

Education Bureau Circular Memorandum No. 19/2018

From: Secretary for Education

Ref: EDB(EID/ITE)/IT/IP/4/2

Date: 31 January 2018

To: Heads of All Government and Aided Primary and Secondary Schools (including Grant Schools, Caput Schools) and Special Schools

Survey on Photocopying and Scanning of Printed Copyright Materials

Summary

This circular memorandum appeals for support from schools for early preparation in connection with a coming survey to be conducted by the Education Bureau (EDB) on photocopying and scanning of printed copyright materials used for instructional purposes for the 2017/18 school year. Schools are requested to collect the relevant data which covers the period from 1 September 2017 to 31 August 2018 for completing the survey to be conducted **in July / August 2018**. In addition, further information on schools' use of copyright materials may also be collected from a sample of schools, if necessary. Details of the survey will be announced in due course.

Background

2. Copyright protection is a Government policy. In order to respect the right of copyright material owners, teachers should try their best to avoid photocopying and scanning of printed copyright materials if there are other means or resources available to achieve the same teaching effectiveness. If they may have genuine need to make certain copies of printed copyright materials to achieve the teaching objectives, they should keep the number of copies to the minimum. In order to protect schools against inadvertent piracy, the five School Councils (i.e. Subsidized Primary Schools Council, Hong Kong Subsidized Secondary Schools Council, Grant Schools Council, Caput Schools Council, and Hong Kong Special Schools Council), on behalf of their respective schools, and the EDB, on behalf of Government schools, have entered into Licence Agreements with the Hong Kong Reprographic Rights Licensing Society (HKRRLS) for making copies of printed works for instructional purposes on a license fee which is paid by the EDB to the HKRRLS on a yearly basis. In this connection, you may recall

that your school had authorised your school council to sign the agreement. For details, please refer the summary of the licence agreements at Appendix A.

Purpose

3. The existing Licence Agreements which took effect on 1 September 2015 will expire on 31 August 2018. The EDB will collect relevant information through the above-mentioned survey to review the current Licence Agreements, and to facilitate preparation for any future agreements. Schools' support to this survey is essential for the EDB in formulating future arrangements to meet schools' needs.

Details

4. Schools will be invited to complete an online questionnaire **in July / August 2018** to provide the data on the photocopying and scanning of printed copyright materials used for instructional purpose during the period from 1 September 2017 to 31 August 2018. The arrangement of the online questionnaire will be similar to the one conducted in the 2016/17 school year. To facilitate schools to take record of the number of pages photocopied and scanned, a sample of record sheet is prepared in Appendix B for reference. Schools may use their own ways to keep record of the data.

Briefing Session

5. We will organise two identical briefing sessions on the Survey on Photocopying and Scanning of Printed Materials on 19 and 22 March 2018. Schools are invited to nominate a representative responsible to collect the survey data to attend one of the briefing sessions and enrol through the Training Calendar System [Course ID: EI0020180113].

Enquiries

6. For enquiries related to this circular memorandum, please contact Mr NG Chi-fai at 3698 3610 or Mr LEE Kin-wan at 3698 3601 of the Information Technology in Education Section.

Dr WC HO
for Secretary for Education

c.c. Heads of Sections - for information

Summary of the Licence Agreements

A set of Licence Agreements was made between the five School Councils and the EDB, and the Hong Kong Reprographic Rights Licensing Society (HKRRLS) effective from 1 September 2015 for a period of three years. Under the Licence agreements, schools are allowed to make copies of a licensed material to a reasonable extent and in any case not more than 10% of pages of a licensed material. If the licensed material concerned is a textbook, each school shall not, in any academic year, (i) copy from more than three textbooks in relation to the same course and, (ii) with respect to each textbook, copy more than 5% of the number of pages of the textbook. If schools intend to make copies of licensed materials exceeding this limit or outside the scope of protection, they must apply in writing to the relevant copyright owners beforehand, who have the absolute discretion in deciding whether or not to grant permission as well as to collect an appropriate fee in granting the permission.

Photocopying and scanning of workbooks, workcards, exercise books, worksheets, assignment sheets, tests, examination papers and teachers' resources including instructors' manuals, solutions manuals, test bank and teachers' guides are not covered by the Licence Agreements with HKRRLS. More information about the current Licence Agreements can be found at (<http://www.edb.gov.hk/en/sch-admin/admin/about-teaching/copyright/printed-materials/licence-agreement.html>). A list of printed copyright materials not covered by the current Licence Agreements is also provided for reference in Schedule II of the agreement documents.

Sample Record Sheet for Survey on Photocopying of Printed Copyright Materials

(Used within 1 September 2017 to 31 August 2018) [See Note 5]

Please refer to the notes for completing the record sheet

Types of materials A: Printed textbook B: Other printed teaching and learning materials (e.g. reader/literature, dictionary, periodical) [Please “√”as appropriate]	Number of pages copies [See Note 4]
A <input type="checkbox"/> B <input type="checkbox"/>	
A <input type="checkbox"/> B <input type="checkbox"/>	
A <input type="checkbox"/> B <input type="checkbox"/>	
A <input type="checkbox"/> B <input type="checkbox"/>	
A <input type="checkbox"/> B <input type="checkbox"/>	
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A <input type="checkbox"/> B <input type="checkbox"/>	
A <input type="checkbox"/> B <input type="checkbox"/>	
A <input type="checkbox"/> B <input type="checkbox"/>	

Notes:

1. Copies made by using schools' photocopiers, scanners, printers, duplicators, mimeograph printers should be counted.
2. Photocopying and scanning of workbooks, workcards, exercise books, worksheets, assignment sheets, tests, examination papers and teachers' resources including instructors' manuals, solutions manuals, test bank and teachers' guides are not covered by the Licence Agreements with HKRRLS. If schools intend to make copies of such licensed materials, they must apply in writing to the relevant copyright owners beforehand. Photocopying of such materials, if any, should not be counted.
3. Schools should be reminded that when making copies by using a master copy made in the previous school year, the copies made and used in this school year should be counted.
4. For the "Number of pages copied", if for example a teacher made 3 pages of photocopy from a textbook and used the copy to make 25 copies by using a duplicator for distribution to 25 students for instructional purpose, the number of pages copied should be $3 \times 25 = 75$ pages.
5. The date of using the copies means the date in which a teacher uses/displays the copies in a lesson/school activity. For example, if a teacher made a copy of printed copyright material in August 2017 to be used for a lesson in January 2018, the expected date of using the copies should be January 2018.

Notes:

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2. Photocopying and scanning of workbooks, workcards, exercise books, worksheets, assignment sheets, tests, examination papers and teachers' resources including instructors' manuals, solutions manuals, test bank and teachers' guides are not covered by the Licence Agreements with HKRRLS. If schools intend to make copies of such licensed materials, they must apply in writing to the relevant copyright owners beforehand. Scanning of such materials, if any, should not be counted.
3. Schools should be reminded that when making copies by using a master copy made in the previous school year, the copies made and used in this school year should be counted.
4. Scanned copies shall be deleted at the end of the academic year in which the scanned copies were made. For example, if a school did not delete the scanned copies made in the 2016/17 school year and reuse them in the 2017/18 school year, such scanned copies should be counted again in 2017/18 school year.
5. The following is an illustration on calculating the total number of scanned pages uploaded on the school intranet for students' use.
 - (1) Assuming in the 2017/18 school year, there are 20 S.6 students in a secondary school taking Geography. Teachers scanned 6 pages of copyright materials and uploaded them onto the school's intranet for download and use by these students. The volume of these scanned pages should be $20 \times 6 = 120$ pages.
 - (2) Assuming in the 2017/18 school year, there are four P.1 classes in a primary school and each class has 30 pupils. Teachers had scanned 10 pages of copyright materials and uploaded them onto the school's intranet for download and use by all P.1 students. The volume of these scanned pages should be $4 \times 30 \times 10 = 1,200$ pages. If only one P.1 class is instructed to download and use the scanned copyright materials uploaded onto the school's intranet, the volume of the scanned pages should be $1 \times 30 \times 10 = 300$ pages, instead of 1,200 pages.
6. The date of using the copies means the date in which a teacher uses/displays the copies in a lesson/school activity. For example, if a teacher made a copy of printed copyright material in August 2017 to be used for a lesson in January 2018, the expected date of using the copies should be January 2018.