

# Copyright Policy

## Section 1 - Definitions

(1) For the purpose of this policy:

- a. Communicate - make available online or electronically transmit a work or other subject matter.
- b. Copyright - the exclusive right of the copyright owner to publish, copy, adapt, communicate, broadcast, rent, or perform material contained in literary, dramatic, musical, artistic works, computer software, sound recordings, films, and broadcasts (or adaptations of those works), and other uses and materials defined in the [Copyright Act 1968](#).
- c. Copyright Owner - is generally the author or maker of the copyright material, but may be another person or legal entity, as set out in the Act. Ownership and use of copyright materials created by staff and students of Southern Cross University are discussed in the University's [Intellectual Property Rights Policy](#).
- d. Educational Purposes - purposes related to course delivery, administrative purposes and use in connection with continuing education courses conducted by the University.
- e. myReadings - materials made available online must be located in and communicated from within myReadings. Items are registered and communication limitations are monitored through the Library Systems & Copyright Librarian.
- f. Fair Dealing - refers to uses of copyright material that are considered fair in the interests of free and unhindered information exchange. The categories of fair use are (personal) research and study, criticism and review, reporting the news or for the purposes of judicial proceedings.
- g. Infringement - the act of doing something that is an exclusive right of a copyright owner without the protection of an exception contained in the Copyright Act (for example fair dealing or statutory licences) or without the authority of separately negotiated permissions, or exceeding the conditions permitted in those licences.
- h. Moral rights - are those rights that apply to the integrity of creators and require that copyright material is appropriately acknowledged, correctly attributed, and dealt with respect to the creator's integrity. While many of these practices have historically been good academic practice, they are now required by legislation (see Part G).
- i. Registration - the process of centrally recording digital reproductions of copyright materials intended for distribution to students [see Section 3, clauses (28)-(29)]. Registration is the responsibility of the academic staff member responsible for making that material available.
- j. Reproduce - make copies and facsimiles into a material format (digital and analogue) from a material format (digital and analogue) [see Section 3, clauses (15)-(29)].
- k. Statutory Licences - (also known as educational copying licences) — licences made under provisions of the Act that permit educational institutions to reproduce and communicate a range of copyright material without having to seek explicit permission from copyright owners. Copyright owners are paid for this use through a licence fee paid by the University to nominated collection agencies.

## Section 2 - Policy Statement

## Part A - Policy Declaration

(2) The Copyright Policy describes the procedures in place at Southern Cross University to ensure compliance with statutory licences under Section 113P of the [Copyright Act 1968](#).

## Part B - Policy Description

### Objectives

(3) To ensure compliance with the statutory licence conditions under Section 113P of the Copyright Act 1968.

(4) To ensure that the University obtains full advantage of its statutory licences to best support the teaching and research needs of the University.

### Scope

(5) This policy applies to the use, reproduction and distribution of copyright material undertaken for the purposes of the University by University staff, students and affiliated educational institutions.

## Part C - Content and Implementation

(6) All use, reproduction and distribution of copyright material undertaken by or at the direction of staff of the University shall be in accordance with the provisions of the Copyright Act 1968 and any relevant copyright agreement(s) currently in force. Use of University equipment, facilities and/or premises for a purpose that infringes copyright is expressly forbidden.

(7) Digital reproductions and communications of copyright material under statutory licence must be registered and appropriately notated with warning notices and attribution. Staff should note that the only way copyright material can be made available online under statutory licence is through registration on myReadings [see Section 3, clauses (28)-(29)]. Under no circumstances can material reproduced under statutory licence be published on unrestricted access websites or provided to non-members of the University.

(8) The Copyright Procedures accompanying this policy are expanded in the University's online Copyright Guide. The Library Systems & Copyright Librarian has the authority to require staff to take action to ensure legal compliance in accordance with these Procedures and the Guide.

(9) The Library Systems & Copyright Librarian should be consulted in all instances where interpretation of legislation, licence agreements or procedures is required.

(10) The rights afforded to the University under Section 113P of the Copyright Act 1968 (the Act) permit the use of copyright material for the educational purposes of the institution. Such rights include multiple reproduction and communication of text and graphic material and multiple reproduction and communication of off-air broadcast material. With these rights come well defined obligations. The Copyright Policy and Procedures focuses on the provisions of the statutory licences and the mechanisms in place in the University to ensure compliance with licence conditions. Productive and correct use of license fees to support our teaching and research effort is encouraged.

## Section 3 - Procedures

### Part D - Use of University Equipment, Facilities and/or Premises

(11) Use of University equipment, facilities and/or premises for a purpose that infringes copyright is expressly forbidden. Any person who commits such an infringement shall be personally liable under the Act. In no way does the

University authorise infringements of copyright by the provision of equipment upon which reproductions and communications can be made.

(12) Notices as prescribed by the Copyright Regulations 1969 shall be placed on or near all equipment capable of making reproductions and communications of copyright material. Photocopiers, scanners, video devices, CD burners and printers are included in this category. Particular attention should be paid to portable devices. The wording of the notice is attached at Appendix A.

## **Part E - Statutory Licences Under the Copyright Act 1968 - (Educational Use)**

(13) The Act permits making single or multiple reproductions of copyright material for the educational purposes of the institution subject to the payment of equitable remuneration and satisfaction of certain conditions relating to amount and distribution. The University is party to remuneration agreements with the Copyright Agency Limited for reproduction and communication of text and graphic material and with Screenrights for reproduction and communication of broadcast material.

(14) There are no statutory license provisions for material other than the text, graphic and broadcast material described in Section 113P of the Act. Staff may have the option of entering into agreements directly with copyright owners of material for use that does not fall within statutory licensing provisions.

### **Text and Graphic Material – Reproduction**

(15) Reproduction of material from or to a hard copy or digital source is subject to the following conditions:

- a. the reproduction must be for the educational purposes of the institution or of another educational Institution
- b. the institution have a remuneration notice with the nominated collection society
- c. reproduction is limited to 'reasonable portions' of the prescribed material

(16) Staff utilising the University printers/copiers undertake to abide by copyright limitations. Note that if digital files are provided with hard copy printing and the digital files are distributed to students, the digital files must be registered with myReadings.

(17) The 'reasonable portions' that may be reproduced are:

- a. no more than 10% of pages in the edition
- b. one complete chapter or part of chapter (i.e. the chapter or part chapter may contain more than 10% of total pages in the edition)
- c. or one chapter or 10% of total words if source material is in digital form,
- d. one article from a periodical publication (or two or more articles if the subject matter is closely related)
- e. a work of less than 15 pages in an anthology of literary or dramatic work

(18) More than a reasonable portion may be reproduced and communicated if, after reasonable investigation, the work is not available within a reasonable time at an ordinary commercial price. This does not apply to articles contained in periodical publications. Please consult the Library Systems & Copyright Librarian if you wish to reproduce more than a reasonable portion.

### **Warning Notices**

(19) Warning Notices, in the format prescribed by the Copyright Regulations, must be associated with digital reproductions of copyright material, whether made available online, distributed as attachments to email messages or

distributed on digital storage devices. These notices must come to the attention of users before or at the same time as the material. It is recommended that the warning notice be included as the first page of the material.

## **Broadcast Copies and Communication – Screenrights Licence**

(20) The University is permitted to reproduce items from TV or radio broadcasts and podcasts of broadcasted materials for the educational purposes of the institution. These copies may be distributed to students, placed in the library, shown in class and communicated to students of the institution. Digital copies must contain a warning notice. Items distributed in digital form must be registered. The University may also obtain broadcast copies from similarly licensed institutions.

## **Communication of Digital Reproductions**

(21) Works reproduced in digital form under statutory licence may also be communicated, either by making it available online or some other means of electronic transmission. If material reproduced under statutory licence is to be made available online, the copy communicated must be registered and/or located in myReadings. This is the copy to which students and/or staff link. This is the only way to make the majority of copyright material available online. The registration process is outlined in clauses (28) - (29).

(22) Note that communication conditions are additional to reproduction limitations.

(23) These additional conditions are:

- a. the communication is carried out solely for the educational purposes of the institution;
- b. the communication must only be accessible by staff and students of the institution (i.e. it must be on a password protected site accessible only by authorised members of the University);
- c. a warning notice must be attached to the reproduction; and
- d. no more than one part of a text or graphic work, excluding journals, may be made available online at one time (an institution wide limitation, although it does not apply to reproductions from periodical publications).

(24) Insubstantial portions [see clauses (26) - (27)] of literary and dramatic works may be communicated, provided that the person responsible for making the communication makes only one insubstantial portion of a work available online at one time (i.e. the communication restriction does not apply to the whole campus).

(25) There is no communication limit applying to the amount of material obtained via a broadcast copy, providing the conditions related to access, marking and educational use are satisfied.

## **Text and Graphic Material – Reproduction of Insubstantial Portions**

(26) Educational institutions are permitted to make multiple copies of insubstantial portions of literary or dramatic works. An insubstantial portion is defined as no more than 2 pages of a work unless there are more than 200 pages in the edition or the total number of pages reproduced does not exceed 1% of total number of pages (or words if in digital format).

(27) The conditions relating to the reproduction of insubstantial portions are:

- a. the reproduction is carried out on the premises of the institution
- b. the reproduction is for the purpose of a course of education provided by the institution
- c. 14 days must elapse before another reproduction can be made of an insubstantial portion from the same work.

## **Registration of Digital Reproductions**

(28) Digital reproductions that are distributed or communicated to students must be registered. The registration and

submission process is described in full in the Copyright Guide, together with a summary of quantity guidelines. Registration enables the centralised monitoring of communications to ensure that the university-wide limitation relating to online communications is observed.

(29) Details of the items are maintained in myReadings. Checking for the inclusion of warning notices and monitoring the period of time an item is online is undertaken by the University Library. Information regarding online registration of copies, insubstantial portions and limitations on reproduction can be found on the Copyright website. Unit Coordinators must observe the limitations imposed on reproduction and communication of material. Insubstantial portions need not be registered, however Unit Co-ordinators should observe the limitations imposed on reproduction and concurrent communication of insubstantial portions of material.

## **Part F - Reproduction and/or Communication of Material – Separately Negotiated Licences**

(30) It is possible, and in the case of some material essential, to seek explicit permission from copyright owners in order to use their material in circumstances other than those covered by Section 113P of the Copyright Act or for uses outside the fair dealing provisions. Consult the Library Systems & Copyright Librarian to determine what actions need to be taken.

## **Part G - Moral Rights**

(31) Part IX of the Copyright Act 1968 awards a range of moral rights to the creators of literary, dramatic, musical or artistic works and cinematograph films. Moral rights are conferred on individuals only.

(32) Moral rights mean that a work must be appropriately and accurately acknowledged, authors have a right that authorship not be falsely attributed and a right of integrity of authorship.

## **Part H - Reproduction of Computer Programs**

(33) Although computer programs are defined under the Act as literary works, they are expressly excluded from the statutory licences for copying for educational use. In most cases, separate contracts are applicable to software, entered into at the time of purchase. These contracts override the free and educational use provisions contained in the Act.

(34) Division 4A of the Copyright Act permits the owner of a legitimate copy of a computer program to make reproductions in certain circumstances. The Act should be consulted for details of those circumstances.

## **Part I - Non-compliance**

(35) In cases of non-compliance with the legal obligations imposed by the Copyright Act, the contractual obligations imposed by the CAL or Screenrights Remuneration Agreement and non-observance to the Policy and Procedures of the University, the Library Systems & Copyright Librarian or designated representative will have the authority to intervene in the distribution of the items in question. This may mean recalling items already distributed or removing access to online material.

## **Part J - Further Information**

(36) Staff seeking further information may refer to the University Library Systems & Copyright Librarian, the University Copyright Guide and the Copyright Act 1968. Various publications of the Australian Copyright Council are held in the Library at KN112.



## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	4th December 2019
<b>Review Date</b>	4th December 2022
<b>Approval Authority</b>	Head, Governance Services
<b>Approval Date</b>	4th December 2019
<b>Expiry Date</b>	8th December 2021
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