

# ***Unlocking IP 2006***



*“Emerging Licence Models in the Schools Sector”*

## **National Education Access Licence for Schools (NEALS)**

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# What is CAG?



- CAG is a Committee of Schools Resourcing Taskforce of the Ministerial Council on Education, Employment, Training & Youth Affairs (MCEETYA)
- The national body responsible for copyright policy and administration for Australian schools and TAFEs
- Negotiates statutory and voluntary licences with collecting societies
- Liaises with other education sectors and industry bodies on copyright policy issues

# What is NEALS?



- NEALS is a royalty free licence between the education departments of the various states and territories
- Aim to have all education authorities to grant a free for education licence to each other to their own material
- Designed to allow schools and education departments to copy freely from each other's websites and publications
- Part of the "Smart Copying" initiative to cut copying costs in schools

# What is NEALS?



The objective of NEALS is to reduce copyright fees paid by schools to copy and communicate each other's material

# Why NEALS?



- Very common if not expected government departments & agencies make much of their information widely available for public use.
- This material is produced by government largely with no expectation of commercial gain.

# Why NEALS?



- Large amount of copying & communication in schools of material produced by government, own Education Departments & other education providers.
- Not excluded from CAL school surveys (conducted for purpose of calculating remuneration to copyright owners under statutory licence)
- **RESULT** - schools pay \$millions (incl. CAL administrative costs) to copy and communicate their own material and all other government copyright material

# Rationale for NEALS



- At present some free use for education sector already specifically granted but inconsistent between different levels of Government
- Policy issue – should the public or education sector have to pay for information:
  - produced by publicly funded institutions
  - produced for the purpose of public information
- 2004 “Review of Crown Copyright” – Copyright Law Reform Committee MCEETYA proposed waiver of Crown copyright for materials copied by non-profit educational institutions for educational purposes

# Why NEALS?



- CLRC Report issued December 2004. *Recommended:*
  - winding back Crown copyright to same rights as other copyright owners
  - Uniform approach by government to achieve better copyright management & increase public access
  - Abolish Crown copyright in key legal materials eg legislation, court judgments, Inquiry reports
- *Government response?* Consultation with States & Territories continues
- NEALS is a practical solution to the problem while awaiting law reform in this area

# Status of NEALS



- Commenced 6 June 2006
- NSW, ACT, TAS, WA and QLD have all signed the NEALS Agreement
- NT, SA, VIC are in process of execution Agreement



# Two NEALS Options

## 1. Opt Out

Default position is that all material is available under NEALS unless it is expressly excluded (NSW, QLD, ACT, TAS)

## 2. Opt In

Default position is that all material is only available under NEALS if it is expressly included (WA)

# How Does NEALS work?



- All material that an education department wants to include in NEALS is labelled with the NEALS logo
- In 'Opt Out' jurisdictions even material that doesn't carry the NEALS logo is included in NEALS

# How Does NEALS work?



- If material carries the NEALS logo it means that other education departments or schools can copy that material free of charge for educational purposes
- Material copied under NEALS is not counted for the purposes of calculating licence fees payable under Part VB of the Copyright Act

# Third Party Licensors



- Separate category of licensors in NEALS known as “Third Party Licensors”
- This will help education to form new relationships with others & distribute material free of charge in schools eg. a State Department of Health, non government not for profit organisations such as the Cancer Council or World Wildlife Fund
- By becoming signatories to NEALS & placing NEALS logo on their material available to schools - not included then counted in CAL surveys.

# Free for Education



- NEALS is one example of initiatives by the education sector to reduce copying costs recommended by the “Smart Copying Report” (2004)
- Also support, publicise and liaise with other “*Free for Education*” providers eg AEShareNet, The Learning Federation, Creative Commons



# How Does NEALS differ from other Free For Education Licences?

- Not a general “Free for Education” licence
- Facilitates free sharing of materials between parties to the agreement only
- “Third Party Licensors” eg. Health Dept – providers not users of material
- Specifically addresses CAL surveys of copied & communicated material in schools



# How Does NEALS differ from other Free For Education Licences?

- No tiering of access or conditions attached to use, eg. commercial v. non-commercial licence; (unlike AEShareNet)
- No database listing of items available (unlike AEShareNet) for access purposes. Access through other channels, eg. direct communication between Departments, departmental websites.
- Does not involve producing tailored materials for education market (eg. like TLF)
- No further licence conditions attached (eg. like Creative Commons derivative/attribution/return requirements)

# Alternative Licensing Initiatives



- All aimed at reducing cost of copying & communication in schools
- Building B2B relationships with publishers
  - particularly for digital access
- Educating content developers to obtain direct licences for 3<sup>rd</sup> party content rather than rely on Part VB statutory licence when material copied & communicated in schools down the line