

**University of Sydney**  
**Copying to assist a person with a disability under s200AB of the Copyright Act 1968**

s200AB of the Copyright Act permits the University to reproduce and communicate copyright material to assist a person with a disability that results in difficulty in reading, viewing or hearing the material in its current format material.

Complete the following tests or questions before copying or communicating material.

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**Details of work**

Author \_\_\_\_\_

Title \_\_\_\_\_

Publishing details \_\_\_\_\_

Current Format \_\_\_\_\_ Desired format \_\_\_\_\_

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**Question 1: Is the work being reproduced to assist a person with a disability that results in difficulty in reading, viewing or hearing the material in its current format?**

Details of person requesting the reproduction:

Name:

ID Number:

Nature of disability:

Registered with Disability Services: YES/NO

Answer: **YES** - copying can proceed  
Go to Question 2



Answer: **NO** - copying cannot proceed



**Question 2: Will the University make a profit from the copying or communication?**  
Cost recovery is permissible but profit generation is not.

Give details below:

Answer: **NO** - copying can proceed  
Go to Question 3



Answer: **YES** - copying cannot proceed



**Question 3: Does another section of the Copyright Act apply to or cover the copying?**

s200AB should not be used if another exception in the Copyright Act covers the copying or communication of the work, even if all the conditions in the exemption cannot be met.

**Does another exemption in the Copyright Act apply to the reproduction?**

Would the print disability provisions apply?

What about Part VA or VB?

Does the research or study exception apply?

Give details of the exemptions that have been considered and do not apply:

Answer: **NO** - copying can proceed  
Go to Question 4



Answer: **YES** – copying cannot proceed



**Question 4: Will the use conflict with normal exploitation of the work?**

The proposed use should not close off avenues copyright owners normally use to gain economic value from their copyright both now and in the future.

Will the proposed use enter into competition with the copyright holder's use?

Will the proposed use deprive the copyright owner of income now or in the near future?

**The proposed use may not conflict with the copyright holder's interests if:**

You cannot purchase the work in the required format

You cannot obtain a licence for the desired use e.g. streaming the work

The copyright holder does not appear to have the intention of exploiting the material, e.g. an old video that has not been transferred to DVD

Give details of your enquiries and any conflict which may or may not occur:

Answer: **NO** - copying can proceed  
Go to Question 5



Answer: **YES** - copying cannot proceed



**Question 5: Does the use unreasonably prejudice the rights of the copyright holder?**

Think about the way the material will be used and whether the use will unreasonably affect the legitimate interests of the copyright owner?

Consider economic and non-economic interests such as moral rights.

Consider ways to ensure your use of the material is fair and reasonable.

Think about steps that can be taken to minimise the risk of copyright infringement.

**Actions that may limit the risk of prejudicing the copyright owner's rights include:**

Using the minimum amount of material to meet the need

Restricting access to the material by password control

Displaying warning notices on copies

Ensuring that the copyright owner is clearly identified on all copies.

Give details:

Answer: **NO** - copying can proceed  
Go to Question 6

Answer: **YES** - copying cannot proceed



**Question 6: Is the proposed use a special case?**

The proposed use should be narrow in a qualitative & quantitative sense.

There must be an identifiable reason for the use of the material.

“Just in case” copying would not be considered a special case.

**Ask the following questions:**

What is there about the circumstances that make the case special?

Is the proposed use narrow and clearly elaborated?

Is there a particular, defined need?

Is the case special? Give details:

Answer: **YES** - copying can proceed

Answer: **NO** - copying cannot proceed



**NOTE:**

1. Any **Access Control Technological Protection Measures** must not removed or disabled when material is copied under s200AB.
2. Print copies produced under s200AB should be labelled with the following warning notice

Copied by the University of Sydney  
under s200AB of the Copyright Act  
1968.

Date copy made \_\_\_\_\_

3. The following notice should appear when material is copied and made available online under S200AB

Reproduced and communicated by  
the University of Sydney under  
s200AB of the Copyright Act 1968.

Date copy made\_\_\_\_\_.

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**Details of person completing form**

Name.....

Department/Unit.....

Phone No..... E-mail.....

Signature..... Date .....

File this form in a secure location.