

# A GUIDE TO THE EARLY CHILDHOOD EDUCATION COPYRIGHT LICENCE

This guide is designed for early childhood educators around Australia who use creative materials like books, music, videos and art in their programs.

It exists to help explain the Early Childhood Education Copyright Licence available to service providers of this kind and to help you seamlessly integrate copyright awareness into your day-to-day business.

There are some limited exceptions in the *Copyright Act 1968* that cover educational institutions like early learning providers, schools, universities and colleges for different uses of creative materials. However, there are also many other uses of those materials that fall outside the allowances in the *Copyright Act*, so it is important to understand when you need to obtain a licence for the further use of those materials.

## WHAT IS COPYRIGHT?

To understand when your service might require copyright licensing, it is important to know why copyright law exists.

**Copyright laws exist to protect the rights of creators and those who invest in them to make sure that they are fairly paid for the use of their work. This provides a very valuable and necessary income stream to composers, writers, artists and other creators.**

The *Copyright Act* grants creators of original works – like literary, dramatic, artistic or musical works – a bundle of rights. These rights are granted automatically and don't need to be registered for protection.

They are exclusive rights given to the creators; which means that if anyone else wants to do any of these things, they must have the permission of those creators first.

**The bundle of rights granted to a creator are the exclusive rights to:**

- Perform;
- Reproduce (copy);
- Publish;
- Communicate; and
- Adapt,

**your own work.**

Obviously the *Copyright Act* isn't quite that simple. It is incredibly detailed and gives a range of circumstances in which permissions aren't required – for example you might not need to obtain permission from a copyright owner if you are reporting the news. We will go through some of the circumstances that might apply to early education later on in the guide.

For now though, the most important thing to remember is that when someone creates a work, they get to control how it is used and anyone else who wants to use it needs to have their permission.

## HOW LONG DOES COPYRIGHT LAST?

**The copyright protection of a work lasts from the moment the creative material is put into a physical form – written down or recorded – until 70 years after the death of its creators.**

Sound recordings and published editions are also protected for their own duration of copyright.

Sound recordings – such as a recording of a song – are protected by copyright for 70 years from the end of the year in which they were released.

Published editions – like books and sheet music – are protected by copyright for 25 years from the year they are published.

## WHAT IS THE EARLY CHILDHOOD EDUCATION COPYRIGHT LICENCE?

The Early Childhood Education Copyright Licence was created to help early learning providers ensure that they can meet their copyright obligations when exercising the exclusive rights owned by the creators. It gives service providers a way to obtain permission from the creators of the materials they use to be able to use their works in certain ways.

The licence is the easiest and most cost effective way to seek permission from content owners through a 'one-stop-shop' type of mechanism instead of getting permission each time you use creative materials outside what the *Copyright Act* covers you to do.



## WHAT ARTISTS' WORKS DOES IT COVER ME TO USE?

When it comes to music, the licence will cover you to use anything that is within the APRA AMCOS ([www.apraamcos.com.au](http://www.apraamcos.com.au)), ARIA ([www.aria.com.au](http://www.aria.com.au)) and PPCA ([www.pcca.com.au](http://www.pcca.com.au)) repertoire. This information is available on the noted websites, but since each organisation has reciprocal agreements with their international affiliates, most music being used in early learning will be covered by the licence. This means there is usually no need to check the repertoire lists each time you use a song.

You can use any works by visual artists that are listed on the Viscopy website (<https://www.viscopy.org.au/memberships>).

You can also use any books, magazines, journals and graphic works except those listed as exclusions on the Copyright Agency website (<http://copyright.com.au/licences-permission/excluded-works/>).

## WHAT DOES THE COPYRIGHT ACT ALLOW ME TO DO WITHOUT FIRST OBTAINING PERMISSION?

There are a few instances where the *Copyright Act* says that you don't need permission to exercise a creator's exclusive right. These include but aren't limited to:

Usage	Restrictions and Conditions
Performing music in a classroom for educational purposes	This must be education given for <u>no profit</u> meaning that for-profit service providers cannot rely on this exception.  The music use also has to be a performance given by a student or teacher in the course of instruction. This therefore wouldn't cover things like relaxation or play time.
Copying works for the purpose of an exam	While not particularly relevant to early learning, the <i>Copyright Act</i> covers educators and students to reproduce works as part of the questions or answers in an exam.
A student copying a work for personal research and study	This copying must be done by the student, for their own personal research and study.

While these could be relevant in early learning, it is best to seek legal advice if you want to rely on the exception provisions in the *Copyright Act* for the use of creative content at your service.

The Australian Copyright Council ([www.copyright.org.au](http://www.copyright.org.au)) may be able to help you with this further, otherwise you should seek legal advice.



# WHEN WOULD I NEED THE EARLY CHILDHOOD EDUCATION COPYRIGHT LICENCE?

You will need the licence if you:

Use of Materials	Some Examples of Use
<b>Play music – both live or recorded – at your facility</b>	<ul style="list-style-type: none"> <li>• During nap time, dancing, relaxation time, as part of a game, at working bees, fetes, third party concerts, or from DVDs and movies.</li> </ul>
<b>Play music on your telephone hold system or in staff areas</b>	<ul style="list-style-type: none"> <li>• Having a CD, iPod, radio or TV playing in an administration area or staff room.</li> <li>• Play or perform (or have a third party performance) at a staff or service Christmas party.</li> </ul>
<b>Copy CDs or digital downloads to use at your facility</b>	<ul style="list-style-type: none"> <li>• Downloading an album from iTunes and burning it to a CD to keep in each room at the Centre.</li> <li>• Putting a downloaded album on the server for all educators to access.</li> <li>• Copying your CD library to keep back-up copies.</li> <li>• Copying your CD library into digital formats for use on educator iPods.</li> </ul>
<b>Make video recordings that contain music</b>	<ul style="list-style-type: none"> <li>• Making a video recording of an event – such as a fete or working bee – where music might be captured playing in the background.</li> <li>• Making a slideshow of photos from ‘Storybook Day’ at the Centre and putting music behind it in order to provide to families as a memento of the day.</li> </ul>
<b>Copy portions of books, artwork, pictures or other materials that won’t unreasonably prejudice the work</b>	<ul style="list-style-type: none"> <li>• Photocopying pictures from the children’s favourite storybooks to put up on the wall during ‘Storybook Day’.</li> <li>• Printing pictures and photos of different kinds of animals to make a collage with the children.</li> <li>• Copying or scanning maps, photos, drawings, pictures, artworks, books, poems, song lyrics and other kinds of materials to share with the children and other services.</li> </ul>
<b>Share your materials with other facilities</b>	<ul style="list-style-type: none"> <li>• Scanning and emailing a magazine article on early childhood education to other licensed services.</li> <li>• Uploading a folder of useful workbook snippets to a password protected server for use by other licensed services.</li> <li>• Housing copyright materials on a password protected intranet system for licensed ‘franchisees’ to access for use in their service.</li> </ul>

## HOW LONG DOES THE LICENCE LAST?

When you buy the licence online, it will cover you for 12 months from the date you purchase it. When that 12 month period is coming close to an end, you will receive a renewal notice reminding you to renew your coverage for the following year.

If you don’t renew your licence but continue to use copyright content in the ways the licence covers then you could be in breach of the *Copyright Act*, so it’s important to be aware of your renewal date and get your licence fees paid on time.

## WHAT DO YOU DO WITH THE MONEY I PAY?

The money you pay in licence fees goes back to the creators of the works you use in the form of royalty payments. The money is distributed to composers, songwriters, lyricists, performers, authors, poets, playwrights, artists, photographers, topographers and all sorts of creative artists. For many creators, these royalty streams are an important stream of income that allow them to continue creating the wonderful content used by your service.

As part of your licence you may be required to provide some information on what kind of creative content you use at your service, but you’ll get plenty of notice if this is the case.



## WHAT DOESN'T THE LICENCE COVER ME TO DO?

The licence does have some limitations, including:

Use of Materials Not Covered	Some Examples of Uses Not Covered
Sharing music and videos on the internet	<ul style="list-style-type: none"> <li>Uploading videos containing music, such as slideshows to the internet – including YouTube and Facebook – for families or the public to view.</li> </ul>
Copying more than 10% or one chapter of a work in a book	<ul style="list-style-type: none"> <li>From a book or a collection of poems, articles, illustrations, drawing, photos or other kinds of artistic and literary works.</li> </ul>
Using music or other kinds of works in any advertising or marketing	<ul style="list-style-type: none"> <li>In radio, TV or internet advertising.</li> <li>As a DVD in a 'prospective parent package' designed to encourage enrolment.</li> </ul>
Using music at events where admission fees are charged	<ul style="list-style-type: none"> <li>Third party events that the children and staff are charged to attend.</li> <li>Facility professional development days where admission fees are charged.</li> </ul>
Making a profit from the sale of any materials used under the licence	<ul style="list-style-type: none"> <li>Selling the DVD slideshows to parents for more than cost recovery purposes.</li> <li>Selling copied recordings to other licensed facilities for profit.</li> <li>Selling copied literary and artistic works to other facilities or to families.</li> </ul>



## HOW MUCH DOES THE LICENCE COST?

The cost is an annual fee per approved place at your facility. Approved places are the number of children you are licensed to have on the premises on any given day, not the number of children that are enrolled. The fee increases by the September quarter CPI each year so make sure you check the Early Childhood Australia (ECA – [www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)) website to get the most up-to-date licence fee for that year.

## WHERE CAN I GET MORE INFORMATION?

You can find information on the ECA website ([www.earlychildhoodaustralia.org.au](http://www.earlychildhoodaustralia.org.au)) but if you'd like to discuss whether the Early Childhood Education Copyright Licence is right for your facility then feel free to email us ([earlylearning@apra.com.au](mailto:earlylearning@apra.com.au)) or call us on 02 9935 7900.

## WHAT INFORMATION DO YOU NEED FROM ME EACH YEAR?

You will need to tell us the trading name and address of your service, how many approved places you are licensed for in that financial year and whether or not you are a member of ECA.

## WHAT DO YOU DO WITH THIS INFORMATION?

We will only use it to calculate the licence fee you need to pay for that year based on your approved places.