

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:

Copyright is a broad term that encompasses the exclusive economic rights of the creator or author of an original work to control its use, reproduction and communication. A work must be in a material form in order to be protected by copyright.

Third-party copyright material means copyright works created by someone other than yourself.

Moral rights mean the automatic personal rights of an author or creator to protect the integrity of their work.

Takedown notice means a notice issued by a copyright owner, or nominated agent acting on their behalf, outlining alleged unlawful activity on a network or online environment.

1. Purpose of procedures

These procedures are to be read in conjunction with the Copyright – Managerial Policy. It sets out steps to operationalise the Copyright – Managerial Policy and outlines processes for the management of the policy throughout its lifecycle. The procedures apply to all staff, other individuals working on behalf of the University, students and visitors.

2. Procedures

2.1 Compliance

All staff, other individuals working on behalf of the University, students and visitors must comply with copyright legislation and regulations in every endeavour.

Any use of third-party copyright content in research and teaching material that is not covered by a special licence or exception in the Copyright Act should only occur with the express written permission or licence from the copyright-holder. Using third-party material for other activities, including but not limited to promotion or marketing, general administration, publication, public lectures or performances requires permission from the rights-holder. All staff, other individuals working on behalf of the University, students and visitors must ensure necessary permissions or licences are obtained during the development of a project and prior to its completion. Copyright records should be captured in line with the Information Management Framework – Governing Policy and associated procedures.

Failure to comply is unacceptable and exposes the University to unnecessary risk.

The University will investigate allegations of, and impose penalties for, copyright infringement by staff and students of the University. Disciplinary proceedings, including termination or expulsion, may be initiated against those responsible for misconduct in accordance with the Staff Code of Conduct - Governing Policy and Student Conduct - Governing Policy.

2.2 Statutory licences

All academic staff are to adhere to the statutory licences provided for in the Copyright Act. Under these licences, text, artistic works and broadcasts can be used in teaching materials. Anyone involved in the production, reproduction or delivery of teaching materials at the University must be familiar with their obligations under the statutory licences, including copying limits, communication restrictions and labelling requirements. These licences require the use of copyright notices 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. More detailed information can be found on MyUSC (the staff intranet).

2.3 Music licence

All staff, other individuals working on behalf of the University, students and visitors who use musical works and sound recordings must familiarise themselves with the conditions of the music licence. The licence covers reproduction, public performance and communication within strict guidelines. Those involved in the development, production, reproduction or delivery of teaching material or coursework, University events, or any University activity involving music, must ensure they understand and meet the terms of the licence. 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. More information about the music licence can be found on the University intranet.

APPROVAL AUTHORITY

Vice-Chancellor and President

RESPONSIBLE OFFICER

Vice-Chancellor and President

DESIGNATED OFFICER

Director, Information Services

FIRST APPROVED

15 June 2005

LAST AMENDED

17 December 2018

EFFECTIVE START DATE

3 August 2015

REVIEW DATE

28 July 2020

STATUS

Active

2.4 Commercial agreements

The Library has entered into a number of commercial agreements to facilitate broader 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. When creating course content, 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.

2.5 Books of Readings

Academic staff must ensure that material included in Books of Readings complies with the statutory licence provided for in the Copyright Act, unless written permission or a licence has been granted by the copyright-holder. Content sourced from Library databases should not be incorporated into Books of Readings, unless permitted by the individual licence terms.

2.6 Open access

The University's position on the ownership of copyrighted material created by staff, other individuals working on behalf of the University, and students is outlined in the Intellectual Property - Governing Policy. Staff and students should, where possible, make use of open access content in the development and delivery of material. Open access should be a consideration when publishing.

2.7 University network

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 copyrighted material. University staff, students, visitors and other individuals 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.

2.8 Infringement/takedown notice

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 should be sent to the Information Officer (Copyright and Compliance), as per the Copyright Infringement/Takedown Notice - Procedures.

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

Staff of the University who feel their copyright, or the institution's copyright, has been infringed should contact the Information Officer (Copyright and Compliance) for guidance.

2.9 Moral rights

Moral rights include the right of attribution, the right not to be falsely attributed and the right of integrity. University staff and students must ensure that creators of works are acknowledged in every instance, including in all teaching material and coursework. Works should not be used in a manner that could be construed as derogatory or that could negatively impact the creator's character or reputation.

2.10 Ongoing support

The University will provide copyright compliance information, advice and support through resources and training prepared, maintained and delivered by the Information Officer (Copyright and Compliance). Information on copyright matters relevant to the University can be found on the Copyright and Teaching pages on MyUSC (the staff intranet) or by contacting the Information Officer (Copyright and Compliance).

3. Roles and responsibilities

ROLE	RESPONSIBILITIES
Director, Information Services	The designated officer responsible for copyright management at the University. This includes: Advising the Vice-Chancellor (the responsible officer) on copyright agreements, licences and institution compliance
Information Officer (Copyright and Compliance)	The first point of contact for copyright queries at the University, responsible for: Establishing and managing business processes required for compliance with relevant legislation, licences and agreements Creating, maintaining and disseminating educative information for University staff and students Being the designated representative for takedown notices on behalf of the University
Manager, Library	Responsible for ensuring Library processes and activities comply with the relevant sections of the Copyright 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 academic courses are to ensure: Best practice is followed when creating course material using third-party copyright material Compliance with the Copyright Act 1968 (Cth), in particular the statutory licences (section 113P of the Copyright Act), the music licence, commercial agreements entered into by the USC Library and any other licensing agreement No content from University Library databases is uploaded directly to other online environments. Instead, links to Library databases are to be provided to students. Books of Readings comply with the statutory licence or a separate commercial agreement

or licence from the copyright-holder. The Information Officer (Copyright and Compliance) and the Centre for Support and Advancement of Learning and Teaching (C-SALT) can be contacted for best practice guidance.

Staff and other individuals working on behalf of the University	All staff, whether academic or administrative, must develop their understanding and awareness of copyright legislation and the various licences the University is party to. Detailed information can be found on the University's staff intranet. Staff are not permitted to use the University network or systems in a manner that infringes copyright. See the Acceptable Use of Information Technology Resources - Governing Policy.
Students and visitors	Students and visitors should be aware of the Fair Dealing exceptions allowed for in the Copyright Act. Higher Degree by Research students, in particular, must also understand the copyright implications, both as an author and a user of third-party copyright material, for thesis and article publishing. Students and visitors are not permitted to use the University network or systems in a manner that infringes copyright. See the Acceptable Use of Information Technology Resources - Governing Policy.

END

RELATED DOCUMENTS

Acceptable Use of ICT Resources - Governing Policy
Acceptable Use of ICT Resources - Procedures
Copyright - Governing Policy
Copyright Infringement/Takedown Notice - 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
Staff Code of Conduct - Governing Policy
Student Conduct - Governing Policy
Student General Misconduct - Procedures

LINKED DOCUMENTS

Copyright - Governing Policy

SUPERSEDED DOCUMENTS

Broadcast Copying and Communication - Procedures

RELATED LEGISLATION / STANDARDS

Copyright Act 1968 (Cth)
Copyright Regulations 1969 (Cth)