

# Copyright Policy

## Section 1 - Summary

(1) This Policy

- a. establishes copyright compliance requirements for Victoria University (VU) staff and students; and
- b. defines a clear protocol for using third party materials for intellectual endeavour, innovation and delivering excellence without infringing the rights of others.

## Section 2 - TEQSA/ASQA/ESOS Alignment

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

(3) Standards for Registered Training Organisations (RTOs) 2015: Standard 8.5

## Section 3 - Scope

(4) This Policy applies to all staff and students.

## Section 4 - Definitions

(5) Attribution – Under the Moral Rights Act the right to be attributed by name is given to all creators for his or her work to be used; the attribution must be clear and reasonably prominent.

(6) Collecting Agency – Agencies which collect copyright fees on behalf of the owners. Eg. Screenrights for the rights for films, sound and any similar audio visual media; the Copyright Agency acts for authors and artists or illustrators and APRA/AMCOS looks after the needs of the music industry.

(7) ‘Copyright Material’ – Literary, dramatic, musical or artistic works or sound recordings, cinematograph films, broadcasts or published editions as defined in the Act.

(8) ‘Use of Copyright Material’ – The exercise of any rights granted to a copyright owner under the Act including the rights of reproduction, publication, performance, communication to the public, and making an adaptation.

(9) Moral Rights

(10) Safe Harbours regulations – The copyright safe harbours are a set of provisions in the Copyright Act (Part V Division 2AA of the Act) that protect online service providers, including universities, from liability for damages for copyright infringements by their end-users. The provisions protect transmissions, auto caching, hosting and linking actions.

(11) Third Party – Work created by another person or organisation and used in a publication or communication. Use of this work requires permission unless the work is covered by a copyright exception or is under licence to VU, is out of

copyright or comes with a Creative Commons or similar 'free' licence.

(12) Designated systems – Specific VU content management systems able to satisfy legislative and licence compliance requirements for managing third party material, includes VU Collaborate and Readings.

## Section 5 - Policy Statement

(13) This Policy outlines obligations regarding copyright law and establishes the framework to ensure compliance with copyright legislation. VU supports the legitimate use of copyright material and recognises that risks associated with improper use must be mitigated.

- a. Staff and students may be both creators, and consumers of copyright, and as such have certain rights and responsibilities.
- b. VU supports and encourages the lawful use of Third Party Materials to enhance the activities of VU. All Staff and students are responsible for observing copyright legislation, and any restrictions or obligations under any licences or permissions in their use of Third Party Material.

(14) VU aims to conduct its educational, learning, research and non-commercial activities in a manner that is compliant with the provisions of the [Copyright Act 1968 \(Cth\)](#) (the Act) and other copyright licence agreements currently in force.

### Expectations of VU staff members

(15) As a VU staff member you are expected to comply with:

- a. The Statutory licence in the [Copyright Act 1968 \(Cth\)](#) in (s. 113P) in combination with licences and agreements negotiated with copyright collection agencies on behalf of the university in respect of certain provisions of the Act.
- b. Use the central systems outlined in the [Copyright Procedure](#) for hosting third party material to ensure content management and compliance with copyright law for reporting requirements under the terms of the agreements that VU has with the collecting agencies. Other systems should not be used unless staff are authorized to do so.
- c. Comply with the VU's commercial licence agreements with academic publishers and vendors for the provision of access to a wide range of materials eg electronic databases and software applications. Use information is available under the 'Terms and Conditions' of online resources, and further information is available from the Library website at [Copyright and Intellectual Property](#) and [Copyright for Teaching Library Guide](#) at VU, [ebooks guide](#) and [Using permalinks](#).
- d. 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.

### Expectations of VU students

(16) As a VU student you are expected to comply with:

- a. [Copyright Act 1968 \(Cth\)](#), which allows students personal use for study purposes. The [Copyright Act 1968 \(Cth\)](#) (s. 40) deems copying for research or study of 10 per cent of the number of pages or a single chapter to be a "reasonable portion" and a fair dealing.
- b. Further information available from the [Australian Copyright Council](#) and at [Copyright and Intellectual Property](#).

## Respect and integrity

(17) Australian Copyright Law encompasses Moral Rights that expect a creator is correctly acknowledged as an author or creator (attribution) and the right of the work not to be subject to derogatory treatment (integrity).

(18) All VU staff and students are required to act professionally in academic endeavours and to acknowledge the authors or creators of a work that they reproduce and/or communicate in accordance with the Moral Rights Act, Part IX of the [Copyright Act 1968 \(Cth\)](#).

(19) VU respects the moral rights of all authors including staff and students, wherever possible.

## Using Victoria University resources

(20) Illegal downloads and illegal file sharing infringe the rights of copyright owners and therefore must not be stored, transmitted or made available on any part of VU's network.

(21) VU supports the Safe Harbour provisions as set out in Part V Division 2AA of the Act.

(22) VU reserves the right to remove infringing material or material that is likely to be infringing from any VU server and to block the transfer of such material by email or other means as per [IT Appropriate Use Policy](#).

(23) In accordance with the [Copyright Regulations 2017 \(Cth\)](#) VU's Copyright Officer is the designated representative to receive Notices from rights holders in relation to content transmitted, cached, hosted or referred to by linking on the VU's network. VU's Contact web page [Take down request](#) provides request information and contact details as prescribed by the Safe Harbour provisions in the Act.

## Consequences of breaching this Policy

(24) VU does not authorise any infringement of copyright.

(25) Staff not complying with this Policy may be liable for disciplinary action under the terms of the [Appropriate Workplace Behaviour Policy](#).

(26) Students who infringe copyright are personally liable for breaches arising from their own actions and may be liable for disciplinary action in accordance with the [Student Misconduct Regulations 2019](#).

(27) VU reserves the right to disable or block users from accessing VU IT systems if the user repeatedly breaches the Copyright Policy, [Copyright Procedure](#) and/or the [IT Appropriate Use Policy](#) and [Information Security Policy](#).

## Section 6 - Procedures

(28) [Copyright Procedure](#)

## 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>	Richard Constantine Chief Infrastructure Officer +61 3 99194753
<b>Responsible Officer</b>	Adrian Gallagher Associate University Librarian, Learning Resources, Technology and Infrastructure +61399194503
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## Glossary Terms and Definitions

**"Moral Rights"** - These are personal legal rights belonging to the creators of copyright works and cannot be transferred, assigned or sold. They ensure that the creators of works are correctly attributed and the works are not treated in a derogatory way, that is, the 'integrity' of the work is upheld.