Copyright Policy

Responsible Officer: University Librarian

Approved by: Vice-Chancellor

Approved and commenced: August, 2019

Review by: August, 2022

Relevant Legislation, Ordinance, Rule and/or Governance Level

<table>
<thead>
<tr>
<th>Principle</th>
<th>Relevant Legislation, Ordinance, Rule and/or Governance Level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Copyright Act 1968 (Cth)</td>
</tr>
<tr>
<td></td>
<td>University of Tasmania Act 1992 (Tas)</td>
</tr>
<tr>
<td></td>
<td>Ordinance18 - Intellectual Property</td>
</tr>
<tr>
<td></td>
<td>Ordinance 9 – Student Academic Integrity</td>
</tr>
</tbody>
</table>

Responsible Organisational Unit: Tasmanian Institute of Learning and Teaching

CONTENTS

1 Objective .................................................................................................................................2
2 Scope ........................................................................................................................................2
3 Policy Provisions ....................................................................................................................2
3.1 Obligations of the University Community ........................................................................2
3.2 Breaches of the Copyright Policy and the Copyright Act..................................................3
3.3 Investigation and reporting of alleged copyright infringements ......................................3
3.4 Centralised Third-Party Copyright Content Management ..................................................3
3.5 Moral Rights ........................................................................................................................4
4 Responsibilities ....................................................................................................................4
5 Definitions and Acronyms ........................................................................................................5
6 Supporting Documentation .......................................................................................................6
7 Versioning ................................................................................................................................6
Objective

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

- mandate that university activities must be compliant with the Copyright Act;
- 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.

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.

Additionally, 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.

Policy Provisions

3.1 Obligations of the University Community

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/

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

ICT Services and Facilities use

All persons engaged by the university requiring 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 Security 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 Academic Integrity, university staff agreements; and suspension from the use of ICT services and facilities use under the university’s ICT Security Policy.

University systems or networks users found to be repeat copyright infringers (“repeat infringers”) may have their access terminated.

University community members found in breach of copyright laws may also be subject to legal action from copyright owners and/or rights holders.

Failure to abide by 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 designated representative for investigation. Investigations will be carried out in accordance with guidelines and procedures available on the University of Tasmania Copyright website


3.4 Centralised Third-Party Copyright Content Management

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 the Library. Procedures and information on the creation of readers (course packs) is available from the university Copyright website.
3.5 Moral Rights

The university recognises and respects 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. Information on moral rights is available from the university Copyright website.

http://www.utas.edu.au/copyright/moral-rights

4 Responsibilities

All members of the university community have a responsibility to ensure their activities on behalf of the university comply with the Copyright Policy and the Copyright Act. Copying and communication of copyright material from equipment located on a campus outside Australia and its territories will be governed by the laws of that country. University community members are responsible for ensuring they comply with all applicable laws governing copyright in other countries.

The Vice-Chancellor and University Executive 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 website 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 University Librarian is responsible for authorisation of the university’s Copyright website.

The University Librarian is custodian of the Copyright Management System and responsible for the provision of copyright approval services for university readers (course packs) containing third-party copyright materials produced and distributed in hardcopy or digital formats.

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 compliance failure is actioned in accordance with the Legal Compliance Policy.
- Has the authority to require staff to act to ensure legal compliance in accordance with the Copyright Policy and other university guidelines and procedures relating to copyright.
- Is the 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 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.

5 Definitions and Acronyms

<table>
<thead>
<tr>
<th>Term/Acronym</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<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>
</tr>
<tr>
<td>Copyright Act</td>
<td>The Copyright Act 1968 (Cth).</td>
</tr>
<tr>
<td>Copyright Material</td>
<td>means anything in which copyright subsists as defined in the Copyright Act 1968 (Cth).</td>
</tr>
<tr>
<td>Designated Representative</td>
<td>The person or persons designated to receive notices, counter-notices and notifications for the university under the Copyright Complaints and Take Down Procedures.</td>
</tr>
<tr>
<td>Digital Copyright Management System</td>
<td>The approved repository and system/s used for the management of third-party copyright material and associated metadata.</td>
</tr>
<tr>
<td>Educational Purposes</td>
<td>Copies and communications of third-party copyright material made under Division 4 (statutory licence) of the Copyright Act are said to be for educational purposes when used in connection with a 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 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>
</tr>
<tr>
<td>Employee</td>
<td>Employee of the University of Tasmania.</td>
</tr>
<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>
</tr>
<tr>
<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>
</tr>
<tr>
<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>
</tr>
</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 as outlined on the university’s Copyright website.

**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, honorary, clinical or adjunct title holders, associates and affiliated or controlled entities including any person participating in authorised university business or activities or who is provided with access to university ICT services and facilities.

**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 Security Policy*
- University of Tasmania Staff Agreement
- University Copyright Website

7 **Versioning**

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Version 1 – Copyright Policy; approved September 2015</td>
</tr>
</tbody>
</table>