

**University of Sydney**  
**Copying for educational instruction under s200AB of the Copyright Act 1968**

s200AB of the Copyright Act permits the University to reproduce and communicate material for the purposes of educational instruction.

A number of tests or questions have to be answered before the copying or communication can take place. These are set out below.

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**Details of work**

Author \_\_\_\_\_

Title \_\_\_\_\_

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

Format \_\_\_\_\_

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**Question 1: Is the work being reproduced by the University or someone acting on its behalf?**

Record below the name of the person authorising the reproduction & their role in the University:

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



Answer: **NO** - copying cannot proceed



**Question 2: Is the work being copied/ communicated for educational instruction?**

**Ask the following questions:**

Is it needed for teaching preparation?

Is it needed for classroom or remote teaching?

Is it needed for research use by students?

Give details of purpose of reproduction or communication:

Answer: **YES** copying can proceed  
Go to Question 3



Answer: **NO** - copying cannot proceed  
proceed



**Question 3: Will the University make a profit from the copying/communication? Cost recovery is permissible but profit generation is not.**

Give details below:

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



Answer: **YES** - copying cannot proceed



**Question 4: Can the copying/communication be carried out under another section of the Act?**

s200AB should not be used if another exception in the Copyright Act is available for the situation, even if all the conditions in the exemption cannot be met.

**Ask the following questions:**

Does another exemption in the Copyright Act apply?

Would Part VA or VB apply?

Give details of relevant exemptions:

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



Answer: **YES** – copying cannot proceed



**Question 5: Will the copying conflict with the normal exploitation of the work?**

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

**Ask the following questions:**

Can we buy the work or obtain a licence for its use?

Will the use involve entering into economic competition with the copyright owner?

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

Give details of any conflict which may or may not occur:

Answer: **NO** - copying can proceed

Answer: **YES** - copying cannot proceed

Go to Question 6



**Question 6: Will the use unreasonably prejudice the legitimate interests of the copyright owner?**

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

**Ask the following questions:**

The type of material may be significant – copying a private letter or an unpublished work may be prejudicial to a person's interest.

Does the use interfere with the integrity of the material?

Will we use more of the material than is necessary?

Will the use expose the material to greater risk of copyright infringement?

Can we minimise this risk by limiting access, displaying warning notices, etc.

Give details:

Answer: **NO** - copying can proceed

Answer: **YES** - copying cannot proceed

Go to Question 7



**Question 7: Is the case special?**

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

The use must be clearly elaborated.

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

**Ask the following questions:**

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

The proposed use must be narrow and clearly elaborated.

There should be 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. Material reproduced under s200AB should be labelled with a warning notice, e.g. 'This material has been copied and communicated by the University of Sydney under s200AB of the Copyright Act 1968.'

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**Details of person completing this form**

Name.....

Department/Unit.....

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

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