

Copyright Q & A



On call for questions: ALIA's
Copyright Advisor Helen Roberts

ALIA's Copyright Advisor Helen Roberts, shares the answers to a few frequently asked questions.

No new books

Our borrowers say there are no new books in the library but actually they are out on loan. Is there anything that can be done within copyright about copying book jackets for display during the National Year of Reading? A display of the jackets of new books would be a good way of telling everyone what is available so popular titles can be reserved.

There are a number of ways of highlighting new books for users that will not cause a problem with copyright. While book covers have traditionally been displayed by libraries to show what new books are available, and libraries that do their own cataloguing can still do this, many libraries do not have separate covers to display as their books arrive shelf-ready. The *Copyright Act* provisions do allow some exceptions:

- Copies of the book covers can be displayed for a limited period for the special purpose of the National Year of Reading under Section 200AB of the *Copyright Act*. This is called the "flexible dealing exception". More information on the exception is available at www.digital.org.au/documents/FlexibleDealingHandbookfinal.pdf.
- Online newsletters are another way to provide information about new books and can include images of the covers of new books. This may be done under the fair dealing exception for reporting the news Section 42(1) of the *Copyright Act*. Some libraries may get images of book covers from suppliers who will allow them to be used this way to publicise new books.
- An online list of new books, including images of covers is another way to highlight new books added to the collection. Many libraries post monthly lists of new items hyperlinked to the catalogue. Users can reserve them online and are notified by email when they can be borrowed.

Out of copyright?

Is the poem 'In Flanders Fields' by John MacRae still subject to copyright in Australia? The poem is available online through *Project Gutenberg*, which is for works in

the public domain under US Copyright Laws. However, the poem's status may be different here?

In a case such as this, you first need to check if the author is alive and, if not, when he died. Copyright now continues in both the United States and Australia for the life of the author plus 70 years under the Australia US Free Trade Agreement. In this case however, John MacRae was a poet writing during the First World War and he died in 1918. So the poem is now out of copyright in both the US and Australia.

How many forms?

If a client makes multiple interlibrary loan requests for articles, does each article request need a form with a signature for copyright?

One signature is sufficient for all the requests from the client. A client could provide a valid signature by, for example, typing their name at the end of an email, typing their name into a web-based form or pasting a scanned signature into an email.

Paper trail

Is it OK if we want to discard the paper and keep an electronic or scanned copy of requests?

It is not necessary to receive or keep signed forms in hard copy and many libraries now keep them in digital form. However, the forms (whether hard copy or digital) need to be filed in chronological order and kept for four years in accordance with Sections 50(7A) and (7B) of the *Copyright Act*. If your library accepts email or online requests and declarations, you do not have to print these out, but you must store the files and keep them in date rather than name order.

Helen Roberts

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The ALIA copyright advice service provides members with up-to-date information on copyright and how it affects the library and information sector. The service responds to members' queries about implementing their obligations under copyright and intellectual property law. For more information, visit www.alia.org.au/advocacy/copyright/

GET READY FOR THE AMAZING READ! WEBSITE LAUNCHES DECEMBER 1

This year, the Summer Reading Club is getting set to take you on *The Amazing Read!*

You'll find all the resources you need on the Summer Reading Club website at www.summerreadingclub.org.au, which will be launched on December 1. The site will include

FAQs, resources, ideas for interpreting and promoting this year's theme and much, much more.

Mark the date in your diary and get ready to be part of one of our most popular public library events.

Summer Reading Club 2011 will be coordinated by the State Library of Queensland with support from ALIA Public Libraries Advisory Committee. More details in next month's issue of *INCITE*.

Contact: Katie Gibbs at k.summerreadingclub@slq.qld.gov.au