

## COPYRIGHT POLICY

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Related Documents	GCA Student Welfare Policy UBSS Academic Appeals Policy UBSS Academic Misconduct Policy UBSS Assessment Policy – Foundation Studies UBSS Course Delivery by Third Party Providers Policy and Procedures UBSS Course Review Policy UBSS Examination Policy & Guidelines UBSS Expulsion Policy UBSS Grievance and Appeals Policy (Academic) UBSS Grievance Policy (Non-Academic) UBSS Intellectual Property Policy UBSS Reading Subject Policy
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## 1 Context

The purpose of this Policy is to outline responsibilities and procedures regarding the use of third party copyright material, with the objectives of:

- reducing staff and UBSS's exposure to the risks associated with the use of third party copyright material;
- assisting staff to make full legal use of the materials at their disposal by clearly identifying responsibilities; and
- promoting copyright compliance.

## 2 Scope

### 2.1 Rationale

This Policy applies to all UBSS staff, students, and controlled entities.

The scope of this Policy is limited to specifying responsibilities and procedures regarding:

- the use of third party copyright material for teaching, learning, research, or administrative purposes; and
- any other use of third party copyright material not covered by the Music, Video and Software Piracy Policy.

This Policy does not cover first party copyright material. The Intellectual Property Policy covers first party copyright material.

### 2.2 Legislative Context

- The Higher Education Support Act 2003 (HESA)
- Tertiary Education Quality and Standards (TEQSA) Act 2011 (Cth)
- Higher Education Standards Framework (Threshold Standards) 2015
- The Educational Services for Overseas Students Act (ESOS) 2000
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007
- Copyright Act 1968
- Copyright Amendment (Online Infringement) Act 2018
- Copyright Amendment (Disability Access and Other Measures Act) 2017

### 3 Definitions

Item	Definition
<i>Copyright</i>	Defined as 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.
<i>Copyright Act</i>	The Copyright Act 1968 (Cth).
<i>Copyright works and third-party copyright material</i>	Works or other subject matter where the copyright is not owned by UBSS
Moral rights	The three moral rights granted to the creators of copyright in Part IX of the Copyright Act 1968 (Cth).

### 4 Policy Statement

What individuals can do with copyright protected materials depends upon who owns copyright, whether the use of the material is the subject of an agreement, the type of material used, how the material is used, how much material is used, and the purpose for which the material will be used.

UBSS has a responsibility to provide information and guidelines to employees, students, controlled entities and individuals associated with UBSS concerning copyright. These can be broken down into the following:

- Addressing their copyright rights and responsibilities;
- Develop, implement and support systems and processes that facilitate copyright compliance; ensure there are financial, structural and administrative procedures in place to meet its obligations under copyright legislation, and review and revise these as required;
- Monitor external developments in relation to copyright, especially copyright legislation, to revise and update policies, practices and documentation to adequately reflect changes, and to raise awareness of any developments as appropriate;
- Ensure UBSS’s corporate publications and information services, policies and facilities meet the requirements of the Copyright Act and are reviewed and revised periodically; and
- Respond appropriately to any alleged breaches of the Copyright Act brought to the attention of authorised officers of UBSS or of which officers become aware.

Individuals have a responsibility to:

- Make an effort to become aware of their rights and obligations in relation to copyright, including moral rights obligations;
- Adhere to the requirements of the Copyright Act, apply UBSS policies, practices and procedures when using copyright works;
- Consult with a member of the UBSS Executive Management Team when preparing unit materials supplied, or made accessible to enrolled students, to ensure compliance with the relevant copyright law requirements, licence conditions, and UBSS processes;
- Consult with a member of the UBSS Executive Management Team prior to entering into agreements with outside organisations on behalf of UBSS, particularly when third party copyright material has been used; and
- Report any alleged breaches of copyright to the Executive Dean.

## 5 Photocopying

The Copyright Act contains provisions that allow educational institutions to use text, images and notated (print) music in ways that would otherwise require a copyright clearance. These provisions are sometimes referred to as the Part VB educational statutory licence.

Australian teachers can copy and communicate text, images and print music without a copyright clearance if:

- it is for educational purposes, and
- they work for an educational institution that is covered by the Part VB educational statutory licence.

UBSS is covered under the GCA Group licence.

### 5.1 Which content?

The statutory licence allows the use of text and images from any source or format:

- digital or hardcopy
- online or offline
- Australian or foreign content
- published or unpublished content

### 5.2 How much of a work?

A 'work' is an item of text or an image, usually created by a single 'author'. An 'edition' (such as a book, journal or newspaper), or a publishing platform such as a website or CD ROM, may contain many 'works'. For example, in a newspaper, each article, opinion piece, letter to the editor, cartoon and photograph is a separate 'work'.

In some cases, a teacher may use only a 'reasonable portion' of a work, not the entire work. For some content, a specified proportion is deemed to be a 'reasonable portion'. More than

this specified proportion can be a ‘reasonable portion’, but there is no guidance in the legislation about how much. Similarly, there is no guidance on what constitutes a ‘reasonable portion’ of works such as artistic works.

The following is a guide.

Format	Entire Work	Deemed “reasonable portion”
<b>Hardcopy</b>	If: <ul style="list-style-type: none"> <li>• unpublished</li> <li>• published, but not separately</li> <li>• not available (in any form) within a reasonable time at an ordinary commercial price</li> <li>• an article in a periodical (such as a journal, newspaper or magazine) – more than one if they are on the same subject</li> <li>• a text work of no more than 15 pages published in an anthology</li> <li>• an image that accompanies (and explains or illustrates) text that can be copied under the Part VB educational statutory licence.</li> <li>• Otherwise, a ‘reasonable portion’.</li> </ul>	If work published as edition of 10 or more pages: <ul style="list-style-type: none"> <li>• 10% of the number of pages, or</li> <li>• a chapter (if more than 10% of the pages)</li> </ul>
<b>Digital</b>	if: <ul style="list-style-type: none"> <li>• one of hardcopy criteria applies</li> <li>• work available for purchase, but only in hardcopy</li> <li>• work is an image (even if it is available for purchase in digital form)</li> <li>• Otherwise, a ‘reasonable portion’.</li> </ul> <p>(read Electronic Use notice, which must be published with each copy under this scheme)</p>	If work published: <ul style="list-style-type: none"> <li>• 10% of the words</li> <li>• a chapter (if more than 10% of the words)</li> <li>• 10% of a musical work</li> </ul>

There is a general understanding that a student in a course should receive no more than a ‘reasonable portion’ for that course. For example, a history teacher who copies 10% of a commercially available book for a class should not copy another 10% of the book for the same class.

### 5.3 Which uses?

Uses allowed by the statutory licence include:

- hardcopy content: photocopying, scanning
- digital content: saving to disk, printing, making available online, emailing (read which must be published with each copy under this scheme)

## 6 Non-compliance

UBSS’s disciplinary procedures may be applied where employees or students fail to comply with this policy or the Copyright Act. Some breaches of the Copyright Act are criminal offences, attracting heavy fines and terms of imprisonment

Students are entirely responsible for any copyright infringement resulting directly or indirectly from their own actions.

## 7 Roles and Responsibilities

All staff and students must ensure that they understand and comply with the legal restrictions and obligations regarding the use of third party copyright material.

## 8 Document Change Control

Version	Change Description	Date	Author
V1	New Policy	10.04.18	Prof Ian Bofinger
V2	Refresh and change to next review date	August 2019	Prof Ian Bofinger
V3	Changes to review date and removal of Executive Dean Update to the Copyright legislation with respect to online infringement and disability access.	March 2021	Anurag Kanwar