Poem:

- a) If the material is a poem or part of a poem. 'Poem' will have its ordinary meaning, though reference is made to the Macquarie Dictionary definition of; 'a piece of writing on a specific topic forming an independent part of the literary publication'
- b) If more than one poem appears on a page, the first poem will be processed as Poem. This poem is taken to be the remunerable poem and included in the remunerable dataset. If the first poem is out of copyright, the next poem in copyright will be processed as Poem. Any subsequent poems appearing on the same page will be processed as "Distribution Only". Copyright Agency processes these subsequent poems to assist the copyright owners in making an equitable distribution and they do not appear in the remunerable dataset.

3.6.4 Short Story

Material Type will be classified as a Short Story or part:

- a) If the material is a short story or part of a short story. Short Story will have its ordinary meaning through reference made to the Macquarie Dictionary Definition of Story; 'a narrative, whether true or fictitious, in prose or verse but without metrical structure.
- b) If more than one short story appears on a page, the first short story will be processed as Short Story. This short story is taken to be the remunerable short story and included in the remunerable dataset. If the first short story is out of copyright, the next short story in copyright will be processed as Short Story. Any subsequent short stories appearing on the same page will be processed as "Distribution Only". Copyright Agency processes these subsequent stories to assist the copyright owners in making an equitable distribution and they do not appear in the remunerable dataset.

3.6.5 Play

Material Type will be classified as a Play or part:

- a) If the material is a play or part of a play. 'Play' will have its ordinary meaning, though reference is made to the Macquarie Dictionary definition of; 'a dramatic composition or piece' dramatic being; prose or verse presenting in dialogue or pantomime; a story involving conflict or contrast of character, especially one intended to be acted on the stage.
- b) If more than one play appears on a page, the first play will be processed as Play. This play is taken to be the remunerable play and included in the remunerable dataset. If the first play is out of copyright, the next play in copyright will be processed as Play. Any subsequent plays appearing on the same page will be processed as "Distribution Only". Copyright Agency processes these subsequent plays to assist the copyright owners in making an equitable distribution and they do not appear in the remunerable dataset.

3.6.6 Artistic Work

Material Type will be classified as an artistic work

- a) If the work is a map, illustration, photograph, drawing or picture or any other kind of artistic work recognized by the Copyright Act (1968), (the Act)
- b) If more than one artistic work appears on a page, the first artistic work will be processed as Artistic Work. This artistic work is taken to be the remunerable artwork and included in the remunerable dataset. If the first artistic work is out of copyright, the next artistic work in copyright will be processed as Artistic Work. Any subsequent artistic works appearing on the same page will be processed as "Distribution Only". Copyright Agency processes these subsequent artistic works to assist the copyright owners in making an equitable distribution and they do not appear in the remunerable dataset.
- c) All works with a material type of Artistic Work will have an artistic works descriptor. See Annexure A for a list of artistic works categories. See Annexure B for visual material that is processed as text only.

3.6.7 Music

Material will be classified as music:

- a) If the work is sheet music (including accompanying lyrics);
- b) If the work is song lyrics only (not accompanied by music);
- c) If the work is music from a music tutorial. Music tutorials tend to be books about music or music theory, with instruction and exercises. Tutorials include the 'how to' play an instrument (e.g. scales; fingering charts and practise pieces)
- d) If the person completing the record has specified that they have copied print music and any attachments provided do not suggest otherwise

Each music record will be given a sub-classification of sheet music, lyrics, or music tutorial.

Record/CD covers (the artwork) are NOT classified as MUSIC.

3.6.8 Interactive Material

- a) Material will be classified as an interactive page when the page involves onscreen animation of some variety and user input is required to activate the animation. Retail, banking, databases, PowerPoint presentations and other such websites are not considered interactive.
- b) Examples include online games that are run through the browser through flash, java or any other online language, interactive models that allow you to view objects from different angles and digital objects that have parts that can be manipulated.
- c) If in doubt seek clarification from the Data Coordinator.

3.7 Copy Type (Action of copying and communication)

The copy type data is entered in the database according to the following provisional codes as recorded by the survey participant:

- a) Download/Save/Copy to computer of storage device
- b) Make available on or from network/online
- c) Email
- d) Display or Project
- e) Tell student to print / Copy / Save
- f) Take a digital photograph

3.8 Accompanying Artistic Works

- a) Accompanying Artistic Works are identified by Copyright Agency researchers as “Accompanying Artistic Work” in Copyright Agency’s database and may be entered for the purpose of making equitable distribution to copyright owners only.
- b) A sample of these artistic works are separately identified as part of Copyright Agency’s ‘Illustration Fund’ distribution **without any effect** on the volumes of copying.
- c) Amendment to the item type can be made in accordance to Para 3.10 below.
- d) The researcher will process Accompanying Artistic Works as follows:
 - i. An accompanying artistic work is an artwork that appears on a page with associated text.
 - ii. Accompanying artistic works are coded as “Accompanying Artistic Work” in Copyright Agency’s database and entered for the purpose of making equitable distribution to copyright owners only.
 - iii. The researcher will perform a visual check of the material which has been provided.
 - iv. If the material does not include accompanying artistic works, the “Accompanying Artistic Work” field will be set to NO.
 - v. If the material does contain accompanying artistic works, then “Accompanying Artistic Work” is recorded on the Copyright Agency database. When this occurs these works will be separately identified as part of Copyright Agency’s Illustration Fund distribution without any effect on the volumes of copying.
 - vi. For text only records and records with the Material Type of “Artistic Work” (standalone artistic work) the “Accompanying Artistic Work” field is set to NO

3.9 Power point

A page of PowerPoint slides is counted as one page, regardless of how many slides are reproduced on that page:

- 1 PP slide on 1 page = 1 page
- 6 PP slides on 1 page = 1 page

Where a standalone artistic work (or any other whole work e.g. poem) appears on a slide, it is included in the remunerable dataset.

3.10 Inaccurate Recording of Material Type by Survey Participant

Item types are determined by the EUS survey participant. Where a work has been categorised incorrectly, the researcher will correct the record. See the following paragraphs for further clarification.

- a) Text Only
 - i. If the URL shows text and illustrations which change on the website, treat as Text only, ignore the illustration;
 - ii. If the URL or PDF show only an image treat as an image.
 - iii. If the URL or PDF shows only material classified as music, then treat as a music-only record
- b) Music Only
 - i. If the PDF or URL shows only material classified as music, then treat as a music-only record
 - ii. If the URL or PDF shows only an image treat as an image
- c) Combination
 - iii. If the PDF or URL shows only text then treat as a text only record;
 - iv. If the URL or PDF shows only an image treat as an image.
 - v. If the URL or PDF shows only material classified as music, then treat as a music-only record
- d) Image Only
 - i. If the PDF or URL shows a mix of text, music and illustration(s) then treat as if the survey participant only wanted to copy an image. Ignore the text;
 - ii. If the PDF or URL shows only text then treat accordingly as either a text only or music only record. Exception, if the PDF is unavailable and the URL quoted is the base URL then treat as an artwork. Enter minor title as UNKNOWN [NO FURTHER DETAILS].

The researchers will keep a record of such changes and include it in its Processing Report to the Processing Review Committee.

3.11 More on Internet Material

Where the record indicates a homepage or index page of a search engine has been copied (with no description/minor title information), Copyright Agency will exclude these records under the exclusion term 'Out of Scope' unless one of the following conditions applies:

- a) The record is from Google Earth or Google Maps or;
- b) The homepage or index page of the search engine features copyright works, such as articles, instructional manuals or artistic works

All Internet Material will be classified in accordance with the agreed 'Protocol for the Processing of Website copyright Notices'.

3.11.1 Allocations to unauthorised material on websites:

- a) Unauthorised works which appear on a website will not be processed in accordance with the terms and conditions of that website. The record will be flagged as 'Copying Not Permitted – Unauthorised Copying' in the Copyright Agency database. CA will identify & pay the correct copyright owner of these works.
 - i. Copyright Agency will only allocate monies to identified, original author/publisher of the work.

- ii. A common example is the unauthorised reproduction of lyrics on a website.

3.12 Licence Terms & Conditions

The following exclusions categories are applied to the data as appropriate:

3.12.1 Register of Licences

- a) The Survey Manager will supply Copyright Agency and CAG copies of the Schools Register of Licences following each completed survey period.
- b) The records received from the Survey Manager will be checked against the Register of School Licences. Those works which have been copied or communicated by a school, and appear on that schools Register of Licences, will be excluded from the dataset at the completion of processing.
- c) Where a record is password protected, the Registers of Licence will be examined to determine if the relevant school or jurisdiction has a licence. If no licence has been recorded, the Survey Manager will contact the relevant school or jurisdiction to check whether a licence or subscription exists. If a licence or subscription exists, Copyright Agency will update the Register of Licence accordingly.

3.12.2 Global Licences

- a) CAG will supply Copyright Agency with a Register of licences and permissions that various administering bodies have obtained from rightsholders or their representatives on an annual basis.
- b) The records received from the Survey Manager will be checked against the Register of Global Licences and those which have been copied or communicated during the survey and are on the Register of Global Licences will be excluded from the dataset at the completion of processing until such time as the Copyright Agency systems are able to accommodate exclusions prior to processing.

3.12.3 NEALS

The following procedures will apply to material which may fall under the NEALS licence:

- a) An examination will be made in the case of Western Australia material to identify whether the work is marked with the NEALS logo or the material is included in the list of NEALS nominated works. If they are they will be processed as normal. If no they will be treated as set out in b).
- b) In the case of material produced by Departments in other States, Catholic Dioceses, Associations of Independent Schools, the Commonwealth or other NEALS participants, the pages will be excluded from the remunerable dataset during processing and included in a separate dataset provided to the Survey manager. Works that appear on the Excluded NEALS Works Register will be processed as normal and allocated to the appropriate recipient and will be included in the remunerable dataset.

3.12.4 Express Licences

Some websites grant a licence to copy and/or communicate works contained on the website. These licenses vary greatly in their terms and application. The protocol for the Schools Processing of Website Copyright Notices is used to process website records.

3.12.5 Copyright Agency's Register of Direct Exclusions

- a) The records received from the survey will be checked against a Register of rightsholders who have advised Copyright Agency directly that they do not wish to receive Copyright Agency monies for the copying and/or communications of their works by schools, and those works which have been copied or communicated during the survey and/or on this Register will be excluded from the dataset at the completion of processing.
- b) Copyright Agency will supply CAG with its Register of Direct Exclusion described in 13.5(a) above, on an annual basis.

3.12.6 Usenet Threads

Data categorised as “Usenet” will be tagged for exclusion and removed from the dataset at the completion of processing.

3.12.7 Interactive Material

Data classified as interactive material will be quarantined at the completion of processing until it is determined how to treat this data.

3.12.8 Clipart

- a) For the purposes of the schools survey the parties have agreed to assume that the usage of clipart by schools are undertaken under licence and will be excluded accordingly using the exclusion term “Clipart”.
- b) Clipart can be defined as “A collection of graphical images designed to be copied and inserted into other applications” and is generally categorised by one of the following:
 - i. CD/DVD Rom licence;
 - ii. Subscription licence;
 - iii. Software (e.g. Microsoft, Apple) licence.
 - iv. Where the URL or attached PDF indicates Clipart.

3.12.9 Out of Scope (OS)

Material classified as ‘Out of Scope’ will be flagged as excluded work. Below is a list of these works:

- a) Survey Manager, Copyright Agency or CAG material relating to the survey or administration of the survey.
- b) Personal Material of a survey participant.
- c) Material that appears to be for internal administrative purposes (e.g. Letters, invoices, student reports, newsletters, timetables or internal magazines etc.) Note: 3rd party embedded works identified within this material is also OS.
- d) Any copying of quotations and extractions of three (3) paragraphs or less, other than whole works
- e) Material created by the surveyed institution’s state peak body where it has not already been classified as a NEALS non-remunerable work
- f) Material created by the surveyed institution’s current employees – teacher’s own work
- g) Media or press releases
- h) Stand-alone unembellished geometric shapes (e.g. Mathematical triangles, squares, circles, angles) and any copying of dice, dominos, blocks, unembellished mazes, playing cards and clock faces and there is three paragraphs or less of accompanying text.
- i) Blank tables and blank grids
- j) Where the record indicates a homepage or index page of a search engine has been copied (with no description/minor title information) - see Section 2, 10.1 for exceptions.
- k) the same as the survey year, the material will be excluded. (Note: If the exam is dated from a previous year (e.g. 2007), the material will be included)
- l) Logos (including app icons on smart-phones, ipads etc.)
- m) Advertisements (including sales catalogues)
- n) Computer generated graphs/patterns, ECG’s and seismographs
- o) Student Progress Charts within published books
- p) material published by an Overseas school

3.12.1. Out of Copyright & Public Domain

- a) Works that have been protected by copyright, but for which that protection has expired, are out of copyright. For further guidance in determining whether a work is out of copyright, refer to Annexure D.
- b) Works in the public domain will be excluded by Copyright Agency. For practicable purposes Copyright Agency processes all national flags, national emblems, national currencies and road and safety signs as Public Domain works. (Note that non-national flags, e.g. The Olympic, Aboriginal and Torres Strait Islander flags are still in copyright).
- c) Works created by the United States Federal government are not entitled to domestic copyright protection under U.S. law and as such are commonly referred to as being in the public domain. Copyright Agency researchers will classify these works as an exclusion. Many publications by the U.S. Federal government do, however, contain protected works authored by others and these works will be included by the researcher.

3.13 Data Integrity Checks

- a) During processing and at the end of processing various data integrity checks are carried out by Copyright Agency to ensure that the data has been entered correctly and consistently. This is a separate process to the data validation that happens before point of research.
- b) The purpose of these checks can be broadly characterised as follows:
 - i. Identify any records that should be excluded from the data set for both volume estimates and for distribution;
 - ii. Ensure works of the same type have been entered consistently;
 - iii. Improve the accuracy and consistency of bibliographic data;
 - iv. Minimize unidentified records;
 - v. Ensure records are allocated to members consistently

3.14 Quality Control

Copyright Agency's Data Quality & Protocols team provide an internal quality control function, to verify that the data researchers have processed in accordance with this protocol. The data quality checkers are not data researchers and do not process records.

The Data Quality & Protocols team check the following:

- a) No records have been duplicated or omitted. This is done by comparing the entry lines in Copyright Agency's database to the original records supplied by the school
- b) What has been entered in Copyright Agency's database is accurate. This is done by comparing the following information from the record forms to the corresponding fields in the database, as well as to any amendments made by data researchers:
 - i. Number of pages of original material
 - ii. Number of times each page copied/communicated
 - iii. Total Pages Copied
 - iv. Type
 - v. Included Incidental artworks
 - vi. Publication Name
 - vii. Author
 - viii. Publisher
 - ix. ISSN/ISBN/ISMN

Any discrepancies identified by the Quality Controller are referred back to the data researcher for clarification and/or correction

As a final check, system query reports are run at a macro level to ensure that all data is

intact and that there are no invalid entities. In respect of any anomalies, the processes as set out in Section C are repeated.

4. PROCESSING REVIEW

It is important that there is transparency in processing so that both Copyright Agency and CAG can be assured that:

- a) the Protocol is being followed; and
- b) where uncertainty arises in relation to processing issues, both parties have the opportunity to participate in the determination of the outcome.

In order to meet the requirement in paragraph 1, the following procedures will be adopted:

Each party will appoint up to two people to sit on a Processing Review Committee.

- a) The Processing Review Committee will have broad oversight of the processing operations in so far as they relate to the processing of records for the purposes of assessing remunerable copying.
- b) Copyright Agency will give a quarterly report to the Processing Review Committee which will include details of any issues or uncertainties which have arisen in the preceding quarter and any other matter the Processing Review Committee reasonably requires.
- c) The Processing Review Committee will attempt to resolve any issues or uncertainties. If they fail to reach agreement, they will consider whether it would be appropriate to engage in a dispute resolution process involving a third party.
- d) The CAG representatives shall be given reasonable access from time to time to view the processing operations undertaken by Copyright Agency and to have those operations explained.
- e) The Processing Review Committee from time to time may recommend amendments to the Protocol to reflect changing circumstances and needs.

To demonstrate that the data has been processed in accordance with this Protocol CAG may appoint a representative to visit Copyright Agency once per term (to a pre-agreed schedule). This visit will provide an opportunity for the CAG representative to observe and discuss Copyright Agency's processing procedures and identify any processing issues that have been encountered that term during research.

One way Copyright Agency may assist would be to provide a random selection of no more than 100 records for CAG to review (annually). Copyright Agency will then retrieve the records and show all actions taken from when the data arrived to its current state.

Copyright Agency is responsible for the following:

- a) ensuring records provided by the Survey Manager are processed in accordance with this Protocol;
- b) preparing a report each quarter on the processing carried out in relation to survey records and recording any issues or concerns that may have arisen; and
- c) seeking advice and direction from the Processing Review Committee in relation to how records should be treated for the purposes of the hard copy survey.

The Data Quality & Protocols Manager is not a Copyright Agency researcher and is not responsible for processing EUS records. The Data Quality & Protocols Manager will report to the Processing Review Committee in respect of records processed under this Protocol other than in respect of any processing which relates solely to distributions to Copyright Agency members.

Annexure A: List of artistic work categories

- Illustration, e.g.
 - drawings
 - etchings
 - diagrams
 - dot-to-dots and colour-by-numbers
 - woodcuts
 - engravings
 - sketches
- Photo, e.g.
 - film stills
 - photographs
 - photomontage
 - composite photos
 - Author biography photos
- Painting
- Map
- Comic Strip
- Cartoon
- Plan, e.g.
 - blueprints
 - architectural plans
 - engineering plans & circuitry diagrams

Annexure B: Material Processed as Text only

Visual Material which is Processed as “Text Only”

- Crosswords
- Tables (except blank tables which are Out of Scope)
- Find-a-words
- Sudoku
- Graph
- Grids (except blank grids which are Out of Scope)
- Molecular and chemical structures
- Screen captures without visual material, including web pages
- Languages which are written using characters (e.g. Chinese and Japanese), script (e.g. Cyrillic) or pictorial representations (e.g. hieroglyphics)
- Journalist biography photos
- Text only posters
- Text only certificates
- geometric shapes which form patterns, or include embellishments such as trees or grass
- flowcharts

Visual Material Processed as “Accompanying Artistic Works”

- Certificates with visual material
- Posters with visual material

Annexure C: Out of Copyright

	Type of Material	Factors affecting duration	Copyright has expired	Duration if work was still in copyright on
A	Works first published anonymously or		first published before 1 January 1955	year first published + 70 years
B	Photos first published anonymously or under a pseudonym		taken before 1 January 1955	year first published + 70 years
C	Photographs (except B)		taken before 1 January 1955	life of creator + 70 years
D	Engravings (except A)	published during creator's life	creator died before 1 January 1955	life of creator + 70 years
		not published during creator's life	first published before 1 January 1955	year first published + 70 years
E	Artistic works (except A, B, C & D)		creator died before 1 January 1955	life of creator + 70 years
F	Computer programs (except A)		creator died before 1 January 1955	life of creator + 70 years
G	Literary, dramatic and musical works (except A & F)	² made public during creator's life	creator died before 1 January 1955	life of creator + 70 years
		NOT made public during creator's life	made public before 1 January 1955	year made public + 70 years
H	Cinematograph films (underlying works such as screenplays and music are also protected)	made before 1 May 1969 and regarded as "dramatic work" ³	creator of film as dramatic work died before 1 January 1955	life of creator of film as dramatic work or of cinematographer (whichever longer)
		made before 1 May 1969 and not regarded as "dramatic work"	made before 1 January 1955	life of cinematographer + 70 years
		made on or after 1 May 1969	none in public domain by 1 January 2005	years first published + 70 years
I	Sound recordings (Underlying works are also protected)		made before 1 January 1955	years first published + 70 years
J	Broadcasts	made before 1 May 1969	not protected at all	not protected at all
		made on or after 1 May 1969	none in public domain by 1 January 2005	Year made + 50 years
K	Published editions ⁴		First published more than 25 years ago	Year edition first published + 25 years

Notes:

- ¹ Where the identity of the author is not known and cannot be ascertained by reasonable inquiry
- ² “Made Public” here means published, performed, broadcast or recorded and offered for sale
- ³ Films made before 1 May 1969 are regarded as “dramatic works” “the arrangement, the acting form or the combination of incidents represented gives the work an original character”
- ⁴ A “published edition” means the typographical arrangement and layout of a published work.

Annexure D: Survey participant 'User screens' examples



EUS User Screens
(05 02 16).pdf

Annexure E: Protocol for the Processing of Website Copyright Notices



Protocol for the
Processing of Website