



This policy will be monitored by
Last Reviewed

Senior Management Team
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Policy for COPYRIGHT

Aims

1. To ensure adherence with Hong Kong (ref Cap 528 HK Copyright Ordinance 2007) and International copyright law.
2. To raise awareness of copyright issues in the digital world.
3. To give guidance for the responsible use of materials in school.

Policy Statement

Kellett School makes every effort to protect creative effort, or “intellectual property”, regardless of the quality of the work. It is an automatic right when anyone creates an original piece of work – whether it is a book, an essay, a film, photograph, piece of music, a play, and covers any format including internet published works. Copyright protection lasts for 50 years.

It tries to balance the rights of the creators of work to receive payment for their efforts, and the rights of society to have access to ideas and information through the concept of “fair dealing”

Hong Kong follows international law and works of authors from any place in the world, or works first published anywhere in the world, qualify for copyright protection.

Guidance

1) What is not allowed?

You may not do any of the following without express permission from the copyright holder.

- a) Copy a work in its entirety
- b) Publish a work
- c) Rent a work to others
- d) Make copies available on the internet
- e) Perform, show or play works in public
- f) Broadcast works
- g) Adapt works (e.g. translate)
- h) You are also infringing copyright if you knowingly import, export, sell, own or distribute a product which you know has been illegally copied. This is known as “Secondary infringement”.

2) What is allowed?

Copyright is only infringed if a substantial part is copied. However, “substantial” refers to the essence of the work rather than the quantity of the work copied. For example, if a musician copies a distinctive jingle from another musician's song it would be regarded as an

infringement of copyright even if that piece of music is a tiny percentage of the whole.

- a) Consequently there is no guide as to how much you can copy of a work. Rather the concept of fairness or “fair dealing” comes into play. In schools, copying works under the concept of “fair dealing” is allowed with the following provisos.
- b) Is it fair? In concluding whether the copying of material is “fair” the primary consideration is whether or not copying conflicts with the interests of the copyright holder. It is not “fair”, for example, to avoid purchasing copies to save money, or profiting from the material by renting it out.
 - i) Teachers and students are allowed to make copies of artistic works or passages from books “to a reasonable extent” for teaching/learning purposes provided that:
 - It is done by a teacher for the purpose of education
 - Where it is done by a student it is done purely for receiving instructions for education
 - There is no licensing scheme available for the material
 - Once copied it is not sold, lent or hired to another
 - c) What is a reasonable amount? There are no guidelines in Hong Kong as to what constitutes a “reasonable amount” of a copyrighted work. Clearly it is not reasonable to copy a whole book, although it might be reasonable to copy a whole newspaper article. To help ensure you are acting in good faith” ask yourself:
 - i) What is the minimum needed to copy to get the point across
 - ii) Could you have copied a section of text onto an IWB rather than photocopying the page?
 - iii) Could you ask the students to buy or borrow the published work from a library?
 - iv) Could you obtain copyright permission?
- 3) Copyright in different mediums
 - a) You can publish onto a school intranet for teaching purposes as long as you are following “fair dealing” ideals, the intranet is access restricted to those studying and is on for only for a maximum of 12 months or for the time period needed for study purposes.
 - b) You cannot copy a document or file without permission onto your computer. However, if an incidental copy is made to allow for the viewing of the work in an internet browser it is not considered an infringement.
 - c) You cannot publish a copy of a work onto the internet without the consent of the copyright holder. This includes anything schools publish to their web pages, such as photos, music, and text. This is true regardless of whether the “owner” is a student or teacher
 - d) To be risk free all text, artwork and music on the school websites and other digital spaces should be the work of the school or else authorized by the copyright owners.
- 4) YouTube and video sharing platforms. Many students and teachers now use clips from YouTube in teaching and learning materials. To ensure you are abiding by the concept of “fair dealing”:

- a) Embed the link to the video in your presentation rather than download it onto your computer.
 - i) Downloading a video to your computer in its entirety does infringe copyright. YouTube's "Terms of use" specifically states that the videos are intended to be viewed in real time and not downloaded.
 - ii) YouTube requires all those uploading content to ensure they either own the copyright or that permission from the copyright holder is given. This, together with YouTube's basic premise that the material is uploaded in order to be shared, means that it is legal to embed a link to YouTube videos. If the up-loader of the video does not allow sharing the embedding function can be disabled.
 - b) Copy just a small clip of the video to download into your presentation. As long as the presentation is for educational use and the intention is not to sell on for profit, this will fall under "fair dealing". You must ensure though that correct credits and acknowledgements are given to the owner of the copyright. This premise holds true of most online video sharing platforms on the web.
- 5) Sound and video recordings
- a) **You can** play recordings in school for teaching and learning purposes. The recordings must be played before an audience consisting wholly or mainly of teachers, pupils and their parents or guardians.
 - b) **You can** make a short copy of a clip of a sound or film recording and incorporate it into teaching materials or students work but credits and relevant acknowledgements must be shown, and they can only be used in school.
 - c) **Unless agreements are made in advance:**
 - i) **You cannot** play recordings at school fairs to raise funds.
 - ii) **You cannot** play recordings at events to which the public can attend.
 - iii) **You cannot** play recordings for entertainment purposes.
 - iv) **You cannot** play rented videos in schools.
- 6) **Copyright for school performances and private study**
- a) **You can** give performances of musical, literary or dramatic works without a licence, regardless of whether the performer is a pupil, teacher or anyone else provided:
 - i) The performance is in an educational establishment
 - ii) The performance is made before an audience consisting of wholly or mainly teachers, students and their parents/guardians
 - iii) The performance is given for the purpose of educational learning
 - b) **You cannot** give a performance without a licence for:
 - i) School fairs
 - ii) Functions to which the public are admitted
 - iii) Performances by guests to the school for entertainment purposes
 - c) The first option for private study is to either borrow from the library or buy the material needed. Expense to the student or teacher of buying the material is not a viable excuse for copyright infringement. However some circumstances exist that do allow "fair dealing" copying of published works.
 - i) If a book is out of print and unavailable from a library

- ii) Use of a licensing agent whereby you pay a fee
- 7) Copyright of works created by teachers and students
- a) If a teacher creates materials for use in their school, the school owns the copyright.
 - b) If a teacher creates materials for non-school purposes they can claim personal ownership of the copyright.
 - c) All students' own the copyright to all work they create – in or outside school as they are not employed by the school.
- 8) Three steps to conform with copyright
- a) Create your own work
 - b) Get permission of the copyright holder
 - c) Ask "Is it fair?" before copying material