

Text: Artwise

## Scenarios to illustrate the negative effects of "insubstantial copying"

By Copyright Agency Limited

## Background

- 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 $135 Z M B$ 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.


Artwise

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


## Two consecutive pages from Artwise



Is this insubstantial content?

## Two pages from Artwise

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
2.3

Parting ways


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.

