

COPYRIGHT

QUESTIONS FREQUENTLY ASKED BY AUTHORS

1. What is protected under the Copyright Act?

Literary (whether in written, printed or digital form), musical and artistic works, cinematograph films, sound recordings, broadcasts, programme-carrying signals, computer programs and published editions.

2. May I freely use material from a book that is out of print?

Out of print does not mean out of copyright. Copyright in the content lasts for 50 years after the death of the author. Copyright in a published edition lasts for 50 years from the date of publication.

3. How much text may I quote verbatim, fully acknowledging the source, without applying for copyright permission?

There is no set rule. You should not quote more than you need to quote to make your point, and you must always acknowledge the source and the author. A rule of thumb, which has no statutory force, is that if you intend to quote more than a total of 300-400 words from any one source you have to apply for copyright permission.

4. May I use a *figure, diagram or photograph* from an existing publication without applying for copyright permission?

There is no copyright in ideas or in information, but there *is* copyright in the way they are expressed. Therefore, you have two options. You can either apply for copyright permission, or you can change the figure or diagram, imbuing it with some creative effort of your own, and then acknowledge the derivation. It is legally acceptable to present the same information in an *original, value-added manner*, as long as it *substantially differs* from the genuine artistic work. A photograph cannot be so altered, and permission is always required.

5. Can I use material (text or graphics) from *journals, magazines and newspapers* without applying for copyright?

There is no copyright in news of the day that is simply an item of press information. You must apply for permission, however, if you use any other material (text or graphics) from a journal, magazine or newspaper. This particularly applies to cases where an article has been researched, analyses a situation, expresses an opinion etc. In other words, you would not need to apply for permission if you quoted from an article about a local building that has burnt down. However, you would need to apply for permission if you quoted from an article that analysed the psychology behind arson attacks.

6. May I use a cartoon from an existing publication and replace the words in the bubbles without applying for copyright permission?

No.

7. May I use material from another source in supplementary material (transparencies, slide shows, question banks, and so on) developed to accompany my book, without applying for copyright permission?

No.

8. Whose responsibility is it to apply for copyright permission?

According to standard author contracts world wide, the author is responsible for copyright. Furthermore, when a commercial organisation (such as Van Schaik Publishers) applies for copyright permission from another commercial organisation, high copyright permission fees (usually dollar-based) are demanded.

9. Who is responsible for paying copyright permission fees?

In accordance with standard author contracts world wide, the author who has used copyrighted material is responsible for paying copyright permission fees. Van Schaik Publishers can pay the fees as an advance against royalties.

10. To whom must I apply for copyright permission?

In most instances, the publisher of the material is the holder of copyright. In instances where the publisher does *not* hold copyright, the publisher will refer you to the copyright holder.

11. Where can I get help with tracing publishers' addresses and contact details?

The Internet is a valuable resource. The Publishers' Association of South Africa (PASA) lists contact details for most South African publishers on its web site www.publishsa.co.za. Furthermore, many international publishers are listed by country at www.lights.com/publisher.

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REFERENCE

Copyright Act, No 98 of 1978 as amended. (Copies obtainable from The Government Printer, Private Bag X84, Pretoria, 0001.)