

OPYRIGHT THE CARD GAME



AUSTRALIAN EDITION

OPYRIGHT THE CARD GAME AUSTRALIAN EDITION v1.0

An adaptation of the original *Copyright The Card Game* by
Chris Morrison and Jane Secker.



The colour scheme for *Copyright The Card Game – Australian Edition* is inspired by the floral emblems of the Commonwealth and the Australian States and Territories.

Purple references the Royal Bluebell (*Wahlenbergia gloriosa*), floral emblem of the Australian Capital Territory.

Red references the Waratah (*Telopea speciosissima*) and the Sturt's Desert Pea (*Swainsona formosa*), floral emblems of New South Wales and South Australia.

Pink references the Common Heath (*Epacris impressa*), the Cooktown Orchid (*Dendrobium phalaenopsis*) and the Sturt's Desert Rose (*Gossypium sturtianum*), floral emblems of Victoria, Queensland and the Northern Territory.

Green references the Red and Green Kangaroo Paw (*Anigozanthos manglesii*), floral emblem of Western Australia.

Yellow references the Tasmanian Blue Gum (*Eucalyptus globulus*) and the Golden Wattle (*Acacia pycnantha*), floral emblems of Tasmania and the Commonwealth of Australia.

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Works

(12 cards – Purple)

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- W8: Published Editions
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Exceptions

(15 cards – Green)

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Risk

(6 cards – Yellow)

R1: 0, R2: 1, R3: 2, R4: 3, R5: 4, R6: 5

Instructions

1 of 2

Thank you for choosing *Copyright The Card Game*. We hope you like it!

Copyright The Card Game – Australian Edition is an open educational resource for introducing people to Australian copyright law. It explores the relationship between licences and copyright exceptions with a focus on education and the GLAM (galleries, libraries, archives and museums) sector. However, it is also suitable for playing with anybody who has an interest in understanding copyright in practice.

It is a team game, playable with up to 6 teams of 2–8 players (i.e., a comfortable maximum of 48 in total) and it takes between 1.5–3 hours to play depending on the size of the group (larger groups take longer) and amount of time for discussion.

The game uses five suits of cards, which are listed on the Index card for reference. The game is played in four rounds. The facilitator uses a set of PowerPoint slides to structure the game which can be downloaded from copyrightcardgame.com. The slides contain a series of scenarios presented to the players, who then select the cards which they think apply. Rounds 1–3 use just one corresponding suit of cards, whereas Round 4 requires the team to use all 5 suits of cards to identify the copyright work, the use that is taking place, if there is a licence or exception that applies and the associated level of risk.

Instructions

2 of 2

Round 1: Works. This round requires several props (such as books, DVDs, musical scores) which each team are given in order to identify the type of copyright work. Each team is given a different prop in this round and asked in turn to explain their selection of cards.

Round 2: Uses. Teams are asked to decide from the scenario on the slide what type of use is taking place and use their Uses cards to select the correct answer.

Round 3: Licences. Teams are asked to decide from the scenario on the slide which type of licence might be suitable for the activity being undertaken. They use the Licence card to select the correct answer.

Round 4: Exceptions. Teams are given all five suits of cards and a more complex scenario where they identify the works, uses, licence and exception that apply and the level of risk.

Scoring: Points are awarded at the end of each round to the team that most accurately answers the question by selecting the right cards. Model answers are provided on the PowerPoint slides, however points can also be awarded at the discretion of the facilitator for answers that display a good understanding of copyright. The facilitator should keep track of team's progress on a scoreboard and award a small prize (e.g., a box of chocolates) to the winning team.

Credits

1 of 2

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This Edition was adapted for Australia and Australian copyright law by Nerida Quatermass, Kate Makowiecka, Lisa Conti Phillipps, Elliott Bledsoe and Jessica Coates.

It is proudly produced by Creative Commons Australia and the Australian Libraries Copyright Committee, in partnership with the Australian Digital Alliance.



Credits

2 of 2

Game cards design: The cards for *Copyright The Card Game – Australian Edition* were designed by Elliott Bledsoe.

The design is based on the *Copyright The Card Game v3.0* game cards design by Steve Roberts.

Icons: All cards icons were created by Steve Roberts.

Fonts: Headings: 'Zilla Slab' by Typotheque. It is licensed for reuse under the terms of a SIL Open Font License v1.1, <http://scripts.sil.org/OFL>.

Body text: 'Open Sans' by Steve Matteson. It is licensed for reuse under the terms of an Apache License, Version 2.0, www.apache.org/licenses/LICENSE-2.0.

Literary



Protects: Written expressions of concepts and information in a material form.

Examples: Books, journals, poems, song lyrics, emails, train timetables, computer programs.

Duration: Published: life of author + 70 years. Unpublished: year created or first made public + 70 years.

Note: Literary works do not contain a prescribed number of words but must be sufficiently substantial; single words, slogans, and titles are not generally protected.

W1

W

Works



Dramatic



Protects: A work in a material form that is intended for performance or presentation.

Examples: Plays, screenplays, choreography, mime.

Duration: Published: life of author + 70 years. Unpublished: year created or first made public + 70 years.

Note: Dramatic works include film scripts, but films themselves are protected separately.

W2

W

Works



Musical



Protects: Composition of sounds in a material form.

Examples: Melodies, advertising jingles, musical scores.

Duration: Published: life of author + 70 years. Unpublished: year created or first made public + 70 years.

Note: Musical compositions and sound recordings are protected separately.

W3

W

Works



Artistic



Protects: Visual expressions of concepts and information in a material form.

Examples: Paintings, drawings, sculptures, buildings, maps, photographs, architectural plans, diagrams.

Duration: Published: life of author + 70 years. Unpublished: year created or first made public + 70 years.

Note: The work does not need to have artistic merit to be covered; margin doodles and oil paintings are equally protected.

W4

W

Works



Sound Recording



Protects: Any recording of sound in a material form.

Examples: CDs, MP4 files, MP3 files, film and TV soundtracks, sound effects, speech recordings.

Duration: Released: year first made public + 70 years. Unreleased: year of creation + 70 years.

Note: Sound recordings are protected separately from the underlying works (e.g., a script or musical composition).

W5

W

Works



Film



Protects: The composite whole of the individual parts that make up a cinematograph film.

Examples: Films, commercials, animations, computer games.

Duration: Released: year first made public + 70 years. Unreleased: year of creation + 70 years.

Note: Layers of copyright apply within a film – e.g., separate protections still apply to the script, sound recording, and musical score.

W6

W

Works



Broadcast



Protects: The transmittal of audio and audio-visual material by radio or television.

Examples: Pre-recorded or live television programs, talk radio.

Duration: Year first broadcast + 50 years.

Note: Broadcasts are protected separately from the underlying works (e.g., a script or musical composition).

W7

W

Works



Published Editions



Protects: The typographical layout of a published edition.

Examples: The layout and look of a publication.

Duration: Year edition first published + 25 years.

Note: Protection only controls exact copies (i.e., facsimiles).

W8

W

Works



Performance



Protects: Musical or dramatic performances, when fixed in a material form (i.e., recorded).

Examples: Acting, musical performance, lecture, public recital or presentation.

Duration: Year first recorded + 70 years

Note: Unrecorded performances are not protected by copyright.

W9

W

Works



Government



Protects: Works created by government bodies or first published by the government.

Examples: Court notices, pamphlets, health alerts, annual reports of government bodies.

Duration: Year of creation + 50 years.

Note: Governments often produce significant amounts of "grey literature" (research not commercially published) that is protected by copyright.

W10

W

Works



Public Domain



Definition: Material not protected by copyright (e.g., where the duration of copyright has expired).

Examples: Photographs taken before 1955; sound recordings made before 1955; published literary, dramatic, musical or artistic works or engravings if the author died before 1955; unpublished literary, dramatic, musical or artistic works if the author died before 1949; works with an unknown creator that were created or made public before 1949.

Note: Public domain works can be freely used, reproduced, modified, and distributed without restriction.

W11

W

Works



Moral Rights



Protects: Personal legal rights belonging to creators.

Examples: Right to be attributed for their work; right to not have their work falsely attributed; right to not have their work treated in a derogatory way.

Duration: The same duration as copyright protection for the work.

Note: Moral rights can be waived by the rights holder, but they cannot be transferred, assigned, licensed, or sold, and are separate to economic rights.

W12

W

Works



Reproduce/Copy



Definition: Copying a substantial part of a work in any material form including electronic means.

Examples: Making a photocopy, copying to a digital storage device, recording performances.

Note: Reproduction includes duplication of a work in an alternative format (e.g., taking a photograph of a painting).

U1

U

Uses



Publish



Definition: Making a work publicly available.

Examples: Publishing a book or journal, distributing sound or film recordings, uploading third party images to a blog or website.

Note: Merely exhibiting an artistic work does not constitute publication. "Publishing" is not necessarily "commercial".

U2

U

Uses



Public Performance



Definition: The performance or showing of certain types of work in public (i.e., outside a domestic setting).

Examples: Live delivery of lectures, addresses, speeches or sermons, musical performances, dramatic performances, playing of sound recordings and films.

Note: Public performance use restrictions do not apply to artistic works.

U3

U

Uses



Communication to the Public



Definition: Electronically transmitting or making material available online.

Examples: Use of copyright works in broadcasts, websites, podcasts, social media services.

Note: Communication methods include a wide range of delivery formats such as email and fax.

U4

U

Uses



Adaption



Definition: Altering a pre-existing work.

Examples: Translating text into another language, making a film version of a literary work.

Note: Artistic Works do not enjoy an adaptation right.

U5

U

Uses



Copyright Agency Licence*



Uses: Provide enrolled students with extracts from published and unpublished literary and dramatic works; and sheet music. Delivery must be through a password protected intranet site.

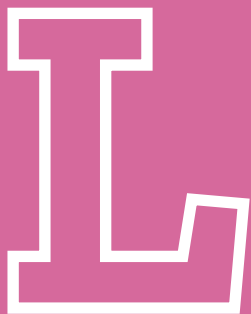
Repertoire: The majority of published books and journals, digital publications, conference and legal proceedings. Artistic works embedded in these.

Note: In addition to the legislative requirements, there are matters of agreement between the parties to the Agreements, e.g., portion limits for text works.

If this licence does not allow the required uses, consider a transactional licence.

* See <https://kutt.it/PyoAWC>.

L1



Licences



Screenrights Licence*



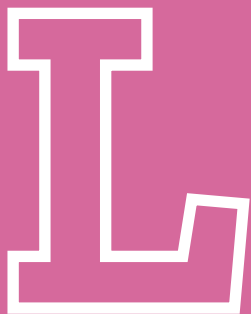
Uses: Provide enrolled students with copies of broadcast materials: any format; no restrictions on format used to copy, the amount copied or the number of copies made; reformatting of licensed copies. Delivery online must be through a password protected intranet site.

Repertoire: Any program broadcast on free-to-air and pay television or radio; podcasts or vodcasts made available online by the broadcaster; content available on a broadcaster's official YouTube channel.

Exclusions: Streaming only services such as Netflix, Stan, etc.; purchased or rented content from online or retail stores; online videos e.g., most of YouTube. If this licence does not allow the required uses, consider a transactional licence.

* See <https://kutt.it/5NEraL>.

L2



Licences



Voluntary Music Collective Licence*



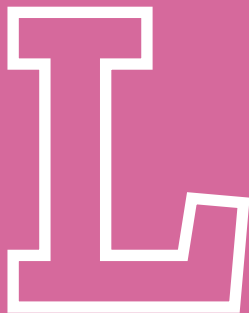
Uses: A number of collective licences are not enacted by statute but are "voluntary" between collecting societies and licensees.

Repertoire: All legitimately obtained music is likely to fall with the repertoire.

Example: APRA AMCOS, ARIA/PPCA.

* See <https://kutt.it/gGKeY0>.

L3



Licences



Library eResources



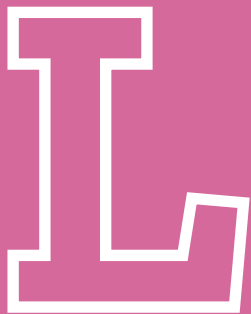
Uses: Licence agreements define permitted access and uses.

Repertoire: Specific to the licence agreement.

Example: EBSCO, Proquest. Direct deals with publishers.

Note: Although e-resource licences restrict certain uses, there may be "exceptions" which allow them. Check whether the contract overrides the exception.

L4



Licences



Creative Commons* Licence



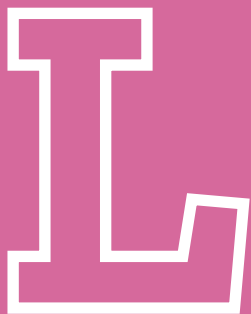
Uses: Allows free copying and distribution of content, and depending on which of the six licences is chosen, may allow users to adapt or commercialise the work.

Repertoire: Must be voluntarily applied by creators. In 2018 there were more than 1.4 billion Creative Commons-licensed works on the internet. Can apply to any copyright material.

Exclusions: CC licences are not recommended for software programs.

* See <https://kutt.it/FpGAXm>.

L5



Licences



Transactional Licence



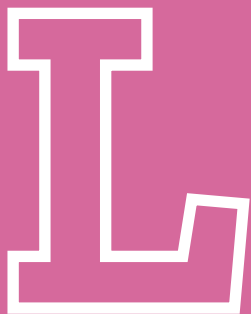
Uses: Depends on the arrangement negotiated directly with the rights holder.

Repertoire: Content to be licensed needs to be specified at the point of negotiation.

Exclusions: Permission is not required when copyright exceptions, statutory, or other licences apply.

Note: The copyright owner may not be the creator of the work e.g., the publisher, not the author.

L6



Licences



Website Terms and Conditions



Uses: T&C state how content on the website may be used.

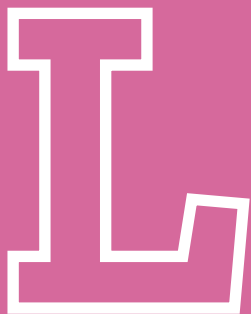
Repertoire: Many website T&C allow non-commercial personal use, or educational use.

Exclusions: Permission is not required when copyright exceptions, statutory or other licences apply.

Caution: Check to see if **your** use is covered.

A website does not need to display a copyright symbol or include terms and conditions for content to be covered by copyright provisions.

L7



Licences



Software Licence



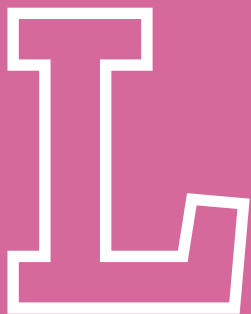
Uses: Allows software to be installed and run on authorised devices by authorised users.

Repertoire: Operating systems, maths and stats packages, algorithms behind self-driving cars.

Exclusions: Educational institutions can rely on "exceptions" when using software including fair dealing and flexible dealing.

Note: Some software is open source meaning the code can be shared without a licence; some is "proprietary" meaning it is locked down and controlled. Free to download software may still have use restrictions – check the licence.

L8



Licences



Fair Dealing for Research or Study

ss 40, 103C



Definition: Individuals (not just a student at an educational institution) can use material as long as the use is "fair" and for the purpose of research or study.

Types of work: All copyright material.

Examples: A student prints a chapter from a book; a family historian photocopies a newspaper article.

Note: Each use needs to be assessed on its own merits to determine if it is fair, and the exception may not always allow all uses e.g., copying material for your own reference would be fair, but including it in a publication may not.

E1

E

Exceptions





Definition: Material can be used for criticism or review, as long as the use is "fair". There needs to be an analysis or judgement of the material or its underlying ideas.

Types of work: All copyright material.

Example: A film review includes a clip from the film. An art historian reproduces multiple works in an article in which they analyse the difference between works from different artistic periods.

Note: The exception generally allows publication as part of the criticism process, but does not allow use to be merely decorative.

E2



Exceptions



Parody or Satire*

ss 41A, 103AA



Definition: Works can be used for parody or satire, as long as the use is fair. This includes both ridiculous and ironic/sarcastic uses. Parody: "in such a way as to ridicule". Satire: "the use of irony, sarcasm, ridicule, etc., in exposing, denouncing, or deriding vice, folly".

* See Macquarie Dictionary.

Types of work: All copyright material.

Example: *The Chaser* parodied a Qantas ad with a song called 'I still call Australia 51% Home'. A filmmaker creates a mashup using parts of political speeches for satirical effect.

Note: The exception doesn't permit infringement of a creator's moral rights e.g., derogatory treatment that damages the creator's reputation.

E3



Exceptions



Fair Dealing for Reporting News

ss 42, 103B



Definition: Material can be used to report on current or past events, as long as the use is "fair" and necessary to reporting the event.

Types of work: All copyright material.

Example: A local news bulletin includes footage of New Years Eve events around the world copied from other sources. A library includes a book cover in a newsletter advising the book is available in the library collection.

Note: The exception generally allows publication as part of the reporting process, but does not allow use to be merely decorative.

E4



Exceptions





Definition: A work can be copied and communicated by a client or by a library for a legal proceeding or to provide professional legal advice.

Types of work: All copyright material.

Example: A barrister copies a law report and distributes it in court. Uses for legal advice must also be "fair". Uses for judicial proceedings do not have to meet the fairness test.

E5



Exceptions



Fair Dealing/Exception for Disability Access

ss 113E, 113F



Definition: Material can be used by or on behalf of an individual with a disability to give them access to the material.

Types of work: All copyright material.

Example: A university library scans textbooks for a visually impaired student.

Note: The definition of disability is intentionally broad, and covers physical and mental disabilities. A commercial availability test may apply if an institution is doing the copying.

E6



Exceptions



Flexible Dealing

s 200AB



Definition: A work can be used by educational and cultural institutions (including libraries) for special purposes where no other exception applies.

Types of work: All copyright material.

Example: A teacher makes a DVD compilation of excerpts from commercial copies of films to show in a lecture, because Screenrights licensed copies are not available. A library makes orphan works from its collection available online.

Note: The purpose must be for education or operating a library or archive; non-commercial; not prejudice the copyright holder or take profit from the copyright holder; and be a special case.

E7

E

Exceptions



Technology-Based Exceptions

ss 43A, 43B, 47AA, 47B, 47D, 47E, 47F,
110C, 111A, 111B, 16AN-AP



Definition: A number of exceptions ensure that normal processes required to use technology do not infringe copyright.

Types of work: All copyright material.

Example: Material is cached by an educational institution through an automatic process. A program is copied in order to correct an error.

Note: Exceptions do not apply when works are illegally obtained.

E8



Exceptions



Private Copying Exceptions

ss 43C, 47J, 109A, 110AA, 111, 112



Definition: These exceptions allow format shifting and time shifting for private and domestic use.

Types of work: All copyright material.

Example: Recording an off-air broadcast for later viewing. Copying your own CD to MP4.

Note: The exceptions are quite limited e.g., you must own the original and it must not be an infringing copy; use must be on the owner's personal devices; and only one copy can be made in any format.

E9

E

Exceptions



Classroom Performances

s 28



Definition: A performance in class includes any mode of visual or oral presentation to an audience. A class includes virtual classes and distance education.

Example: Reading a story; playing a DVD; performing a play; displaying content from a live website.

Note: Communication of content through a learning management system is OK if it facilitates a classroom performance but the content must be taken down at the end of the lesson.

The performance must be "educational" with only staff and students present.

E10



Exceptions



Use for Exams

s 200(1A)



Definition: As much of a work as is required (up to a complete work) can be copied and communicated in hard-copy or online assessment if it is part of the questions to be answered or is an answer.

Types of work: All copyright material.

Note: The use applies only for the duration of the exam. It must be removed after the exam or assessment is completed. It cannot be used for practice tests or past exam papers in study guides.

E11



Exceptions



Library Use for Clients and Other Libraries



s 200(1A)

Definition: Libraries and archives can copy and communicate material to supply it for research and study; or to another library for their clients' use or for inclusion in their collection.

Types of work: All copyright material.

Note: Copying is limited to a reasonable portion of a work, unless the work is not available in a reasonable time and at an ordinary commercial price, in which case the whole of a work can be copied. Prescribed declarations and notices are required.

E12



Exceptions



Use of Unpublished Works by Libraries and Archives



ss 51, 51AA, 52, 53, 110A

Definition: Libraries and archives can copy and communicate certain unpublished material to supply it to a client for research and study.

Types of work: Applies to unpublished original manuscripts, artistic works, films and sound recordings in the collection.

Note: The exception applies only to unpublished works, in a collection open to the public; and, where the author has died more than 50 years ago.

Theses in library collections can be made available to the public without regard to the 50 year duration requirement.

E13



Exceptions



Preservation/ Administration

ss 113H, 113J, 113K



Definition: Material can be used for the preservation and administration of a collection, and for in-library research.

Types of work: All copyright material.

Note: Material can only be preserved if a copy in the required format cannot be obtained.

Preservation at the time of acquisition is allowed.

Preservation copies can be used as the source material for other exceptions, and can be made available onsite to clients.

E14



Exceptions



Acts Done by Parliamentary Libraries

ss 48A, 104A



Definition: Material can be used by an authorised officer of a Parliamentary library to assist a member of a Parliament.

Types of work: All copyright material.

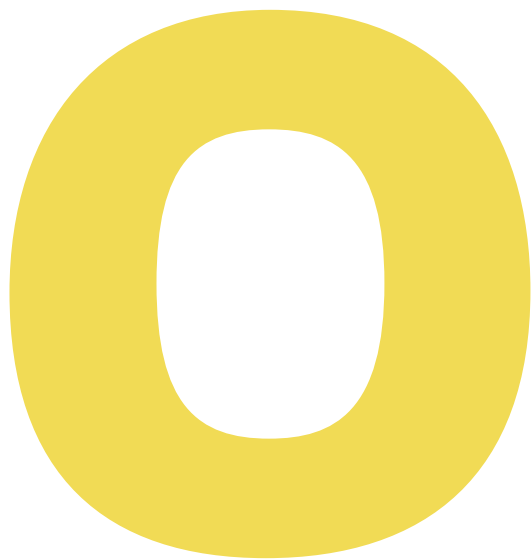
Note: Requests must always be made through a Parliamentary Library; and include a declaration that the copying is done for an MP acting in the course of their duties.

E15



Exceptions





Risk

R1

R1

R

Risk



1

Risk

R2

R2

R

Risk



2

Risk

R3

R3

R

Risk



3

Risk

R4

R4

R

Risk



4

Risk

R5

R5

R

Risk



5

Risk

R6

R6

R

Risk

