COPYRIGHT QUICK GUIDE
OFF-SHORE DELIVERY OF COURSE MATERIALS

The Educational Statutory Licence Schemes Part VA and Part VB of the *Australian Copyright Act (1698)* cover the reproduction and communication of copyright works to off-shore students. There are two key factors in utilising the Licence Schemes for students in off-shore locations.

Firstly the students **MUST** be officially enrolled RMIT Students.

Secondly, all reproducing [photocopying] or communicating [placing online] must be undertaken within Australia, in order to rely on the Australian Licence Schemes. Any copying or communication undertaken in foreign country will need to be within the limits and regulations of the Law of that country.

Australian Law is only applicable in the Australian context. For example if a compilation of articles are copied under the educational licence or 10% rule in Australia, and are then taken to Hong Kong to be placed on a server for students in Hong Kong. The educational licence is **void** as the communication [placing online] of the works is taking place outside of Australia, in this instance Hong Kong Copyright Law applies. Permission from the copyright owner would be required to place the works online onto a server in Hong Kong.

The Law of the land applies, if the copying or placing online is taking place in an offshore location then the Law of the location applies. Similarly Australian Law only applies to Australia.

RMIT has developed four options that staff can rely upon using when delivering teaching materials into offshore locations. The options provided below allow for staff to rely upon using the educational licenses to provide materials to offshore locations. The options also ensure compliance with the educational licences and the Law.

**RMIT’S OPTIONS TO ENSURE COMPLIANCE WITH DELIVERY OF OFF-SHORE TEACHING MATERIALS:**

1. **Online Course Delivery** via RMIT’s Learning Hub. **No materials** to be provided to off-shore location.

2. **RMIT Produces, In Australia** - all materials provided on electronic storage media be it CD/DVD or flash memory [USB Drives]. All copies of the storage media is then forwarded to the off-shore institution for distribution to students. No reproduction to take place in the offshore location CD/DVD, flash drive duplication must take place in Australia.

3. **Hybrid Model - RMIT Identifies** - RMIT provides a licence to reproduce material which it can licence [RMIT owned and produced content], and provides the partner a licence to copy.

4. **RMIT Produced Copies** - all relevant material is produced in hardcopy in Australia and sent [post or alternative] to the location on the basis that there is to be **no** further copying.

**COMMUNICATING ONLINE COPYRIGHT WORKS TO OFF-SHORE STUDENTS**

To rely on the educational licence scheme to provide copyright works online to off-shore students, you must place the work online within Australia – the eReserve. As the educational licence is Australian Law. If you intend to place online copyright works for off-shore students, you must place the works into eReserve.
PROVIDING PRINT COPIES OF WORKS TO OFF-SHORE STUDENTS

Print Course Reader Packs, can be provided to off-shore students in reliance on the educational licence. The students receiving the Reader Pack must be officially enrolled RMIT Students. The Reader Pack must comply with the copying limits and regulations of the Licence Scheme, **and the production of the Reader Packs must take place in Australia.** Each Reader Pack must be produced in Australia and then provided to the students. Any copying performed in an off-shore location will be bound by the Law of the country in which the copying takes place.

PROVIDING CD-ROM/FLASH MEMORY DRIVE OF COURSE MATERIALS TO OFF-SHORE LOCATION

CD’s/DVD’s flash memory stick of course materials that include readings and PowerPoint slides can be provided to off-shore students in reliance on the educational licence. The students receiving the CD’s/DVD’s flash memory stick must be officially enrolled RMIT Students. The CD’s/DVD’s flash memory stick must comply with the copying limits and regulations of the Licence Scheme, **and the production of the CD’s/DVD’s flash memory stick must take place in Australia.** Each CD must be produced in Australia and then provided to the students. Any copying performed in an off-shore location will be bound by the Law of the country in which the copying takes place.

The copyright website has a range of [information guides](#) for using copyright works for educational purposes.

USING AUDIO-VISUAL WORKS IN OFF-SHORE LOCATIONS

Audio-Visual works such as, programs recorded off-air [TV/cable/satellite and radio] under the Part VA Licence Scheme can be used as part of instructional materials for off-shore students.

Again the students **MUST** be officially enrolled RMIT Students. The copying of audio-visual works must take place within Australia, and the marking requirements under the Licence Scheme must be included on the tape and its container. Note, only audio-visual works copied from television, radio, satellite, or cable can be used under this Licence Scheme.

Commercial rental or purchased audio-visual works require permission before the works can be used in an educational setting.

Recordings made off-air in Australia can be shown to students in off-shore locations. The video tape / audio tape can be taken with you when you travel to provide instruction to RMIT Students in an off-shore location, and the tape returned to RMIT on your return. Note, if you copy material off-air [television / radio] in an off-shore location you are bound by the Law of that country.

RMIT University Library, Media Technology Unit has a large reference catalogue of programs recorded off-air. The Library is able to comply with the limits and regulations of the Licence Scheme on your behalf. The Library is also able to provide you with copies of programs for delivery in off-shore locations.

The copyright website contains a range of [information guides](#) in using radio and tv programs for educational use.

GETTING ADVICE

The Copyright Management Service is a University Wide advice and permissions service for RMIT Staff. The Service provides copyright advice and permission seeking services to all RMIT Staff. [copyright@rmit.edu.au](mailto:copyright@rmit.edu.au)