

Education Bureau Circular Memorandum No. 160/2020

From: Secretary for Education
Ref: L/M (1) in EDB(EID/ITE)/IT/IP/4/2 (19)
Date: 12 November 2020

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 for the 2020/21 School Year

Summary

This circular memorandum appeals for support from schools for early preparation in connection with a biennial survey on photocopying and scanning of printed copyright materials used for instructional purposes for the 2020/21 school year to be conducted by the Education Bureau (EDB) **in June 2021**. Schools are also invited to attend the related briefing session.

Background

2. Copyright protection is a Government policy. In order to protect schools against inadvertent piracy, five Schools Councils and the EDB have entered into Licence Agreements with the Hong Kong Reprographic Rights Licensing Society (HKRRLS) for making copies of printed works for instructional purposes. For details, please refer to *Appendix 1* and the following webpage: <https://www.edb.gov.hk/ited/copyright-la>.

3. To prepare for future agreements, the EDB originally scheduled a survey to be conducted by the end of 2019/20 school year to collect the necessary data on the volume of photocopying and scanning of printed copyright materials used by schools for instructional purpose. Due to the COVID-19 epidemic, the survey was postponed to the 2020/21 school year.

Details

4. Schools will be invited **in June 2021** to complete a questionnaire to provide the data on the photocopying and scanning of printed copyright materials used for instructional purpose during the period from 1 September 2020 to 31 August 2021. To facilitate schools to keep record of the number of pages photocopied and scanned, examples of record sheets are provided in *Appendix 2* for reference. Schools may use their own ways to keep record of the data. In addition, further information on the use of copyright materials by schools may also be collected from some schools as necessary. Details of the survey will be announced in due course.

Briefing Session

5. An online briefing session on the survey will be organised on 4 December 2020 (Friday). Schools are invited to nominate a representative responsible for collecting the survey data to attend the briefing session and enrol through the link: <https://bit.ly/37apFQK>.



Enquiries

6. For enquiries, please contact Mr KWAN Hoi-ching 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

Principles of Copyright Protection and Summary of the Licence Agreements

Copyright protection is a Government policy. In order to respect the rights of copyright material owners and avoid unnecessary increase in licence fees, 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 results. If they have any genuine need to make copies of certain printed copyright materials to achieve the teaching objectives, they should keep the number of copies to the minimum, especially when free e-learning resources are increasingly available on the Internet nowadays.

In order to protect schools against inadvertent piracy, the five Schools 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 licence fee which is paid by the EDB to the HKRRLS on a yearly basis. The current Licence Agreements lasting for a period of five years took effect on 1 September 2018.

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 the EDB webpage (<https://www.edb.gov.hk/ited/copyright-la>). 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.

Regarding the frequently asked questions on copyright in education, please visit the following webpage of the EDB: www.edb.gov.hk > School Administration and Management > Administration > About Teaching > Copyright in Education > FAQs on Copyright and Education - Revised in June 2020 (Chinese version only).



Record Sheet for Survey on Photocopying of Printed Copyright Materials (Example)

(Used within 1 September 2020 to 31 August 2021) [See Note 5]

Please refer to the notes for completing the record sheet. Photocopying of materials not covered by the Licence Agreements or non-copyright materials should not be counted.

[illegible]

Notes:

1. Copies made by using schools' photocopiers, scanners, printers, duplicators, mimeograph printers should be counted. Schools are reminded that copies used for different extents of blended mode of learning and teaching, e.g. real-time online teaching, materials for students' learning at home, etc. under the new normal should be counted as well.
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 the Hong Kong Reprographic Rights Licensing Society (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 used/displayed the copies in a lesson/school activity. For example, if a teacher made a copy of printed copyright material in August 2020 to be used for a lesson in January 2021, the expected date of using the copies should be January 2021.

Record Sheet for Survey on Scanning of Printed Copyright Materials (Example)

(Used within 1 September 2020 to 31 August 2021) [See Note 6]

Please refer to the notes for completing the record sheet. Scanning of materials not covered by the Licence Agreements or non-copyright materials should not be counted.

[illegible]

Notes:

1. Copies made by using schools' photocopiers, scanners, printers, duplicators, mimeograph printers should be counted. Schools are reminded that copies made for different extents of blended mode of learning and teaching, e.g. real-time online teaching, materials for students' learning at home, etc. under the new normal should be counted as well.
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 the Hong Kong Reprographic Rights Licensing Society (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. If a school failed to delete the scanned copies made in the previous school year and reused them in the current school year, such scanned copies should be counted again in the current school year.
5. The following is an illustration on calculating the total number of scanned pages uploaded on the school intranet for students' use.
 - (i) Assuming in the 2020/21 school year, there are 20 S6 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.
 - (ii) Assuming in the 2020/21 school year, there are four P1 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 P1 students. The volume of these scanned pages should be $4 \times 30 \times 10 = 1\,200$ pages. If only one P1 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 used/displayed the copies in a lesson/school activity. For example, if a teacher made a copy of printed copyright material in August 2020 to be used for a lesson in January 2021, the expected date of using the copies should be January 2021.