
A05n17

Individuals Print Disability Licence

November 2005

This Licence should be read in conjunction with the Print Disability Copyright Guidelines produced by the Australian Copyright Council, and may be used under the same terms and conditions. To see the latest versions of the Guidelines, including the latest version of this Licence, go to <http://www.copyright.org.au/disability>.

Licence

1.1 Copyright owners who have granted the Individuals Print Disability Licence

The following copyright owners have granted this Licence:

- McGraw-Hill Australia Pty Ltd
- Pearson Education Australia
- Schwartz Publishing / Black Inc
- Spinifex Press
- Sybylla (an imprint of Spinifex Press)

1.2 Who can rely on the Licence?

An individual can only rely on the Individuals Print Disability Licence if he or she meets the definition in the Copyright Act of a person with a print disability. That is:

- a person without sight; or
- a person whose sight is severely impaired; or
- a person unable to hold or manipulate books or to focus or move his or her eyes; or
- a person with a perceptual disability.

If you are a member of an accessible library service (such as NILS), you should meet these requirements.

1.3 What you CAN do under the Licence

a. Copy for your personal use

You can make a copy in an accessible format for your personal use, if:

- You have a print disability as defined in the Copyright Act (see clause 1.2)
- the publisher has granted the Individuals Print Disability Licence (check the list at 1.1);
- you have bought a copy of the book or are entitled to access it from a library; and
- you have made the checks set out in clause 1.4 and the item is not commercially available in the form you require.

b. Copy on behalf of someone else entitled to rely on the Licence

If you are entitled to make a copy for yourself under Clause 1.3a, you can get someone else to make the copy for you, and communicate that copy to you (for example, by emailing it to you), provided that:

- the person who makes the copy does not charge any money for making or supplying it; and
- if he or she communicates the copy (for example by email), he or she deletes the email and any extra digital copies that were made once you have received the copy.

c. Supply a copy to a print disability organisation

If you have made an accessible copy under this Licence, you can supply a copy of it to a print disability organisation for it to use in making a master copy. If you communicate the copy (for example, by email), you must delete the email and any extra digital copies that were made once the print disability organisation has received the copy.

1.4 What you must do when you copy under this Licence

Before making an accessible copy under this Licence, you must check whether the book is commercially available in the format you want. If it is available, you cannot make a copy under this Licence.

This clause tells you how you can meet these requirements.

If you want to make a **hard copy** (in print, or an analogue recording), you can check commercial availability by asking one of the following whether it can sell you a copy in the format you need:

- a bookshop; or
- a book distributor that distributes books for that publisher; or
- the book's publisher.

If you want to make a **digital copy** (for example, by scanning the book or copying a digital file), you can check whether the book is commercially available in the format you need by:

- searching the publisher's online catalogue, if available; or
- contacting a distributor (such as www.ebooks.com) that distributes books in digital form for that publisher; or
- searching the website of a distributor that distributes books in digital form for that publisher; or
- contacting the publisher directly.

1.5 What you CAN'T do under this Licence

a. When you can't make a copy under this Licence

You may not make a copy for personal use under this Licence if:

- You do not have a print disability as defined in clause 1.2; or
- the publisher is not listed in Clause 1.1; or
- you can buy a copy of the book in the format you need; or
- you are copying from an infringing or pirate copy.

b. What you can't do with copies made under the Licence

You may not:

- upload a copy made under this Licence to a website or intranet;
- sell a copy you make under this Licence;
- give, lend or supply a copy made under this Licence to anyone except:
 - someone with a print disability who is entitled to rely on the Individuals Print Disability Licence; or
 - a print disability organisation (note that public libraries are not normally print disability organisations).

1.6 Third party material

The publisher does not warrant it can give you permission to copy third party material in the book such as photographs or artworks that were not created by the author or publisher.

Part 2: Notes on the Licence

2.1 Information for individuals

This Licence is in addition to your rights under the Copyright Act, set out in Part 3 of the Guidelines.

a. What the Licence means

You can only rely on this Licence if the publisher of the material you want to use is listed at clause 1.1. If the publisher concerned is not listed, you may be able to use the material under the Copyright Act; otherwise you need to seek permission directly. To find out what the Copyright Act allows you to do, see Part 3 of the Guidelines.

The statements about what you can and can't do under the Individuals Print Disability Licence are the terms and conditions of the Licence. If you make a copy of a work under the Licence and breach any of the conditions, you will be liable for infringement of copyright (unless you were entitled to make the copy under the Copyright Act).

b. Getting copies from print disability organisations

If a print disability organisation has a copy in the format you require, you can request a copy from that organisation, whether or not the publisher of the work has granted this Licence.

c. Photographs, artworks and “third party material” in books

Sometimes, books contain material licensed from third parties, over which the publisher has only been granted limited rights. This is most commonly the case with photographs from commercial photograph agencies. The publisher may not have the right to grant you permission to copy such material.

If you need to copy third party material when making an accessible copy under this Licence, you may be able to rely on the defence of fair dealing for research or study for this material. See Heading 3.1 in the Guidelines (What you CAN do under the Copyright Act).

If you are not able to rely on this defence and you need to copy the photographs or artwork, you may need to contact the copyright owner (of the third party material) directly to get permission. The publisher may be able to refer you to the copyright owner.

2.2 Information for copyright owners and publishers

For information on the background to this Licence, see Part 6 of the Print Disability Copyright Guidelines, available at <http://www.copyright.org.au/disability>.

If you are a publisher or other copyright owner and would like to grant this Licence in relation to some or all of your publications, please contact the Australian Copyright Council at info@copyright.org.au (include the words “Print Disability Licence”) in the heading) or contact the Australian Copyright Council at PO Box 1986, Strawberry Hills NSW 2012; telephone (02) 9699 3247; fax (02) 9698 3536.