

COPYING UNDER PART VB of the Copyright Act 1968, Act No. 63 of 1968 as amended

In the case of a work which is not available for purchase, the whole of the work, or more than the 'reasonable portion' may be copied under PART VB SECTIONS 135Z & 135ZL.

135ZL Multiple copying of works by educational institutions

(1) Subject to this section, the copyright in a literary, dramatic, musical or artistic work (other than an article contained in a periodical) is not infringed by the making of one or more copies of the whole or part of the work by, or on behalf of, a body administering an educational institution if:

(b) The copy is made solely for the educational purposes of the institution or of another institution; and

(c) the body complies with subsection 135ZX(1) or (3), as the case requires, in relation to the copy. (This section requires that each copy be marked in accordance with the regulations).

.'Not available for purchase' means that a reasonable investigation must be conducted to ensure that copies (not secondhand) of the work cannot be obtained within a 'reasonable time' and at an ordinary commercial price. A record of this circumstance is not required by the Act, but is advisable as a defence against challenge for breach of copyright. It is recommended that a file be kept to record the details of the need for the work, the enquiries made and responses received.