COPYRIGHT LAW AND NEW TECHNOLOGIES

Information relating to teachers allowing students to use school-licensed software on non-school laptops


- Software is protected by copyright as a type of “literary work”. This includes all types of software like desktop applications, mobile apps and web-based applications. The Copyright Act uses the term “computer program” to refer to software and defines it as: “a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.” Other material protected by copyright includes written material, tables and compilations, drawings (including maps and plans), paintings, sculpture, craftwork, films (such as feature films, television programs, commercials and computer video games), sound recordings and broadcasts.
- If you buy software, your rights to use it are normally set out in the terms and conditions of a licence.
- There is no general right to copy software for personal use.
- Generally, most software is accompanied by licences, which set out the terms and conditions on which the software may be used. The terms and conditions of licensing agreements vary considerably, and in many cases may impose terms or conditions that relate to matters other than copyright issues.
- A person infringes copyright if they use protected material in one of the ways exclusively controlled by the copyright owner without permission. For software, uses which require permission include making copies, porting software across different platforms, and making software available for download.
- Copyright is infringed by someone who “authorises” someone else to infringe copyright.
- A person also infringes copyright by simply playing an infringing copy software
GENERAL INFORMATION FROM SMARTCOPYING WEBSITE AND OTHER SOURCES -
http://www.smartcopying.edu.au/

- Only tangible works that can be copied without asking permission or considering fair use guidelines are works in the public domain and thus works that are not copyright protected.
- The guidelines for public domain and copyright-protected works predate many of the new technologies used in schools today so you will not find them in official copyright law. Usually teachers will have to rely on common sense and the right intent when determining at technology resources they and their students can or cannot use.
- All software, like all tangible works, is copyright-protected when it is created.
- Commercial software is covered by copyright. It is not shareware or freeware and is covered by licences.
- As per licensing agreements, teachers cannot make copies of commercial software licensed to the school and distribute to students.
- When they purchase or use a commercial program, they do not own the software - they merely acquire the right to use it in accordance with certain conditions of the licence.
- Most licensing agreements do not allow users to pay and distribute commercial software outside the limitations detailed in the licence.
- Fair use applies to use of digital material for teaching purposes, not sharing of software with students.
- If aware of unauthorized uses, the school should advise the user that the Copyright Law applies and that the user will be liable for an infringing use.
- Input of a copyrighted work into a computer results in the making of a copy (for example, software is loaded from a CD into a computer’s memory) and this immediately infringes copyright and infringes on a licence. Unauthorised copying of software is illegal under the Copyright Act 1968 and is strictly forbidden.
- Only legitimately acquired software may be used and only in accordance with all applicable licence conditions.
- Computer software may only be loaded onto as many devices as the school has licences for.
- Software purchased for school use may not be loaded onto a home or student computers.
- School-owned software is licensed for school-owned computers only. Students who wish to use their own computers should be aware that the school is not allowed to install school-owned software onto non-school-owned computers.