Dos and Don’ts in Classroom Activities

1. Playing Sound and Video Recordings #

(A) Sound Recordings, Films, Broadcast of radio, TV or cable programmes:

a) DOs:

• Make sure all three of the following conditions are satisfied:
  - the playing is in an educational establishment
  - the playing is to an audience consisting wholly or mainly of teachers, students, their parents or guardians and other persons directly connected with the activities of the educational establishment
  - the playing is for the purpose of instruction

b) DON’Ts:

• Cut the credits at the end of the recordings.

(B) Other recordings:

a) DOs:

• Make sure all three of the conditions stipulated in paragraph 1(A) above are satisfied.

• Make sure the license conditions of the commercially available sound/video tapes do not forbid the playing of the tapes in schools.

b) DON’Ts:

• Cut the credits at the end of the recordings.

2. Projection of Materials onto a Screen/Presentation of Materials#

a) DOs:

• Make sure the materials are your own work.

• If you do not own the copyright of the materials to be projected/presented, make sure
  - you have obtained the permission of the copyright owner, or
  - the materials are covered by a licensing scheme or agreement which the University has joined or entered into, and that the terms and
conditions of the schemes/agreements are observed, or - the amount of materials used is fair* if a licensing scheme does not exist.

b) DON’Ts:

- Create illegal copies of the copyright materials (taken from books/journals) for projection/presentation
- Use illegal copy of presentation software in the projection.

3. Giving Handouts to Students

a) DOs:

- Make sure the materials are your own work.
- Make sure that terms and conditions of the agreement with the Hong Kong Reprographic Rights Licensing Society (HKRRLS) are observed.
- Make sure that appropriate security measures, such as requiring login usernames and passwords from restricted users, are adopted if the handouts are placed on an intranet; and ensure that the work is only stored for a maximum of 12 months.
- Mention the source of the materials and ask the students to gain access to the materials themselves.

b) DON’Ts:

- Make copies of copyright materials and distribute them to students.

4. Using Copyright Materials in Test/Examination Papers

a) DOs:

- Make sure the amount of materials used is fair* such that it does not conflict with a normal exploitation of the work by the copyright owner and does not unreasonably prejudice the legitimate interests of the copyright owner.
- Create your own data sets, charts and diagrams as far as possible.
Educational establishments (including their libraries) may now import or possess for use parallel imported copies of copyright works, which are genuine copies that are originally made and destined for a market outside Hong Kong, but are subsequently imported into Hong Kong without the consent of the copyright owner, without resulting in any liability.

*Some of the circumstances to be considered to decide whether an act of dealing with a copyright work is “fair” are:

- the purpose and nature of the dealing, including whether such dealing is for non profit-making purpose and whether it is of a commercial nature;
- the nature of the work;
- the amount and substantiality of the portion dealt with in relation to the work as a whole; and
- the effect of the dealing on the potential market for or value of the work.

Reference:

October 2008
Task Force on Copyright and Intellectual Property Rights