NWU®

RISK AND COMPLIANCE OFFICE

What you need to know about Copyright...

TABLE OF CONTENT

Copyright Act……..……..……..2
Plagiarism vs Copyright……..……..……3
DALRO licence……..……....4
DALRO reporting……..……5
Study Guides (course packs)……6
eFundi……..……7
Library……..……8
Internet (Google)……..…..9
YouTube……..…..10
Facebook..……....11
Music, Lyrics and Copyright……..……12
Fair Dealing……..……13

COPYRIGHT ACT 98 OF 1978

Copyright is an exclusive right granted to an author for his/her original work. The NWU is obligated to comply with the Copyright Act.

Work protected by copyright includes:

- © Books -Academic journals and magazines
- © Music -Youtube videos
- © Movies -Google images
- © Sound recordings -Internet materials
- © Artworks -Websites
- © Photos -Computer software

YOU COULD BE COMMITTING **COPYRIGHT INFRINGEMENT** IF YOU **COPY**, **DISTRUBUTE** OR **SELL** MATERIAL WITHOUT PERMISSION.

PLAGIARISM VS COPYRIGHT INFRIGEMENTS

Plagiarism is presenting someone else's work as your own without giving proper credit to the author or a failure to reference the source properly.

Copyright Infringement is using, copying, or distributing someone
else's original work without authorisation or compensation.

THINK BEFORE YOU COPY!

REMEMBER THAT COMPUTER SOFTWARE, DIGITAL TECHNOLOGY AND ELECTRONIC PUBLICATIONS ARE ALSO PROTECTED BY COPYRIGHT LAW.

ASK YOUR COPYRIGHT OFFICE FOR MORE INFORMATION ABOUT OPEN ACCESS RESOURCES AND CREATIVE COMMONS LICENSES.

DRAMATIC, ARTISTIC AND LITERARY RIGHTS ORGANISATION (Pty) LIMITED

Copyright infringement is a criminal violation and sanctions of R5 000 / three years imprisonment (first offence) or R10 000 / five years imprisonment (second offence) can be imposed.

Precautionary measures:

- The NWU has a blanket licence agreement with DALRO.
- The licence covers copying on the licenced premises for educational or research purposes.
- The blanket licence mainly authorises five methods of distribution of copies: study guides (course packs), single item hand-outs, transient electronic copies (eFundi), short loan section in the library (on reserve), copies in an alternative format for visually impaired persons.
- The licence cover is not unconditional and the NWU must adhere to certain copying parameters:

Book	1 Chapter or 10% of the book (which is greater)
Academic journal or periodical	A complete article
Law reports or acts	A complete short story or a complete poem
Anthology or volume of short stories or poems	A complete short story or a complete poem

IN TERMS OF THE DALRO BLANKET LICENCE AGREEMENT,

the NWU must report on the **REPROGRAPHIC REPRODUCTION** (copying) of books and journals.

All academic staff members have the responsibility to report on multiple copying distributed to students by means of:

- study guides;
- eFundi;
- short loan sections in the libraries; and
- hand-outs.

For more information e-mail us at DALRO@nuw.ac.za.

STUDY GUIDES

If you want to use copyright-protected works in your hard copy or electronic study guide:

- ✓ Remember the **DALRO 10%- or 1-chapter** guideline.
- ✓ Complete articles from various journals are acceptable.
- ✓ Also, remember to report about the copying from books and articles from various serial publications.

If you would like to copy more than **10%** or **1 chapter** or **1 article,** please apply for a transactional license by e-mailing us for further assistance: DALRO@nwu.ac.za.

eFUNDI

eFundi is a learning and collaboration environment and enables lecturers to share various types of study material in an electronic format with their students. Remember the DALRO 10%- or 1-chapter guideline. Complete articles from journals are acceptable.

Also, remember to report about the copying from books and articles from various serial publications.

Youtube videos – must be accessed online via the Youtube website. If you would like to share videos with your students, provide the link (URL).

Internet material (eg. Articles or images) – make sure that you are allowed to use, copy or distribute such material.

If you would like to copy more than 10% or 1 chapter or 1 article, please contact the Risk and Compliance office.

SHORT LOAN SECTION IN THE LIBRARY

The short loan section in libraries allows lecturers to reserve books and articles for their students. Remember the DALRO 10%- or 1-chapter guideline. Complete articles from journals are acceptable.

Remember to report copying from books and articles from various serial publications.

The use of the library's electronic resources (databases and e-books) is regulated by separate licence agreements. Please contact your library for enquiries about the distribution of electronic resources.

GOOGLE

You have to obtain permission if you want to copy or distribute material from the internet.

Do not assume that online images or photos are free for the taking.

Contact Graphikos (x994100) or the Risk and Compliance office (DALRO@nwu.ac.za) to find out how to obtain copyright free images online.

REMEMBER: TO AVOID PLAGIARISM, YOU MUST PROVIDE REFERENCES (EG. LINK/URL AND DATE) WHEN USING IMAGES OR PHOTOS.

YOUTUBE

YouTube videos must be accessed online via the YouTube website. If you would like to share YouTube videos with your students provide the link (URL).

The following information is contained in YouTube's Terms of Service:

Your Use of YouTube Content

In addition to the general restrictions above, the following restrictions and conditions apply specifically to your use of Content.

a. The content on the service and the trademarks, service marks and logos ("Mark") on the service are owned by or licensed to YouTube, subject to copyright and other intellectual property rights under the law.
b. Content is provided to you as is. You may access Content for your information and personal use solely as intended through the provided functionality of the service and as permitted under these terms of service. You shall not download- any Content unless you see a "download" or similar link displayed by YouTube on the service for that content. You shall not copy, reproduce, distribute, transmit, broadcast, display, sell, license, or otherwise exploit any content for any other purpose without the prior written consent of YouTube or the respective licensors of the content. YouTube and the licensors reserve all rights not expressly granted in and to the service and the content.
c. You agree not to circumvent, disable or otherwise interfere with security-related features of the service or features that prevent or restrict the use or copying of any Content or enforce a limitation on use of the service or the Content therein.

www.youtube.com/static?gl=US&template=terms

FACEBOOK

Facebook respects the intellectual property rights of others and is committed to helping third parties protect their rights. Our statement of Rights and Responsibilities prohibits users from posting rights when we receive a valid notice of IP infringement, we promptly remove or disable access to the allegedly infringing content.

We also terminate the accountant of repeat infringers in appropriate circumstances.

Right holders will find information regarding how to report copyright and other intellectual property infringements by users posting content on our website, and answers regarding our policies on the website below:

www.facebook.com/help/24914192504375

Facebook Copyright

Under the laws of most countries, copyright is the legal right that protects original work of authorship, such as books, music, films, and art.

In most countries, copyright does not protect facts, ideas, systems, or methods of operation.

Some of these may be protected by other rights.

Generally, copyright does not protect facts and ideas, but it may protect the original words or images that express that idea.

MUSIC, LYRICS AND COPYRIGHT

Musical works such as **recordings, chords, melodies,** and **lyrics** in a **physical** or **material form** are protected by Copyright Law.

The copyright owner has the exclusive rights to do and to authorise any of the following:

- to reproduce or publish the copyrighted work;
- to adapt the copyrighted work;
- to distribute copies to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- to perform or broadcast the copyrighted work;
- to display the copyrighted work publicly.

It is illegal to violate any of the rights of the copyright owner.

(www.mio.co.za/article/copyright-in-south-africa)

The following organisations can assist music creators and users:

Southern African Music Rights Organisation (SAMRO) protects the intellectual property rights of music creators by licensing music users, collecting license fees, and distributing royalties to music creators. Visit the SAMRO website for more information: **www.samro.org.za**

Dramatic, Artistic, and Literary Rights Organisation (DALRO) makes available for performance a wealth of the world's most loved shows. Their musical and theatre licensing services allow you to procure licences for scripts, musical materials, and other theatrical resources for both amateur and professional performances. Visit the DALRO website for more information:
www.dalro.co.za/index.php/theatricals-permission

FAIR DEALING

What is Fair dealing?

Fair Dealing is an exception for **research, private study,** or **personal and/or private use. Fair Dealing does not apply to multiple copying. Fair Dealing covers the single copy that a person makes for himself/herself.** Fair Dealing is not qualified or quantified in the Copyright Act. The court will have to decide, considering all the factors, if the use is fair.

The four following American Fair Use factors can be considered:

1. It is important to determine the **purpose of the use**, whether it is of a commercial nature or for educational purposes.
2. The **nature of the work** is important – using **material from factual works is more likely to be fair** than using fictional works.
3. The **amount or portion used** must be **reasonable in relation to** the **purpose** of the use.
4. The **impact on the market or value of the original work** – uses that **harm the copyright owner's ability to profit** from the original work are **less likely to be fair** uses.

(http://fairuse.stanford.edu/overview/fair-use/four-factors)