



Implementing NEALS

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What is NEALS?



- NEALS (National Educational Access Licence for schools)
 - Agreement between state & territory education departments, Catholic and independent sectors
 - Allows schools to copy & communicate material for educational use free of charge from each other's websites and publications

What is the purpose of NEALS?



- Objective - to reduce copyright fees paid by schools under Part VB of the *Copyright Act*
- Schools can:
 - Use each others material for educational purposes
 - Without payment
 - Or copying limits imposed by Part VB statutory licence

Not an Access Agreement



- Despite its name
- NEALS is not an “access” agreement
- Materials not currently available to other jurisdictions:
 - confidential documents
 - strategic reports
 - material involving privacy issues
 - commercial materials that you must currently purchase
- May not be accessed, copied or communicated under NEALS

NEALS & Commercially Valuable Educational Materials



- NEALS - not intended to cover commercially valuable materials.
- Specifically states that the parties enter into the agreement in good faith
- Not intended to “...provide a means of gaining free access to large parts of materials produced by each other which are available for purchase”

The Spirit of NEALS



The Success of NEALS –

- measured by the long term reduction of school fees to CAL (Copyright Agency Ltd) to copy & communicate copyright materials under Part VB Statutory Licence
- Relies on the good faith of the jurisdictions & a proportionately equal contribution to the pool of materials made available free of charge to each other.

What Does NEALS Cover?



- Applies to print and digital material published by schools & education departments eg websites, bulletins etc
- Covers materials such as non-commercial curriculum materials, administration documents and policy materials

What does NEALS Cover?



- All material published by schools & education departments for educational purposes automatically covered by NEALS unless expressly excluded
- Excluded materials must be labelled '**Not Part of NEALS**' and added to *Register of Excluded Works*.

What Does NEALS Cover?



Q: Does NEALS mean that other education departments will have access to our confidential information?

A: No. NEALS does not apply to confidential information. It applies to educational material that is publicly available.

What Does NEALS Cover?



Q: Will NEALS allow my diocese or school to copy material, which has been made available under NEALS by another party to the agreement, for commercial purposes?

A: No. If you intend to use the material for commercial purposes you should obtain permission from the other party and pay an appropriate licence fee.

What Does NEALS Cover?



Q: Who does NEALS currently apply to?

A: All States & Territories (except Victoria) have joined NEALS. (Victoria wish to audit all their materials first)

WA has joined on an “opt in” basis (likely to change) - its material are only available if marked ‘Licensed Under NEALS’ or carry the NEALS logo.

CEC NSW and WA have joined to date.

CEC Vic and Qld to join soon.

What Is Excluded from NEALS?



- Each organisation should develop its own internal guidelines on what to exclude under NEALS
- Generally, only materials of significant commercial or strategic value should be excluded

Categorising Commercial Material



- *Material sold for full cost recovery & profit*
 - Exclude from NEALS – label “Not for NEALS”
- *Material sold for full cost recovery but not profit*
 - Exclude from NEALS – label “Not for NEALS”
- *Material sold for limited cost recovery only*
eg cost of burning CDs of material which is otherwise available free of charge on Diocese website
 - Include under NEALS – label “Licenced under NEALS”

Material Produced with Commercial Publishers



Q: Can a Diocese include a resource under NEALS which has been written around a text published by a commercial publisher?

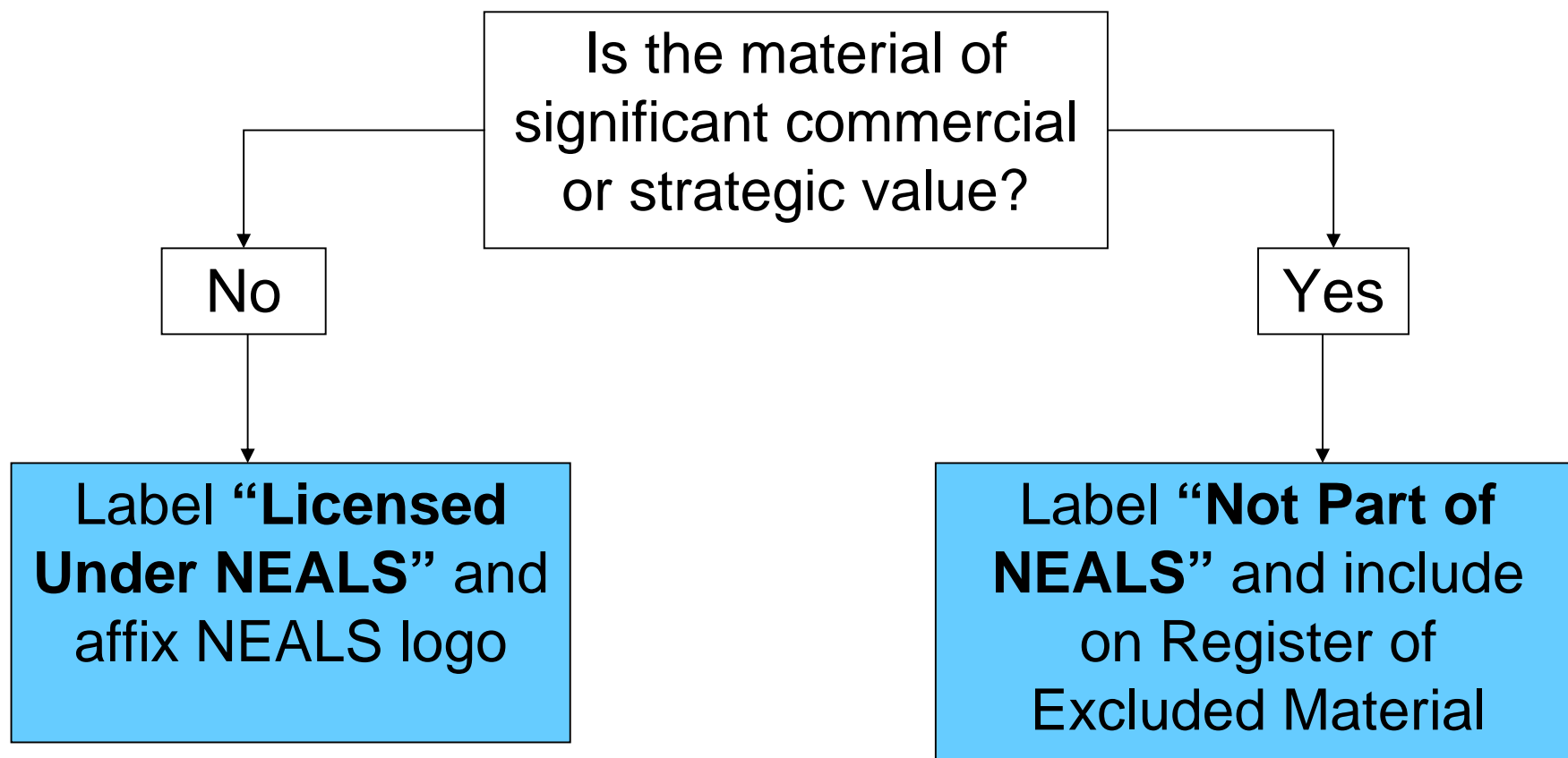
A: Only if the terms of the contact with the commercial publisher allow it. If the contract is not broad enough to allow the Diocese to include the material under NEALS it should try and obtain permission from the publisher to do so.

Labelling Material Under NEALS



- Recommended - labelling all material (other than specifically excluded material) with the statement '**Licensed Under NEALS**' & NEALS logo.
- “Flags” to CAL and the sample survey manager that any copying of that material should not be counted in the school copyright survey

Labelling Material Created by the Diocese or School



Publishing Material Produced Under a Funding Agreement



Where the diocese/school has produced material under a funding agreement, its rights to the material will be generally be set out in the funding agreement

Publishing Material Created Under a DEST Funding Agreement



If the material is produced under a DEST funding agreement:

- (i) prior to 2005, DEST generally owns copyright in the material;
- (ii) after 2005, the funding recipient generally owns copyright in the material.

In either case, the material may be made available by the funding recipient under NEALS as DEST's policy is to make all published material available under NEALS.

Publishing Material Produced Under a DEST Funding Agreement



The material was produced under a DEST funding agreement



The Diocese/School can use for its own purposes and make available under NEALS

Publishing Material Created by Someone Else



A Diocese/school can only make material, which has been created by someone who is not an employee available under NEALS if it:

- owns copyright in the material; or
- has obtained permission from the copyright owner to make it available under NEALS

Publishing Material Created by Someone Else



- The Diocese/school owns copyright in the material if the creator has assigned copyright to it in a written contract
- If the Diocese/school doesn't own copyright, it must obtain permission from the copyright owner to use the material & make it available under NEALS

Publishing Material Created by Someone Else



The creator has assigned
copyright to the Diocese /
School



The Diocese / School can use
for its own purposes and make
available under NEALS

Publishing Material Created by Someone Else

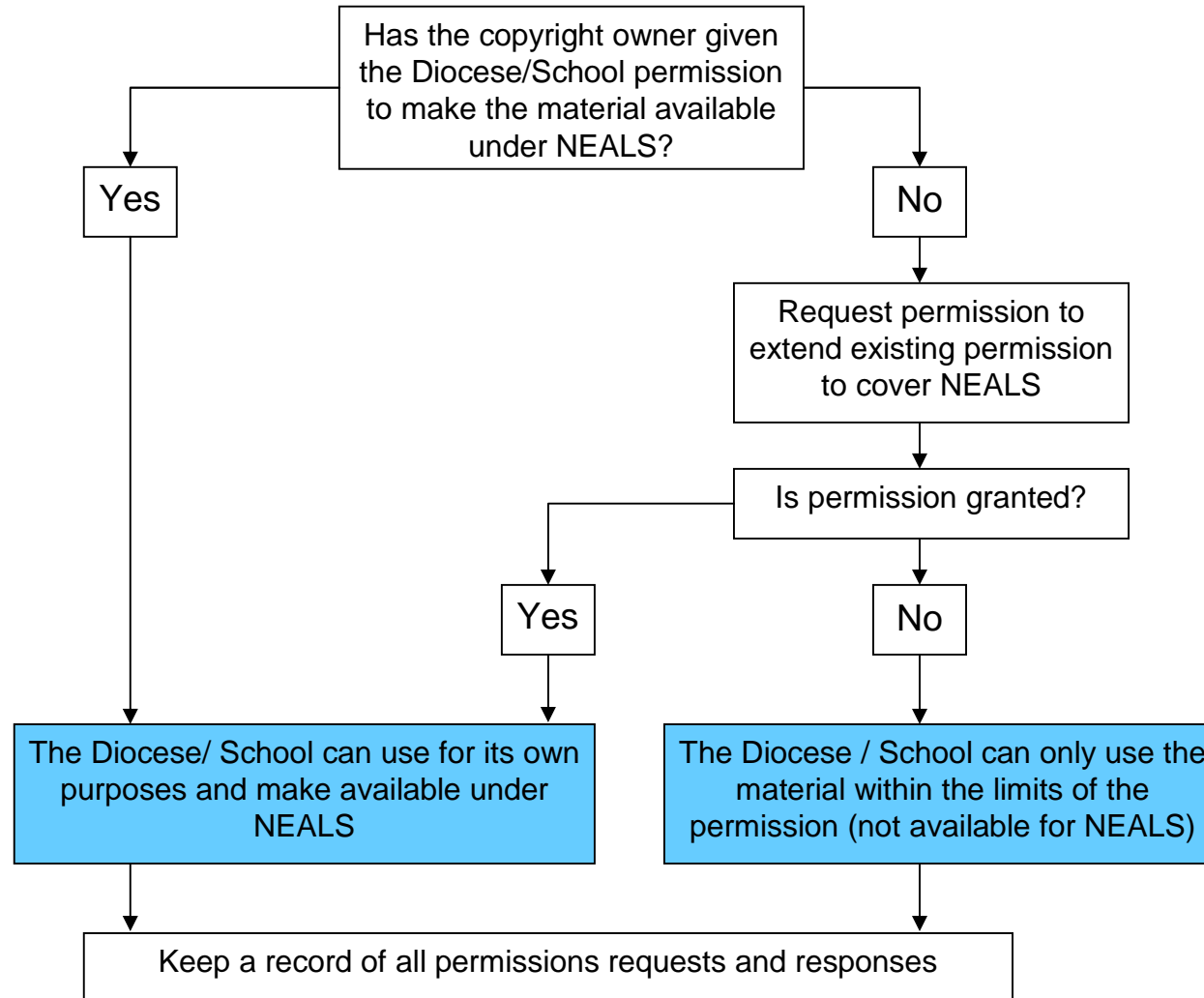


- When you commission someone to create material, or obtain permission from someone to use their material, always try to obtain permission to make it available under NEALS
- If you obtain permission from the copyright owner to use the material for your own needs but not to make it available under NEALS - label it '**Not Part of NEALS**'

Publishing Material Created by Someone Else



Where the copyright owner has given the Diocese / School permission to copy and communicate the material:



Publishing Material Created by Someone Else

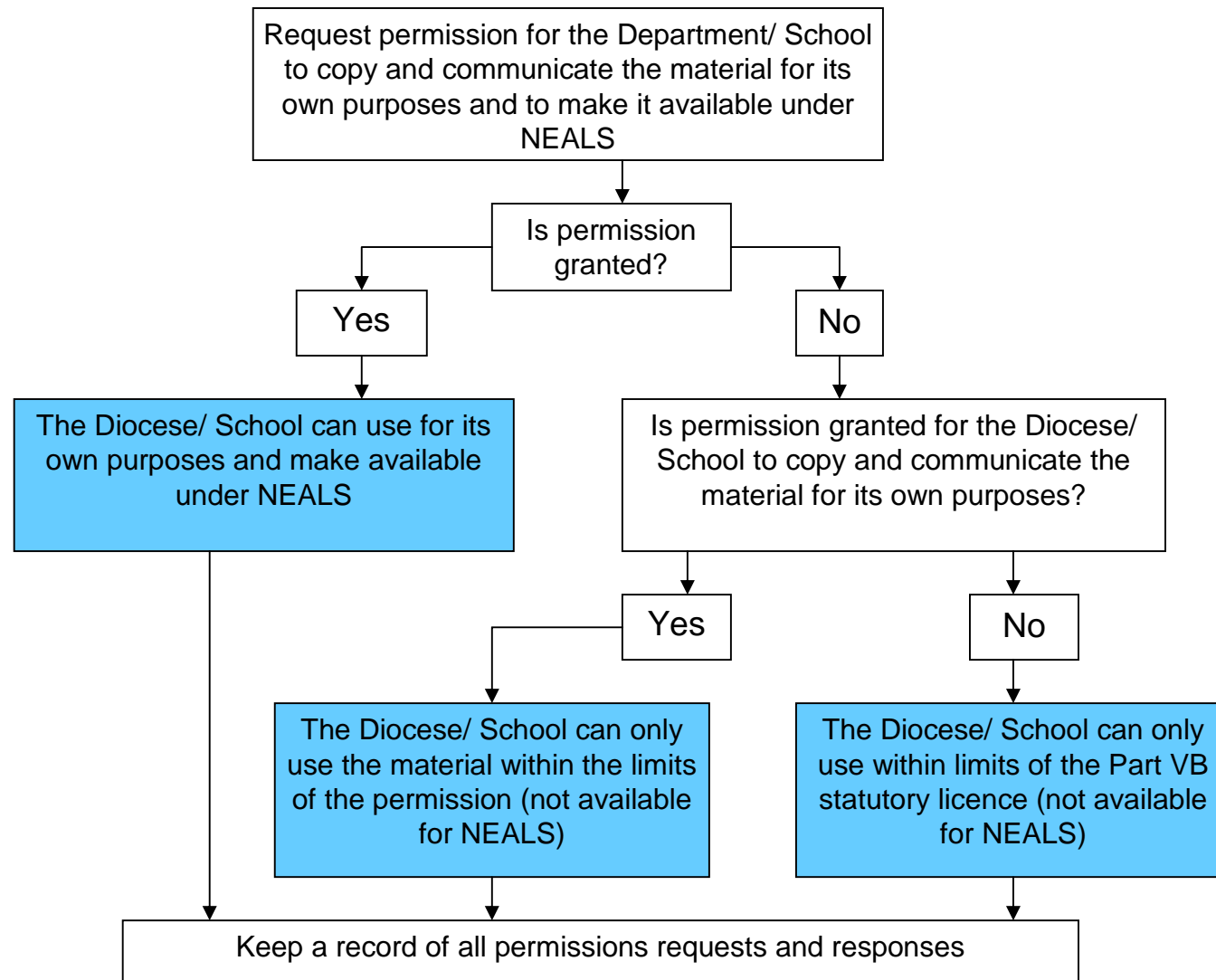


- If you don't have permission from the copyright owner to use their material, you may still be able to copy & communicate limited amounts under the Part VB statutory licence.
- This material cannot be made available under NEALS
- Must be labelled: '**Copied Under Part VB of the *Copyright Act***'

Publishing Material Created by Someone Else



Where the copyright owner hasn't given the Diocese/ School permission to copy & communicate the material:

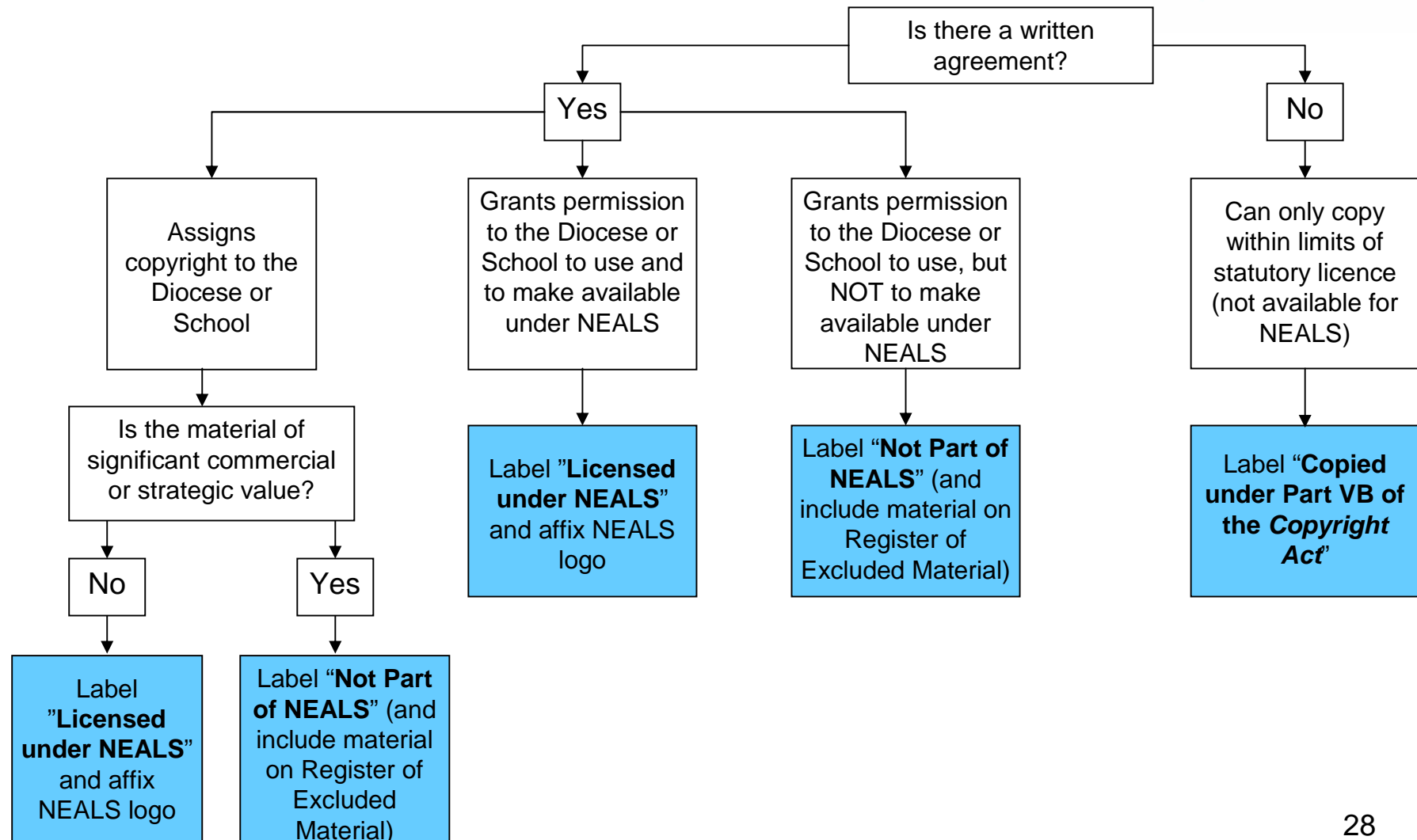


Labelling Material Created by Someone Else



- All material should be labelled
- Once you know how material can be used label it either:
 - *“Licenced under NEALS”*
 - *“Not Part of NEALS”* or
 - *“Copied Under Part VB of the Copyright Act”*

Labelling Material Created by Someone Else



Register of Excluded Material



- Each Diocese should maintain a register of all material to be excluded from NEALS.
- Ian Baker (CEC NSW) is responsible for providing details of the register to the host website on behalf of NSW Diocese/schools.
- Register of works excluded by all parties to NEALS to be available at a website hosted by the Queensland Department of Arts & Education (URL to be advised)