

# Copyright Procedure

## Section 1 - Summary

(1) This Procedure outlines the protocol for using third party materials for intellectual endeavour, innovation and delivering excellence without infringing the rights of others. This Procedure supports the [Copyright Policy](#) and should be read in conjunction with it.

## Section 2 - TEQSA/ASQA/ESOS Alignment

(2) HESF: Standards 3.3. Learning Resources and Educational Support; 5.2. Academic and Research Integrity.

(3) Standards for RTOs 2015: Standard 8.5.

## Section 3 - Scope

(4) All students and staff.

## Section 4 - Definitions

(5) Infringement Allegation – means an allegation claiming that VU has infringed copyright in respect of material transmitted by, stored on, cached in or linked from any VU IT system(s). Take-Down Notices are a type of Infringement Allegation.

(6) Server Administrator – means the VU staff member or area responsible for the administration of a VU server.

(7) Take-Down Notice – is a notice of an Infringement Allegation made under regulation 24 of the [Copyright Regulations 2017 \(Cth\)](#).

(8) Victoria VU IT – has the same meaning as in the [IT Appropriate Use Policy](#).

(9) Web Content Manager – means the VU staff member or area responsible for the administration of a VU website.

## Section 5 - Policy/Regulation

(10) [Copyright Policy](#)

## Section 6 - Procedures

### Part A - Summary of Roles and Responsibilities

Roles	Responsibilities
Staff	Familiarise themselves with procedures and requirements for the use of third party copyright materials as set out in the VU <a href="#">Copyright for Teaching Library Guide</a> .
Students	Familiarise themselves with procedures and requirements as detailed on the VU <a href="#">Copyright website</a> .

## Part B - Use of Third Party Materials

(11) Third party copyright material should be placed online only on the following platforms and recorded as Open Access or Other Permission resource wherever appropriate.

Third party copyright material	Platform
Digital copies of print or text material such as book chapters and journal articles	Readings tool (eReserve) on VU Collaborate.
Images	Staff are encouraged to use Open Resources wherever possible. If no suitable Open Resources are available then seek permission to use the resource.
Material recorded from TV and/or radio	VU streaming service (Panopto) or external hosted streaming services with recording agreements with relevant remuneration societies, such as Screenrights.
Music	Staff are encouraged to use materials covered by the Music Licence or Open Resources wherever possible. If no suitable licensed or Open Resources are available then seek permission to use the resource.

(12) For resources used for teaching presentations delivered in class:

- a. Where possible, staff are strongly encouraged to first consider using Open Educational Resources.
- b. If open access resources are not suitable VU has Educational Licences and exceptions under the Act as an educational institution that enable it to use Third Party Materials for educational purposes. Staff and students also have legislative exceptions as individuals to use Third Party Materials for certain purposes (e.g. own research and study; criticism or review). These licences and exceptions are subject to limitations that must be adhered to.
- c. Where a proposed use or activity is not within the scope of any existing licence or exemption, Third Party Materials should not be used unless written permission or a licence is obtained from the copyright owner of the Third Party Material. The Copyright Officer can provide assistance with requesting permission from copyright owners.

(13) The Library conducts regular copyright information sessions to communicate copyright procedures and support the appropriate use of third party copyright material for education and research purposes. An online training module "[Copyright for Teaching](#)" for academic staff has been provided on the Capability Hub and it is available to all teaching staff.

## Part C - Copyright infringement in Australia

(14) VU does not condone copyright infringement and takes allegations of infringement seriously. Under the [Copyright Act 1968 \(Cth\)](#) and [Copyright Regulations 2017 \(Cth\)](#) service providers (including VU) that transmit, cache, host or link to third-party copyright material are required to take prompt action to disable or remove access to material that infringes or is likely to infringe a third parties copyright.

## Receipt of Infringement Allegations

(15) All webpages on VU servers must include the VU Copyright statement and link to the [Take-Down Request Form](#). These are incorporated as part of the standard Victoria VU webpage template.

(16) The Victoria University Copyright Officer is the designated representative to receive Infringement Allegations and Take-Down Notices. The Copyright Officer can be contacted by email at [library.copyright@vu.edu.au](mailto:library.copyright@vu.edu.au).

(17) If any member of the VU community other than the Copyright Officer receives an Infringement Allegation or a Take-Down Notice, that person must immediately forward the Infringement Allegation or Take-Down Notice to the Copyright Officer.

(18) Infringement Allegations or Take-Down Notices are generally received from parties external to the VU, however members of the VU community also have a responsibility to notify the Copyright Officer if they reasonably believe that VU material or activity is in breach of a third party's copyright.

## Dealing with Infringement Allegations

(19) Upon receipt of an Infringement Allegation, the Copyright Officer will consider the allegation and respond to the sender as appropriate. Where VU is required to expeditiously remove, or disable access to, the material specified in a Take-Down Notice under the Copyright Act, the Copyright Officer (in conjunction with Legal Services or others as appropriate) will:

- a. liaise with the relevant Web Content Manager or Server Administrator and request that they remove the relevant material from VU IT systems as soon as practicable;
- b. if possible, notify the person who requested the material to be placed on the VU IT system that the reported material has been removed; and
- c. provide information about how to dispute the Take-Down Notice (it may not be possible to inform the original requestor if, for example, they no longer are employed by VU).

(20) If there has been copyright infringement by VU staff or students, the Copyright Officer will notify the Head of the academic unit, manager or other appropriate persons who will determine any remedial or disciplinary action in accordance with appropriate VU policies and procedures.

(21) If there has been copyright infringement by any VU IT user (including students) and such infringement is in breach of the VU's [IT Appropriate Use Policy](#) the IT Appropriate Use Procedures will apply.

(22) If VU staff, student or other IT user continues to infringe copyright then the Copyright Officer may class them as a repeat infringer and any decision under this Procedure will be required to take into account the information for dealing with repeat infringers below.

## Identifying and dealing with repeat infringers

(23) A repeat infringer will typically be a person with multiple Infringement Allegations received over a period of time who continues to infringe despite written notification.

(24) A person will be informed in writing if they are classed as a repeat infringer and notified that any further infringements may result in them being subject to misconduct or disciplinary procedures which may impact on their access to VU IT systems.

(25) It will generally be appropriate to suspend a repeat infringer from VU IT systems if they continue to infringe following notification as described above. The extent and period of the suspension may vary depending on the circumstances. Initial suspensions may limit internet access to VU sites for a period of time with restrictions and

periods increasing if the person continues to infringe. Any decision made to suspend a person from access to VU IT systems will be made in accordance with the VU [IT Appropriate Use Policy](#) and other applicable policies and procedures.

(26) Repeat infringers may be declassified as such by the Copyright Officer if no further Infringement Allegations relating to them are received for a reasonable period of time.

### **Disputing an Infringement Allegation**

(27) The person or area that placed the material specified in an Infringement Allegation on a VU IT system may dispute an Infringement Allegation or Take-Down Notice by providing the Copyright Officer with information as to why they believe the material does not infringe copyright (for example, details of a copyright licence or other permission from the copyright owner).

(28) If the Copyright Officer determines that the allegation of infringement can be opposed, the Copyright Officer may liaise with the sender or issue a counter notice in the form prescribed by the [Copyright Regulations 2017 \(Cth\)](#) (as appropriate).

(29) The material specified in an Infringement Allegation or Take-Down Notice must not re-instated or made accessible on VU IT systems unless the Copyright Officer is satisfied that the material does not infringe copyright or that VU has appropriate permission or licence to use the material.

### **Removing or disabling access to content without an Infringement Allegation or Take Down Notice**

(30) VU reserves its rights to remove or disable access to content on VU IT systems if it becomes aware that there is content on VU IT systems which does or may infringe copyright without receipt of an Infringement Allegation or Take-Down Notice.

## **Part D - Copyright infringement outside Australia**

(31) Jurisdictions other than Australia may have other requirements relating to Infringement Allegations. If any member of the VU community becomes aware of an Infringement Allegation outside Australia they must immediately contact the Copyright Officer.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	3rd December 2021
<b>Review Date</b>	3rd December 2024
<b>Approval Authority</b>	Academic Board
<b>Approval Date</b>	1st December 2021
<b>Expiry Date</b>	Not Applicable
<b>Accountable Officer</b>	John Germov Senior Deputy Vice-Chancellor and Chief Academic Officer +613 9919 5077
<b>Responsible Officer</b>	Jane Miller University Librarian +61 3 9919 5394
<b>Enquiries Contact</b>	Ingrid Unger Copyright Officer +61 3 9919 5938