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 - Scope

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

Section 3 - Policy Statement

(3) 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.

(4) 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, students and researchers

(5) As a VU staff member or student, you are expected to comply with:

a. the 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 in Victoria University’s Intellectual Property Regulations 2013.
c. 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. the procedures for Third Party Materials 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 Material. This includes uploading copyright or licenced content into third party Generative AI platforms.

(6) 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 authorised to do so.

(7) As a VU researcher you are expected to comply with:

a. The Copyright Act 1968 (Cth) which allows personal use of third party material for study purposes but not for publication.
b. Compliance responsibilities regarding third party content which is governed by permission or licence from the owner/s.
c. Ensuring that any third-party content included in their publications complies with copyright law.

(8) VU encourages authors to retain their rights to their work where possible and provides guidance to support informed decisions about publishing agreements. For further information please refer to the Scholarly Publishing Guide provided by the Library.

Respect and integrity

(9) 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).

(10) 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).

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

(12) Works without a human author are not protected. Generative AI may raise copyright concerns due to the lack of transparency around the sources used for training. These systems may generate content based on copyrighted material without permission, posing issues not only for copyright compliance but also for plagiarism and academic integrity.

(13) It is important to disclose the use of generative AI in any work via appropriate attribution. See also Academic Integrity Policy (clause 80).

(14) All staff and students are expected to adhere to the principles of Indigenous Cultural and Intellectual Property (ICIP) which is based on the fundamental principle of self-determination and involves community ownership, evolving traditions, and the right to control, maintain, and protect this heritage.

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Using Victoria University resources

(15) 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.

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

(17) 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 the IT Appropriate Use Policy.

(18) 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.

Using Creative Commons Licences, Open Educational Resources and No Known Copyright Restrictions Content

(19) A wide range of content can be used freely in educational settings. This includes materials licensed under Creative Commons, Open Educational Resources (OER), content with "no known copyright restrictions," and any content where the terms and conditions explicitly allow free use and redistribution.

Creative Commons Licences

(20) Creative Commons' materials can be used freely and may potentially be modified for educational and instructional purposes including videos, podcasts and teaching/learning resources for educational or instructional purposes.

(21) Each Creative Commons Licence will specify the kind of attribution and uses that can be made of their content.

(22) When using Creative Commons content, attribution and a link to the creative common licence must be provided.

Open Educational Resources (OER)

(23) Open Educational Resources:

a. are free to reuse, remix, redistribute and adapt original OER content with the minimal risk of copyright infringement.
b. are digital platforms support the copying, redistribution, adaptation and remixing of OERs.
c. enables the reuse, remixing and adapting of resources since the copyright owner has already given permission to use the content in that way.
d. is available online with access to millions of CC Licenced content .
e. can be licenced for reuse, remixing, adaptation and sharing by using Creative Commons

"No Known Copyright Restrictions"

(24) "No Known Copyright Restrictions" may indicate that:

a. The copyright of the content has expired;
b. The content has been placed in the public domain;
c. The Copyright holder is not interested in exercising control over the content;
d. The Copyright holder has authorised others to use the work without restrictions.

Consequences of breaching this Policy

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

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

(27) 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.

(28) 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 4 - Procedures

(29) Copyright Procedure

Section 5 - HESF/ASQA/ESOS Alignment

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

(31) Compliance Standards for NVR Registered Training Organisations and FPP Requirements 2025: Standard 20 Compliance with Laws.

Section 6 - Definitions

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

(33) 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.

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

(35) Creative Commons – a system of free licenses that let creators share their work with clear rules about how others can use it.

(36) 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.

(37) Generative AI – is a form of artificial intelligence that creates or produces new and unique content in a range of formats including: text, image, audio, video, code. Generative AI generates outputs based on input of prompts and derives its "intelligence" from training and learning from large datasets and sophisticated pattern recognition.

(38) Indigenous Cultural and Intellectual Property (ICIP) – Refers to the rights Aboriginal and Torres Strait Islander people have to their heritage, culture, cultural expression and knowledge systems.

(39) Moral Rights - protect the personal relationship between a creator and their work even if the creator no longer owns the work. Moral rights concern the creator's right to be properly attributed or credited, and the protection of

their work from derogatory treatment.

(40) “No known copyright restrictions” – is a phrase institutions use to indicate that works in their collections can be reused publicly without legal or copyright limitations.

(41) Open Educational Resources (OER) – are teaching, learning, and research materials that are freely available in the public domain or under an open license, allowing anyone to use, adapt, and share them without cost.

(42) Safe Harbour regulations – 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.

(43) 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.

(44) ‘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.

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