

Scenarios to illustrate the negative effects of "insubstantial copying"

This still life is naturalistic and rich in colour. It expresses Margaret Olley's joy in living things and pride in her possessions. Her brushstrokes are heavily laden with paint, free and expressive. Fruit balances precariously amongst the folds of fabric. The fruit is bursting open, reminding us of its short life. There is a feeling of abundance or lusciousness. This is mainly created by the thick, glossy paint and vibrant colours.

Form has been carefully created by Olley's use of light and colour. Her objects have been given a sense of weight. The use of blue unifies the work. A whitish blue has been added to the highlights while a grey-blue

Text: Artwise

84

By Copyright Agency Limited



- In 1999 the Senate Legal and Constitutional Affairs Committee recommended that the insubstantial copying provision not be extended to the digital environment and that its existence in the hard copy world be reviewed.
- The Government rejected that recommendation. They are now seeking to limit its negative impact on copyright owners by reflecting the hard copy limitations.

- CAL believes the amendment to Section 135ZMB in Part 8 of the Bill must be made now.
- Further, paintings and works of art that are printed within the text's *two-page* limit should not be made available for free as they are entire works.
- In addition CAL recommends that following the amendment the whole operation of the provisions be reviewed.

Introduction

- Text books are intensely value-added and now, as the following presentation shows, two pages can comprise a whole lesson plan - representing months of work for the creator.
- Copying has to be a fair deal for teachers, students, creators and publishers.
- This presentation explains the negative impact of the provision on copyright owners.

S135 ZG and S135ZMB copying Key issues:

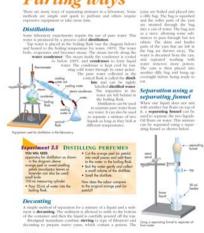
- If you are a teacher you may copy any two pages of a textbook every 14 days and it is considered *insubstantial*
- Or you may copy electronically one per cent of the digital work every 14 days - so teachers can *cherry-pick* different content to suit themselves – at no cost.



Example

Here are two Australian
 text books for schools

▶ 2.3 Parting ways



Core Science Each is more than 200 pages and one includes a CD-rom of the book content.

Two consecutive pages from Artwise

Embedded work copied at no charge

12

Frames: cultural; structural Form: acrylic painting on canva Conceptual framework: In Aborigi Michael Nelson etween the land, the artwork and beliefs of the artist's language grou Tjakamarra (b. 1949, Australian) a wider audience CRITICAL STUDY In this painting can be seen a simplified image of a snake and geometrical They appear to be signs or symbols, telling a story and leading the eye from left to right across the painting. The central interconnected roundels divide the painting in two. The colours are mainly those we find in soil and rocks, with the addition of blue. HISTORICAL STUDY The works of Aboriginal artists are mostly about places, about sites created by ancestral beings in the Dreamtime. Since many of the stories of the Dreamtime are sacred and belong to the artist or a group of people, without their assistance and permission it is not possible to understand the meaning of the stories or appreciate how important the land is to Aboriginal people. These paintings also provide us with a map-like image of the enormous space in which Aboriginal people exist and travel. Aboriginal art is a means of communicating information about religious beliefs. Indigenous people believe the power or spirit of Dreamtime beings still exists within the land. The making of artworks is part of the ritual associated with appealing to these ancestral beings. Each site or place included in the Dreamings or stories is a special place to Aboriginal people. The paintings can be interpreted as a type of map of the landforms created during the Dreamtime. The group of people owning particular Dreamtime stories therefore also owns the land represented in the artworks. Aboriginal paintings have been used even in a court of law as a title deed or land map of ownership in land rights claims. Michael Nelson Tjakamarra was born at Vaughan Springs, Northern Territory. He now lives in Papunya, Northern Territory - the centre of the Western Desert Art movement. In 1984 he won the National Aboriginal Art Award. Five stories are represented in Five Dreamings. The central roundels depict the Watunuma or Flying Ant Dreaming at a place called Yuwintji. located to the west of Vaughan Springs. The large and smaller circle to the right above the central line represents the Possum Dreaming at two sacred sites north of Vaughan Springs: Tjangakulangu and Mawitji respectively. Yilkiri, a site near Mount Singleton, is also shown. This represents where a willy-willy turned into Wanampi, Rainbow Serpent, seer here in the form of a snake. Below the Rainbow Serpent's body can be seen the tracks of a rock wallaby journeying between two sacred sites Three other circles can be seen in the bottom left corner. These represent Miruwarri, a Rain Dreaming site to the west of Mount Doreen. The Aboriginal people at present are trying to find a balance betweer keeping information secret to keep alive their laws, beliefs and social structure, yet sharing information in the hope of achieving understanding and the recognition of their rights. Aboriginal paintings thus fulfil ar important role - making sure their culture is passed on to future generations. Their art is a rich visual language of signs and symbols.

122



Five Dreamings 1984 (collaboration with Marjorie Napaljarri) Synthetic polymer on canvas 122 × 182 cm Gabrielle Pizzi Collection. Melbourne, © Aboriginal Artists Agency, Sydney



Is this insubstantial content?

Two pages from Artwise



copied at no charge And the teacher

And the teacher can copy this every two weeks for free

Lesson on a particular artist

Scenario

- A teacher nominates a particular science textbook for her Year 10 class. This teacher also has a copy of another science textbook.
- During the course of the year, the teacher uses the other text book as a resource for exercises or summaries pages.

- Over the course of the year, the teacher can copy over 50 pages for free.
- The cumulative amount is much more than the paid-for copying under the educational statutory licence.

Two pages from Core Science

Lesson plan – illustrations, experiments and activities

of water. The bag acts allowing some sub- pass through but not e skins and harder e yam that are left in e thrown away. The scanted from the can, ated washing with toves more polson, is then placed into ly bag and hung up before being ready to thiom using a thing furnuel liquid does not mix er but floats on top of ating funde can be	machine acts as a centrituge and a filter. As it spins, the clothes are forced to the sides of the tub and the water passes out through the holes in the tub. The clothes cance fit through the clothes cance fit through water is removed. In the labora- tory, centrifuging is used to separate solid or liquid sub- stances from liquids. The mix- ture is placed in special test tubes which are spin at high speeds. The heavier substances are forced to the bottom of the tube and the lighter substances are left near the top.	 Spin the billy vertically with your outstretched orm. Makes user hair you spin it quickly for 10 revolutions of your orm. Chromatageraphy Paints, inks, dyes and food et substances on the maxture using p In paper chromatography a light solving the substances on the paper 	colours. You can separate paper chromatography, uid soaks through the paper er and carrying them with it. 1 ried through the paper faster
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liquid does not mix er but floats on top of ating funnel can be			are separated along the paj
er but floats on top of ating funnel can be			Activities
	Experiment 2.7 CHRC		Think
parate the two liquids. on water. This mixture parated using a separ-	FOOL YOU WILL NEED food colouring (that is made up of several colours – check the label	 Use a capillary tube to place one drop of food colouring on the centre of the pencil line on the 	 In your own words, explait term 'condensation' base the information you have about distillation on page
a shown below.	on the bottle)	filter paper.	Why is cool, running wat passed through the distille
1	scissors capillary tube	 a depth of 1 cm. Stand the filter paper so that the 	equipment shown on page
separating	and the second	sure that you keep the dot of food	Create
ronner		 colouring out of the water. Fix the filter paper to a pencil to 	Design and build a separati machine that will separate a mixture of three substances.
	filter	 Let the filter paper stand until the water has risen almost to the end 	Create a brochure to advert your machine which include • the name of your machine why it is useful
top	paper	1. What colours were in the food	 why it is useful a diagram of the machine information on what mixtu
50 mL beaker	food water colouring	Which colours were more soluble in water? How did you know?	your machine will separat instructions for how to use an explanation of why it w
	Paper chromatography separating the colours in food colouring	results.	Investigate
	Cut a piece of filter paper approximately 10 cm by 3 cm.	using Smarties instead of food colouring. (Mix a Smartie with	An oil spill at sea can ruin t local environment and kill
ating funnel to separate oil	 Kule a line in pencil 2 cm from the end of the paper. Place some food colouring on a watchglass. 	watchalass until the water is	wildlife. Find out when and where the worst oil spill disc have occurred and how the was separated from the wat
			SEPARATING MIXTURES
	A Top	a as shown below. as s	a as shown below. a shown below. a sporting break 50 mt. boxer 10 mt. 10 mt. 1

Is this insubstantial content?

CAL's proposal

Recommendation 1:

• CAL supports the Government's amendment to make digital copying of one per cent of works **consecutive.**

Recommendation 2:

 Paintings and works of art that are printed within the text's "two-page" limit should not be made available for free as they are entire works. Recommendation 3:

• CAL recommends that following the amendment the whole operation of the provisions be reviewed.