

Copyright - Governing Policy

1. Purpose of policy

1.1 The purpose of this policy is to provide a framework for copyright management at the University and applies to both the creation and use of copyright material. This policy and the supporting procedures sets out obligations with respect to copyright law including actions for potential breaches of this policy.

2. Policy scope and application

2.1 This policy is designed to support the effective management of copyright at the University and applies across all University endeavours and activities. Acts of non-compliance with the Act could result in both reputational and financial damage for the University.

2.2 This policy is to be read in conjunction with the Copyright – Procedures. This policy and supporting procedures applies to all staff, other individuals working on behalf of the University, students, and visitors.

2.3 If the University is informed or has reasonable grounds to suspect that actions have been undertaken in breach of this policy, the matter may be referred for investigation under the Staff Code of Conduct – Governing Policy or Student Conduct – Governing Policy, and/or 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 this policy 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. Policy Statement

4.1 As a creator and user of copyright material, the University is committed to upholding copyright law under the provisions of the Act. All staff, other individuals working on behalf of the University, students, and visitors should be familiar with the provisions of the Act and must comply with copyright law and this policy.

4.2 This policy outlines obligations regarding copyright law and establishes the framework to ensure compliance with copyright legislation. The University supports the legitimate use of copyright material and recognises that risks associated with improper use must be mitigated.

5. Principles

5.1 The University supports the legitimate use of third-party copyright material. Those involved in the development, production, reproduction or delivery of materials of any kind must be familiar with and meet their obligations set out in the Act and this policy.

APPROVAL AUTHORITY

Council

RESPONSIBLE EXECUTIVE MEMBER

Vice-Chancellor and President

DESIGNATED OFFICER

Director, Library Services

FIRST APPROVED

28 July 2005

LAST AMENDED

2 March 2022

REVIEW DATE

15 June 2026

STATUS

Active

5.2 The University does not condone acts of non-compliance with the Act or this policy as this puts the University at risk of possible legal action.

5.3 University lectures, tutorials and other teaching and learning sessions will, or are likely to, contain copyright material which is owned, or licensed for use, by the University. Accordingly, any unauthorised recording or dissemination is strictly prohibited.

5.4 The University is party to agreements that allow it to make use of certain statutory licence provisions in the Act. Section 113P of the Act covers the use of certain third-party copyright material in teaching material within strict guidelines. The University is required to comply with these agreements, including meeting sampling obligations and the use of prescribed notices.

5.5 The University is party to a collective agreement with the Australasian Performing Right Association (APRA), the Australasian Mechanical Copyright Owners' Society (AMCOS), the Phonographic Performance Company of Australia (PPCA) and the Australian Record Industry Association (ARIA) permitting the use of music subject to certain conditions. Any use of music which falls outside this collective agreement must be covered by an appropriate licence.

5.6 The University has commercial licence agreements in place with publishers and vendors that allow access to academic material, databases, and software. Access and use of this type of material is subject to the individual licence agreements. The University must comply with the conditions of its commercial licence agreements and advocates an institution-wide awareness of the individual terms of use.

5.7 The University supports the use and creation of open access material in all activities in alignment with the Intellectual Property – Governing Policy. The University promotes the sharing of knowledge and supports the creation of Open Educational Resources (OER) and open-source software. Staff and students of the University are encouraged to use open access material in the development, production, reproduction, or delivery of materials and assessment.

5.8 The University networks, systems, facilities or equipment must not be used in a manner that infringes the copyright of a third party. Use of the University's ICT resources is governed by the Acceptable Use of ICT Resources - Governing Policy.

5.9 The University is committed to ensuring its obligations under the safe harbour provisions in the Act can be met, where appropriate. The University will act promptly upon identification or on receipt of an infringement or takedown notice for potentially unlawful material linked to or hosted on its online environments or accessed through its network.

5.10 The University is committed to managing repeat infringers, where possible, to ensure appropriate steps can be taken in the event suspension or termination of access to ICT resources is required. Inappropriate actions of users may be referred for further investigation as alleged misconduct or serious misconduct in accordance with the relevant policies.

5.11 The University respects the moral rights of all authors and creators of copyright material, including the moral rights of its staff and students.

6. Authorities/Responsibilities

UNIVERSITY OFFICER/S	ACTIVITY
Vice-Chancellor and President	Responsible Officer for the University's obligations under the Act. The Vice-Chancellor has delegated this authority to the Director, Library Services.
Director, Library Services	The designated officer responsible for the establishment and management of copyright including systems, practices, policies, and procedures to ensure effective copyright management and compliance. This includes, but is not limited to, advising the Vice-Chancellor and President on copyright agreements, licences, and institutional compliance.
Information Officer (Copyright and Compliance)	Responsible for providing advice and support regarding copyright management and compliance, including establishing and managing business processes required for compliance with relevant legislation, licences and agreements; creating, maintaining and disseminating education and training information; and being the designated representative for receiving takedown notices.
UniSC Legal Services	Responsible for providing legal advice regarding copyright management and compliance.
Associate Director, Library and Archives'	Responsible for overseeing that Library processes and activities comply with the relevant sections of the Act, as well as adherence to the various commercial agreements entered into by the Library on behalf of the University.
Course Coordinators	Staff involved in the planning, development, delivery, and assessment of the University's courses are to ensure copyright guidelines and best practice is followed when creating or updating University teaching materials. This means ensuring compliance with this policy, the procedures, and the Act, in particular

the statutory licences (section 113P of the Act), music licences, commercial agreements, and any other licensing agreements.

All staff, other individuals working on behalf of the University, students, and visitors

Responsible for complying with the Act and this policy in all University endeavours and activities including, but not limited to, research and study, the production and use of material in administrative and teaching activities, as well as the use of third-party copyright material. Staff must have an understanding and awareness of copyright legislation and the various licences the University is party to. Students and visitors should be aware of the fair dealing exceptions in the Act. Higher Degree by Research (HDR) students should understand copyright implications, both as an author and a user of third-party copyright material, for thesis and article publishing.

END

RELATED DOCUMENTS

- Acceptable Use of ICT Resources - Governing Policy
- Acceptable Use of ICT Resources - Procedures
- Copyright - Procedures
- Intellectual Property - Governing Policy
- Intellectual Property: Commercialisation - Procedures
- Intellectual Property: Commercialisation Revenue - 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

LINKED DOCUMENTS

- Copyright - Procedures

SUPERSEDED DOCUMENTS

- Copyright - Managerial Policy

RELATED LEGISLATION / STANDARDS

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