

University of New England

Policy

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Related policies or other documents: Knowledge Assets and Intellectual Property Policy, Copyright & Take Down Notice Procedure

1. Overview

- 1.1 The University of New England is committed to the proper observance of copyright law under the provisions of the Copyright Act, and to upholding the rights of creators and users.
- 1.2 The University, as a higher education provider and research organisation, fosters the legitimate use of copyright works. It is important for individuals making use of copyright works in connection with the University to comply with copyright law, and for the University to demonstrate a high level of copyright compliance.

2. Purpose and Objectives

- 2.1 This Policy is intended to:
 - (i) provide a clear statement to employees, students and other members of the University community of their obligations with respect to copyright;
 - (ii) encourage legitimate uses of copyright works;
 - (iii) mandate responsibilities and processes regarding the use of copyright works;
 - (iv) minimise the risks associated with the improper use of copyright works;
 - (v) demonstrate a commitment by the University and its highest level managers to a compliance culture.

3. Application and Scope

- 3.1 This Policy:
 - (i) applies to all employees, students, controlled entities and individuals associated with the University;

- (ii) replaces all previous copyright policies;
- (iii) does not cover ownership of copyright generated by University employees or students in the course of their employment and studies, which is governed by University's Knowledge Assets and Intellectual Property Policy: www.une.edu.au/policies/pdf/knowledgeassets&intellectualproperty.pdf.

4. Definitions

- (i) '**copyright**' is a legal concept that gives the creator of an original work, exclusive rights to exploit the work for a limited time and prevent others from copying the work.
- (ii) '**Copyright Act**' means the *Copyright Act 1968* (Cth).
- (iii) '**copyright works**' and '**third-party copyright material**' means works or other subject matter where the copyright is not owned by the University.
- (iv) '**moral rights**' means the three moral rights granted to the creators of copyright in Part IX of the *Copyright Act 1968* (Cth).

5. Statement of Responsibilities

5.2 The University has a responsibility to take reasonable steps to:

- (i) provide information and guidelines to employees, students, controlled entities and individuals associated with the University addressing their copyright rights and responsibilities;
- (ii) develop, implement and support systems and processes that facilitate copyright compliance;
- (iii) ensure there are financial, structural and administrative procedures in place to meet its obligations under copyright legislation, and review and revise these as required;
- (iv) monitor external developments in relation to copyright, especially copyright legislation, to revise and update University policies, practices and documentation to adequately reflect changes, and to raise awareness of any developments as appropriate;
- (v) ensure the University's corporate publications and information services, policies and facilities meet the requirements of the Copyright Act and are reviewed and revised periodically and as required;
- (vi) respond appropriately to any alleged breaches of the Copyright Act brought to the attention of authorised officers of the University or of which officers become aware.

5.2 Individuals have a responsibility to:

- (i) make a reasonable effort to become aware of their rights and obligations in relation to copyright, including moral rights obligations;

- (ii) adhere to the requirements of the Copyright Act, apply University policies, practices and procedures when using copyright works;
- (iii) consult with the Copyright Office when preparing unit materials supplied to, or made accessible to enrolled students, to ensure compliance with the relevant copyright law requirements, licence conditions, and University processes;
- (iv) consult with the Legal Office prior to entering into agreements with outside organisations on behalf of the University, particularly when third party copyright material has been used;
- (v) report any alleged breaches of copyright of which they are aware to an appropriate University officer.

6. Non-compliance

- 6.1. The University Copyright Officer will address copyright risks in the first instance.
- 6.2. The University Copyright Officer may seek authority from the Pro Vice-Chancellor (Academic) to audit Schools, Libraries or Centres, for compliance with copyright law, University Copyright Policy, and/or licence agreements.
- 6.3. The University's disciplinary procedures may be applied where employees or students fail to comply with this Policy or the Copyright Act.
- 6.4. Students are entirely responsible for any copyright infringement resulting directly or indirectly from their own actions.
- 6.5. Some breaches of the Copyright Act are criminal offences, attracting heavy fines and terms of imprisonment.

7. Information

- (i) General information about copyright is available for University of New England employees and students at <http://www.une.edu.au/copyright/>.
- (ii) Information about what may be copied for study, research, criticism, or review is available at <http://www.une.edu.au/copyright/others-work.php>.
- (iii) Information about moral rights is available at <http://www.une.edu.au/copyright/moral-rights.php>.
- (iv) Information about copying and using copyright works for teaching purposes is available at <http://www.une.edu.au/copyright/sound-music.php>, <http://www.une.edu.au/copyright/text-graphic.php> and <http://www.une.edu.au/copyright/guides-resources.php>.