

NEW AUSTRALIAN COPYRIGHT LAWS

EDUCATIONAL INSTITUTIONS PERFORMANCES IN THE CLASSROOM AND INTERNET CACHING

Schools allowed to 'reticulate' films and sound recordings through a central 'source player' and proxy caching by educational institutions is permitted.

Performances in the classroom

Under s 28 of the Copyright Act schools are permitted to play films and music in the classroom. This provision has been extended to allow schools to 'reticulate' films and sound recordings through a central 'source player' in a different location (ie a device in a library from which the material is displayed on monitors in a classroom). The school does not have to pay the copyright owner when it reticulates material like this. The provision also allows schools to retransmit live broadcasts to the classroom. Copying of broadcasts is covered by a statutory licence which means schools have to pay a fee to do so.

Proxy caching

What's proxy caching?

Proxy caching within a network involves the automatic reproduction of web pages, done to reduce bandwidth congestion and to provide quicker, more reliable, access. New s 200AAA clarifies that proxy caching by educational institutions is not an infringement of copyright. Four conditions need to be satisfied for s 200AAA to apply:

- the computer system must be operated by, or on behalf of, an educational institution
- the system must be to enable staff and students to use the system to gain online access to material for educational purposes
- the system must automatically make temporary electronic reproductions of works and temporary electronic copies of subject-matter other than works which are made available online and are accessed by users through the system, and
- the temporary copies made automatically by the system must be merely to facilitate efficient access to the online material by staff and students.

New s 200AAA is not intended to allow an educational institution to retain permanent copies of online material or to create an archive of online material. Copies must be 'temporary' and made only for efficiency (eg to reduce bandwidth congestion).

There is no requirement that material be deleted or removed because the nature of proxy caching is that cached material is eventually 'overwritten' by the system as the available memory becomes full.

This fact sheet provides general information only and is not a substitute for professional legal advice.



Australian Government
Attorney-General's Department