

# Australian Copyright Council

## Table of contents for book title

Following is the table of contents for one of our book titles. To order a book:

- go to [www.copyright.org.au](http://www.copyright.org.au) and click “Order Form” to download an order form
- email, fax or post us your contact details, payment details and the book title or number:
  - [sales@copyright.org.au](mailto:sales@copyright.org.au)
  - fax to +61 2 9698 3536
  - post to 245 Chalmers Street Redfern NSW 2016 Australia
- contact Customer Service on [sales@copyright.org.au](mailto:sales@copyright.org.au) or tel +61 2 9699 3247

**Australian Copyright Council**  
245 Chalmers Street Redfern, NSW 2016 Australia ACN 001 228 780  
Telephone: 61 2 9318 1788 Fax: 61 2 9698 3536 Email: [info@copyright.org.au](mailto:info@copyright.org.au)  
[www.copyright.org.au](http://www.copyright.org.au)

# Australian Copyright Council

## Book 99v1

### Copyright in Training Materials

#### Table of contents

PART 1: INTRODUCTION.....	1
1.1. Who is this publication for?.....	1
1.2. Main copyright issues for training materials: overview of this publication.....	1
1.3. Related publications.....	1
1.4. Our aims in this publication.....	2
1.5. Sources of copyright law, and references to legislation and cases.....	2
1.6. Updating of publications.....	3
PART 2: ARE OUR TRAINING MATERIALS .....	4
2.1. Materials which may be protected by copyright.....	4
2.2. Examples of training material protected by copyright.....	4
a. Policy manuals.....	4
b. Procedural/operational manuals.....	5
c. Graphs and charts.....	6
d. Tables and compilations.....	6
e. Computer manuals and guides, for example to small business, accounting etc.....	6
f. On-line courses.....	6
g. Course notes, handouts for distribution to students and exam papers.....	7
h. Teachers' notes.....	7
i. Overheads.....	7
j. Hypothetical scenarios.....	7
k. Drawings and photographs used in training manuals or as overheads.....	7
l. Training videos.....	8
m. Sound recordings.....	8
n. Multimedia applications.....	8
2.3. Including material created by other people in material you create.....	8
2.4. Common questions about what is protected by copyright.....	9
a. Are training methods or techniques protected by copyright?.....	9
b. Is the idea for a training manual protected?.....	9
c. Are procedures and policies protected by copyright?.....	9
d. Is there any protection for the hours of labour that have gone into selecting and arranging the material in my manual?.....	9
e. Are charts protected by copyright?.....	10
f. Are logos protected by copyright?.....	10
g. Is a name or title protected by copyright?.....	10
h. Is a work created in Australia protected overseas?.....	10
2.5. Common questions about protecting your work.....	11
a. How do I get copyright protection for a training manual I have created?.....	11
b. How do we get copyright protection for a training video we have produced?.....	11
c. What is the copyright notice?.....	11
d. Can we have a more detailed copyright notice?.....	11
e. Should I put the copyright notice on every page?.....	12

f.	I created a training manual for my employer. Should I place my name or my employer's name on the copyright notice?.....	12
g.	How can I stop my manual being used by others?.....	12
h.	Different people have created different elements of our training package. How is it protected? Can more than one person own copyright?.....	12
PART 3:	WHAT DOES COPYRIGHT PROTECTION MEAN?.....	13
3.1.	Reproducing material.....	13
3.2.	Publishing.....	13
3.3.	Performing a work.....	14
a.	Broadcasting.....	14
b.	Cable delivery.....	14
3.4.	Moral rights.....	14
PART 4:	WHO OWNS COPYRIGHT?.....	16
4.1.	Where there is an agreement about ownership of copyright before material is created.....	16
a.	Oral agreements.....	16
b.	Written agreements.....	17
4.2.	Where there is no agreement about ownership of copyright before material is created.....	17
a.	The general rule: the author owns copyright.....	17
b.	Employees.....	18
c.	Commissioned material.....	19
d.	Works made or published by, or for, a government.....	20
e.	Films and sound recordings.....	20
f.	Broadcasts and published editions.....	20
4.3.	Common questions: ownership generally.....	21
a.	Can I 'recycle' training packages for different clients?.....	21
b.	Can copyright be owned jointly?.....	21
c.	What are my rights if I sell my material to someone?.....	21
d.	A TAFE college wants to purchase a course that I have written. Will I be able to continue to use it if I sell it to them?.....	21
4.4.	Common questions: ownership of commissioned material.....	22
a.	I was commissioned to write a training manual for a client. Who owns copyright in the manual?.....	22
b.	Who owns copyright in a commissioned computer program?.....	22
c.	Who owns copyright in a training manual commissioned by a local council?.....	23
d.	Who owns copyright in drawings created for a government?.....	23
e.	A government department has commissioned me to write a course for them. Who will own copyright in it? Can we own it jointly?.....	23
f.	Someone has written a course for us. We want to own copyright but they want the right to use it. What can we do?.....	23
4.5.	Common questions: ownership of material created by employees.....	24
a.	I've created training manuals as part of my job. Who owns the copyright?....	24
b.	How do we stop staff members using a company manual when they leave?....	24
c.	I run my own company. Who owns copyright in materials which I create – me or my company?.....	24
d.	I created training materials for my employer, based on ideas that I had before commencing work there. Who owns the materials and can I use those ideas and techniques in another job?.....	25

PART 5: DEALING WITH COPYRIGHT IN TRAINING MATERIALS.....	26
5.1. Ways of dealing with copyright rights.....	26
a. Assignment.....	26
b. Exclusive and non-exclusive licences.....	26
c. Implied licences.....	26
5.2. Contracts.....	27
a. Some general points on contracts.....	27
b. A checklist for copyright contracts.....	28
c. Some other matters which may be included in contracts generally.....	30
5.3. Publishing.....	31
a. International Standard Book Number (ISBN).....	31
b. Legal deposit.....	31
5.4. Common questions – licensing and assigning copyright.....	32
a. How should I word an assignment of copyright clause?.....	32
b. What is needed to give people permission to reproduce our materials?.....	32
c. I want to give people permission to reproduce my material by putting a note at the front. Can I do that?.....	32
d. Are there standard rates for licensing the reproduction of training materials?.....	33
e. We understand that our company is the owner of copyright in materials produced by its staff, but our company wants to protect staff from having their work used by other institutions without acknowledgement and payment. How can we go about this?.....	33
f. Can I give someone permission to reproduce my work and keep copyright in my name?.....	33
g. If I have granted someone a non-exclusive licence to publish my training course, can I grant someone else permission to reproduce it?.....	33
h. Can I use material that I wrote but which I have sold?.....	33
i. Can an institution which contracted me to create a training package to use with the students I teach at the institution reproduce it to supply to other teachers?.....	34
j. How do I protect material that I place on the Internet?.....	34
PART 6: INFRINGEMENT OF COPYRIGHT.....	35
6.1. Infringement of copyright.....	35
a. Substantial part.....	35
b. Similar works.....	36
c. Authorising an infringement.....	36
d. Possessing infringing copies.....	36
6.2. What steps can a copyright owner take to pursue an infringement?.....	36
a. Get advice.....	36
b. Decide what you want.....	37
c. Contact the infringer.....	37
d. Court action.....	38
6.3. Exceptions to infringement.....	38
a. Fair dealing.....	38
b. Copying by libraries.....	39
c. Copying by educational institutions.....	39
d. Performances in class for educational instruction.....	40
e. Government use of works.....	40
6.4. Common questions – infringement.....	40
a. How can we protect our written material against reproduction by our seminar participants?.....	40

b.	My copyright has been infringed. What should I do?.....	40
c.	Is plagiarism the same as copyright infringement?.....	41
d.	My work is being copied in educational institutions. What should I do?.....	41
e.	Can someone avoid infringing my copyright by paraphrasing?.....	41
PART 7: PROTECTION FOR IDEAS, CONFIDENTIAL INFORMATION, NAMES AND TITLES .....		42
7.1.	Common questions.....	42
a.	Does copyright protect ideas?.....	42
b.	Can we stop participants in our courses using the information and ideas that we present at our seminars?.....	42
c.	How do I protect my ideas and methods if I am going to be showing my work to potential publishers?.....	42
d.	What can we do to prevent former employees using our ideas and teaching methods when they leave our employ?.....	42
7.2.	Confidential information/trade secrets.....	43
7.3.	Protection for company names, business names and titles.....	43
a.	Company names.....	43
b.	Business name registration.....	43
c.	Trade marks.....	44
7.4.	Protection for image or ‘get up’ .....	44
PART 8: USE OF COPYRIGHT MATERIAL.....		45
8.1.	Common questions on using other people’s copyright material.....	45
a.	If I use it for an educational purpose, do I need permission?.....	45
b.	If I use another person’s work for a non-profit purpose, do I need permission?.....	45
c.	Can I use it if it’s anonymous or has no copyright notice?.....	45
d.	If I say where a quote came from, can I use it without permission?.....	45
e.	Can I use teaching methods that are described in a book?.....	45
f.	What can we do with a training manual we commission?.....	46
g.	If I use only 10% of a work, do I avoid infringing copyright?.....	46
h.	I want to use graphs, tables and diagrams from another source.....	46
i.	Can I copy excerpts of videos and TV programs to use in training?.....	46
APPENDIX 1: REQUIREMENTS FOR PROTECTION .....		47
Copyright is automatic.....		47
Connection with Australian copyright law.....		47
The work must be ‘original’ .....		47
The copyright notice.....		47
APPENDIX 2: RIGHTS OF COPYRIGHT OWNERS.....		48
APPENDIX 3: DURATION OF COPYRIGHT.....		49
Summary of protection periods for different material.....		50
APPENDIX 4: SPECIAL DEFINITIONS IN THE COPYRIGHT ACT.....		51
Educational institution.....		51
List of ‘educational institutions’ for the purposes of the Copyright Act.....		51
Publication.....		51
OTHER COPYRIGHT COUNCIL PUBLICATIONS .....		52