Copyright Policy

Responsible Officer
Deputy Vice-Chancellor (Students & Education)

Approved by
Vice-Chancellor

Approved and commenced
September, 2015

Review by
September, 2018

Relevant Legislation, Ordinance, Rule and/or Governance Level Principle
Copyright Act 1968 (Cth)
University of Tasmania Act 1992 (Tas)
Ordinance 18 - Intellectual Property
Ordinance 9 – Student Discipline

Responsible Organisational Unit
Tasmanian Institute of Learning and Teaching

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1 Objective

The primary objective of the Copyright Policy is to ensure that the University Community complies with Australian copyright laws. Furthermore the Copyright Policy is provided to:

- mandate that University activities must be compliant with the Copyright Act;
- ensure the terms and conditions of statutory and contractual licence agreements providing for the use of Third Party Copyright Material are met;
- establish procedures and systems to minimise the risk of legal action relating to contractual breach or alleged copyright infringement; and
- maximise the legal use of Third Party Copyright Material for University purposes through education and training.

2 Scope

The Copyright Policy applies to all members of the University Community and anyone exercising an exclusive right of a copyright holder on behalf of or in connection with the University.

The Copyright Policy applies to University campuses, operations and activities located in Australia. Anyone exercising the rights of Third Party Copyright holders for University Purposes in another country must abide by the copyright laws of that country.

The management of University owned copyright and the commercialisation of copyright materials created by the University Community is governed by Ordinance 18 - Intellectual Property.

3 Policy Provisions

3.1 Obligations of the University Community

3.1.1 Employees

All Employees must comply with the Copyright Policy and the Copyright Act, and must read, understand and comply with the contents of procedures, guidelines and information provided on the University copyright website. [http://www.utas.edu.au/copyright/](http://www.utas.edu.au/copyright/)

3.1.2 Students

All Students must comply with the Copyright Policy and the Copyright Act. Students are expected to read and understand guidelines and information provided for them on the University copyright website. [http://www.utas.edu.au/copyright/students-and-copyright](http://www.utas.edu.au/copyright/students-and-copyright)
3.1.3 ICT Services and Facilities use

All persons engaged by the University to undertake research, supervision or teaching that requires the use of and access to University ICT facilities must comply with the Copyright Policy and the Copyright Act. The contents of procedures, guidelines and information provided on the University copyright website must be read and understood.

Authorised use of the University’s ICT Services and Facilities is conditional on compliance with copyright laws and all applicable University Employment Agreements, Ordinances and Policies. The conditions of use are provided in the ICT Services and Facilities Use Policy.

3.2 Breaches of the Copyright Policy and the Copyright Act

A breach of the Copyright Policy may result in disciplinary action as provided for under Ordinance 9 – Student Discipline, University Staff Agreements; and suspension from the use of ICT Services and Facilities Use under the University’s ICT Services and Facilities Use Policy.

University Community Members who are found in breach of copyright laws may also be subject to legal action from copyright owners and/or rights holders.

Failure to abide by the conditions of statutory and contractual licence agreements providing for the use of Third Party Copyright material may lead to legal action against the University and/or withdrawal of the University’s right to use the licenced content.

3.3 Investigation and reporting of alleged copyright infringements

Notices delivered to the University alleging that infringing copyright material is being hosted or made available by the University will be referred to the Copyright Officer for investigation. Investigations will be carried out in accordance with the Copyright Complaints & Takedown Procedures.

3.4 Centralised Third Party Copyright Content Management

3.4.1 Material used for Educational Purposes

All Third Party Copyright materials (and associated metadata) reproduced under statutory copyright licences (or other applicable licences) and made available online by the University for Educational Purposes must be stored in, and communicated from an approved repository or an approved server. Procedures and information on the use of approved repositories and servers is available from the University Copyright Website.

http://www.utas.edu.au/copyright/copyright-for-teaching/teaching-technology-guide
All University readers (course packs) containing Third Party Copyright materials reproduced under statutory copyright licences (or other applicable licences) must be approved for distribution through a centralised process. Procedures and information on the creation of readers (course packs) is available from the University Copyright Website.

http://www.utas.edu.au/copyright/copyright-for-teaching/creating-readers

3.5 Moral Rights

The University recognises the Moral Rights of authors and performers as provided in the Copyright Act. University Community members must abide by Moral Rights requirements when using copyright material for University Purposes.

4 Responsibilities

All members of the University Community have a responsibility to ensure that their activities on behalf of the University comply with the Copyright Policy and the Copyright Act.

At a strategic level, the Vice-Chancellor and Senior Management Team have overall responsibility for ensuring that the University fulfils its legal obligations and effectively manages any risk exposure that may result from compliance failures.

Responsibility for compliance with the Copyright Policy and Procedures rests with the Heads of Organisational Units. To this end Heads shall ensure that their staff are informed of their responsibilities under the Copyright Policy and the Copyright Act.

The Head, Tasmanian Institute of Learning and Teaching is responsible for authorisation of the University’s Copyright website.

The University Librarian is custodian of the Digital Copyright Management System and responsible for the provision of copyright approval services for University readers (course packs) containing Third Party Copyright materials produced in printed hardcopy form or electronically on distributable optical storage media.

The University Librarian and University Copyright Officer share responsibility for creation, management and retention of records associated with University copyright activities in accordance with the Copyright Act, University Records Management Policy, Procedures and Guidelines.

The University Copyright Officer:

- Is the Responsible Person for monitoring compliance with copyright legislation within the University and ensuring change is implemented and communicated and compliance failure is actioned in accordance with the Legal Compliance Policy.
- Has the authority to require staff to take action to ensure legal compliance in accordance with the Copyright Policy and other University guidelines and procedures relating to copyright.
• Is a Designated Representative having authority to intervene in the distribution of non-compliant copyright items, including recalling such items already distributed or removing access to online copyright material in accordance with Copyright Complaints & Takedown Procedures.
• Is responsible for providing training for teaching staff on copyright compliance and maintaining the University’s copyright guidelines available on the University’s copyright website.
• Liaises with Universities Australia in relation to certain copyright matters.

Definitions and Acronyms

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<tr>
<th>Term/Acronym</th>
<th>Definition</th>
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<tr>
<td>Communicate</td>
<td>Make available online or electronically transmit (whether over a path, or a combination of paths, provided by a material substance or otherwise) a work or other subject-matter, including a performance or live performance within the meaning of the Copyright Act.</td>
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<td>Copyright Act</td>
<td>The Copyright Act 1968 (Cth).</td>
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<td>Copyright Material</td>
<td>Includes literary, dramatic, musical or artistic works or sound recordings, cinematograph films, broadcasts or published editions as defined in the Copyright Act 1968 (Cth).</td>
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<td>Designated Representative</td>
<td>The person designated to receive notices and notifications under the Copyright Policy for the University.</td>
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<td>Digital Copyright Management System</td>
<td>The approved repository system for the management of Third Party Copyright material and associated metadata.</td>
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<td>Educational Purposes</td>
<td>Copies made under the Part VA or Part VB of the Copyright Act are said to be for educational purposes when used in connection with a particular course of instruction provided by the University. It does not include commercial activities. A copy of material made under the voluntary Music Licence is said to be for educational purposes when used in connection with a particular course of instruction or course of study and/or research of the university, including the necessary administration and assessment of that course of instruction or study. It does not include commercial activities and commercial research.</td>
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<tr>
<td>Employee</td>
<td>Employee of the University of Tasmania.</td>
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<tr>
<td>ICT Facilities</td>
<td>All computers, terminals, telephones, end host devices, licences, centrally managed data, computing laboratories, video conference rooms, and software owned or leased by the University.</td>
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<td>ICT Services</td>
<td>All systems supporting interaction, information provision, information storage, or communications provision and the ICT Facilities on which they operate.</td>
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<td>Moral Rights</td>
<td>In relation to an author Moral Rights include a right of attribution of authorship and a right not to have authorship falsely attributed; and a right of integrity of authorship.</td>
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</tbody>
</table>
In relation to a performer Moral Rights include a right of attribution of performership and a right not to have performership falsely attributed; and a right of integrity of performership.

**Organisational Unit**  
College, Faculty, School, Centre, University Institute, other University Entity, Division, Section or University Business Enterprise.

**Procedures**  
Refers to *Copyright Complaints and Takedown Procedures*

**Student**  
A person who is for the time being enrolled as a student of the University including a candidate undertaking a higher degree by research.

**Third Party Copyright**  
Copyright not held or licenced by the University.

**University**  
Refers to the University of Tasmania.

**University Community**  
All University employees, students, associates and controlled entities including any person participating in authorised University business or activities.

**University Purposes**  
Any activity or business carried out by, on behalf of or in connection with the University.

### 6 Supporting Documentation
- *Copyright Complaints and Take Down Procedures*
- *Legal Compliance Policy*
- *ICT Services and Facilities Use Policy*
- University of Tasmania Staff Agreement
- University Copyright Website

### 7 Versioning