

Copyright - Procedures

1. Purpose of procedures

1.1 These procedures operationalise the Copyright – Governing Policy and support the effective management of copyright at the University. The procedures outline the steps to be taken when potential copyright infringements are detected by, or notified to, the University in relation to material hosted or accessed through the University's networks, systems or online environments.

2. Scope and application

2.1 These procedures are to be read in conjunction with the Copyright – Governing Policy. These procedures apply to all staff, other individuals working on behalf of the University, students, and visitors.

2.2 The University will investigate allegations of copyright infringement by staff, other individuals working on behalf of the University, students, and visitors. Disciplinary proceedings may be initiated against those responsible for misconduct in accordance with the Student Conduct – Governing Policy and associated procedures, or serious misconduct in accordance with the Staff Code of Conduct – Governing Policy and associated procedures. Access to ICT resources may be limited, suspended, or terminated in accordance with the Acceptable Use of ICT Resources – Governing Policy.

3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to these procedures and are critical to its effectiveness:

Act refers to the *Copyright Act 1968* (Cth)

Copyright is a broad term that encompasses certain exclusive rights of the copyright owner which can include the right to reproduce, publish, communicate, perform, adapt, copy or broadcast the material

Copyright material means anything in which copyright subsists

Moral rights means rights of integrity, rights of attribution and other rights of an analogous nature which may now exist or which may exist in the future under the Act or under the law of a country other than Australia which is given effect in Australia

Takedown notice means a notice issued by a copyright owner, or nominated agent acting on their behalf, outlining alleged unlawful activity on the University's networks or online environments

Third-party copyright material means anything in which copyright subsists and where a third-party, being an individual/s or entity, owns some or all of the rights in the copyright material

4. Procedures

4.1 Compliance

4.1.1 The University must comply with copyright legislation and regulations in all University endeavours. Failure to comply is unacceptable and exposes the University to unnecessary risk.

4.1.2 Any use of third-party copyright material in research or the University's teaching materials that is not covered by a licence or exception in the Act should only occur with the express written permission or licence from the copyright owner.

4.1.3 Use of third-party copyright material for other activities, including, but not limited to, promotion or marketing, administration, projects, publication, public lectures, film screenings or performances requires express written permission or licence from the copyright owner.

APPROVAL AUTHORITY

Deputy Vice-Chancellor (Academic)

RESPONSIBLE EXECUTIVE MEMBER

Deputy Vice-Chancellor (Academic)

DESIGNATED OFFICER

Director, Library Services

FIRST APPROVED

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STATUS

Active

4.1.4 All staff, other individuals working on behalf of the University, students and visitors are responsible for ensuring that necessary permissions or licences are obtained. Copyright records must be managed in line with the Information Management Framework – Governing Policy and associated procedures.

4.2 Statutory licences

4.2.1 All academic staff are to adhere to the conditions of the statutory licences. Under these licences, certain third-party copyright material can be used in the University's teaching materials within strict guidelines. Anyone involved in the production, reproduction or delivery of teaching materials at the University must be familiar with their obligations, including copying limits, communication restrictions, and labelling requirements.

4.2.2 Appropriate copyright notices must be displayed near copying equipment, in classroom presentations and on the learning management system. Academic staff are also required to participate in periodic surveys as required by contractual obligation and legislation.

4.3 Music licences

4.3.1 The University's collective agreement with the music societies covers reproduction, public performance and communication, within strict guidelines. Those involved in the development, production, reproduction or delivery of teaching materials or coursework, University events, or any University activity involving music, must ensure they understand and meet the terms of the licence.

4.3.2 Labelling requirements, the hire of University facilities, public screenings, student-run events, and ticketed functions require particular attention. Staff are required to cooperate with any sampling exercises that arise as part of this licence. Any uses of music which fall outside the scope of this collective agreement should only occur with the express written permission or licence from the copyright owner.

4.4 Commercial agreements

4.4.1 The University enters into a number of commercial agreements to facilitate access to content for library users. All staff, other individuals working on behalf of the University, students and visitors must be aware of, and abide by, the terms of use of each provider as these terms of use can vary.

4.4.2 When creating teaching materials, academic staff should link to material sourced from Library databases and not upload directly to online environments. Library staff can advise about the use of licensed databases and other commercial material.

4.5 Open access

4.5.1 The University encourages staff to make non-commercialised content created in the course of their employment open access and supports the creation of Open Educational Resources (OER) and open-source software provided it is in alignment with the Intellectual Property – Governing Policy and supporting procedures. In particular, open access should be a consideration when publishing scholarly outputs.

4.5.2 Staff and students should, where possible, make use of open access material in the development and delivery of teaching materials and assessment. The use of open access material must be done according to the terms of the licence and any attribution requirements must be met.

4.6 University networks and systems

4.6.1 The University is required to ensure its networks, facilities and equipment are not used to infringe copyright. Staff, other individuals working on behalf of the University, students, and visitors are not permitted to unlawfully download, receive, copy, compress, store, transfer, distribute or share third-party copyright material.

4.6.2 Staff, other individuals working on behalf of the University, students, and visitors, should not knowingly use or provide links to unlawful material or websites. Directing others to such material is to authorise an infringement and could have both disciplinary and legal consequences as the University can be held liable for authorising an infringement.

4.7 Infringements and takedown notices

4.7.1 Any notices from third parties alleging University material or activities infringe copyright shall be promptly investigated and actioned, as required. Any correspondence relating to allegations of copyright infringement must be sent to the Information Officer (Copyright and Compliance), as per section 5 of these procedures.

4.7.2 Receipt of a copyright infringement or takedown notice does not indicate the University's acceptance that the material identified has been used unlawfully.

4.7.3 Staff, other individuals working on behalf of the University, and students who believe their copyright, or the University's copyright, has been infringed can contact the Information Officer (Copyright and Compliance) for guidance.

4.8 Moral rights

4.8.1 Moral rights include the right of attribution, the right not to be falsely attributed, and the right of integrity. Staff and students must ensure that creators of copyright materials are appropriately acknowledged or attributed in every instance, including in all University teaching materials.

4.8.2 Copyright material should not be used in a manner that could be construed as derogatory or that could negatively impact the creator's character or reputation.

4.9 Advice and support

4.9.1 The University provides copyright compliance information, advice and support through resources and training prepared, maintained, and delivered by the Information Officer (Copyright and Compliance). Information on copyright for staff is available on the staff intranet (login required).

4.9.2 Information on copyright for undergraduate and postgraduate coursework students is available on the library guides, while information for higher degree research (HDR) students is available on the learning management system (login required).

4.9.3 Staff, other individuals working on behalf of the University, and students can contact the Information Officer (Copyright and Compliance) for advice and support regarding copyright management and compliance.

5. Infringement and Takedown Procedures

5.1 Receipt of a copyright infringement or takedown notice

4.1.1 Pages on the University's external website will incorporate copyright information that will direct third parties to a form should they wish to report a possible infringement of copyright. This form should be submitted to the Information Officer (Copyright and Compliance).

5.1.2 If someone other than the Information Officer (Copyright and Compliance) receives notification of a possible infringement, the recipient must immediately forward the notice, and any accompanying documentation, to the Information Officer (Copyright and Compliance).

5.1.3 The Information Officer (Copyright and Compliance) will action the received notice in accordance with the *Copyright Regulations 2017* (Cth). This will include expeditiously removing or disabling access to the material. The Information Officer (Copyright and Compliance) will provide further education and training to the identified user and will notify the relevant Head of School, Cost Centre Manager, or other relevant senior staff as appropriate.

5.2 Disputing a copyright infringement or takedown notice

4.2.1 Users can dispute a copyright infringement or takedown notice by contacting the Information Officer (Copyright and Compliance). The Information Officer (Copyright and Compliance) can support users to understand the counter-notice requirements set out in the *Copyright Regulations 2017* (Cth) and can contact the rightsholder or their representative on behalf of the user, where appropriate.

5.2.2 During the period of dispute and liaison regarding a possible counter-notice, the infringing material must not be accessible on University systems, networks, or online environments.

5.3 Reporting other possible copyright infringements

5.3.1 Other possible copyright infringements should be expeditiously reported to the Information Officer (Copyright and Compliance). Details of the location of the material and reasons why it could be infringing should be reported. Upon receipt of this information, the Information Officer (Copyright and Compliance) will investigate further and act in accordance with the *Copyright Regulations 2017* (Cth), if appropriate.

END

RELATED DOCUMENTS

- Acceptable Use of ICT Resources - Operational Policy
- Acceptable Use of ICT Resources - Procedures
- Copyright - Academic Policy
- Intellectual Property - Academic Policy
- Intellectual Property: Commercialisation of Research Outcomes - Procedures
- Intellectual Property: Student IP - Procedures
- Intellectual Property: Transfer of Rights to Creators - Procedures
- Resolution of Complaints (Staff) - Guidelines
- Staff Code of Conduct - Governing Policy
- Student Conduct - Governing Policy
- Student Misconduct - Procedures

LINKED DOCUMENTS

- Copyright - Academic Policy

SUPERSEDED DOCUMENTS

- Broadcast Copying and Communication - Procedures

RELATED LEGISLATION / STANDARDS

- Copyright Act 1968 (Cth)
- Copyright Regulations 2017 (Cth)