



# Copyright Compliance Policy

- OVERVIEW
- SCOPE AND APPLICATION
- POLICY PRINCIPLES
- DEFINITIONS

## OVERVIEW

In undertaking teaching, research or other University activities, it is often necessary to use, adapt or link to material that is owned by a party other than the University. The University supports the lawful use of Third Party Material for these purposes.

This Policy sets out the University's position on the use of Third Party Material and associated copyright compliance requirements. As copyright infringements may result in civil or criminal action against the University and / or the individual responsible for the infringement, copyright compliance is each individual's responsibility.

## SCOPE AND APPLICATION

This Policy applies to all University Personnel and students.

Breaches of this Policy or copyright legislation by Personnel may constitute misconduct which may lead to disciplinary proceedings including termination. Breaches of this Policy by students may constitute student misconduct. Copyright infringement by an individual may also result in personal liability to, or criminal prosecution of, that individual.

This Policy does not set out the University's position on the ownership of copyrighted material created by members of the University. That is addressed in the Intellectual Property Policy.

## POLICY PRINCIPLES

1. The University supports and encourages the lawful use of Third Party Materials to enhance the activities of the University. All Personnel 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.
2. Where possible, Personnel are strongly encouraged to first consider using Open Educational Resources.
3. If no suitable Open Educational Resources are available, the University has Educational Licences and exceptions as an educational institution that enable it to use Third Party Materials for educational purposes. Personnel 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.
4. The University has entered into commercial licence agreements to provide Personnel and students with access to Third Party Material, including electronic resources via the Library and computer software via Information Technology and Digital Services. Access to and use of this material is governed by individual

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licence agreements, these may be more or less restrictive than allowed under the Educational Licences and exceptions.

5. 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.

It is important to note that the Educational Licences do not cover the following activities:

- Research or consultancy
- Public lectures or performances
- Publication of scholarly work
- MOOCs or other non-award courses
- General administrative activities
- Promotional or marketing activities

If there is any doubt that a proposed use or activity may infringe a Third Party's copyright advice must be sought from the University's Coordinator, Copyright & Licensing before using the material.

6. The use of Third Party Materials for activities undertaken offshore is subject to the copyright laws of the country where the activity is undertaken.
7. The University will provide Personnel and students with information and resources to assist them with copyright compliance. Where central systems are provided by the University to facilitate content management and copyright compliance, Personnel must use these systems and not any other system unless otherwise authorised to do so.

Third Party materials used for teaching are to be managed under the *Procedure for using third party materials for educational purposes*.

8. Personnel must cooperate with the University's Copyright & Licensing Coordinator's requests to provide details of their copying or communication of Third Party Material. Such requests may be issued pursuant to external compliance requirements, or as part of an internal compliance audit.
9. The University does not condone copyright infringement. The University's Coordinator, Copyright & Licensing is the designated person to receive and action external and internal allegations of copyright infringement by the University or users of University IT facilities. Personnel and students have a responsibility to notify the University's Coordinator, Copyright & Licensing of any:
- a. allegations that the University has infringed the copyright of a third party; and
  - b. University material or activity that the Personnel or student reasonably believes is in breach of a third party's copyright.

Allegations of copyright infringements will be dealt with under the *Procedure for Actioning Copyright Infringement Allegations and Take-Down Notices*

10. Personnel and students must not use University facilities or equipment in a manner that infringes the copyright of a third party (refer also to the IT Acceptable Use and Security Policy).
11. All Personnel and students must respect the Moral Rights of authors and appropriately attribute the authors of Third Party Materials.

## DEFINITIONS

**Educational Licences** refers to the statutory licences outlined in Part IVA of the *Copyright Act 1968 (Cth)* and the University's music licence. The University is party to two statutory licences with the designated collecting societies, Copyright Agency (works) and Screenrights (broadcasts). These licences allows the University to copy and communicate works and broadcasts for educational purposes subject to limitations and conditions. In addition the University has a commercial licence with music collecting societies APRA|AMCOS, PPCA and ARIA which allows various uses of music for educational purposes.

**Educational Purposes** means the preparation, teaching or administration of an award course. This includes retention in the physical collection of a University library for use by students.

**Moral Rights** are those personal rights conferred by Part IX of the *Copyright Act 1968 (Cth)* in relation to literary, dramatic, musical or artistic works and cinematograph films. These are rights for authors to be attributed as the author of their work; take action if their work is falsely attributed as being someone else's work or is altered by someone else but attributed as if it were unaltered; and/or take action if their work is distorted or treated to a way which is prejudicial to their honour or reputation.

**Open Educational Resources** refers to materials which have been released under the terms of an open licence, such as Creative Commons, which allows them to be retained, reused, revised, remixed and redistributed for educational purposes.

**Personnel** for the purposes of this Policy means people actively associated with the teaching, learning, research, enabling and support activities of the University and includes:

- University officers appointed under the University of Adelaide Act 1971 (SA) and external members of the governing body or any committee of the University of Adelaide Council
- Academic and professional staff
- Titleholders, academic visitors and affiliates of the University
- Contractors and consultants
- Volunteers

**Third Party Material** means copyright material in which the copyright is owned by a party other than the University. The *Copyright Act 1968 (Cth)* provides copyright protection to the following materials:

- Literary works, e.g. books, articles, poems, short stories, reports, computer code, song lyrics
- Artistic works, e.g. paintings, sculptures, photographs, graphs, tables
- Musical works, e.g. sheet music, tablature
- Dramatic works, e.g. plays, film scripts, dance choreography
- Films, e.g. online videos, movies, documentaries, television shows
- Sound recordings, e.g. songs, audio books, recorded interviews
- Broadcasts, e.g. television and radio broadcasts
- Published editions, e.g. typographical layout of published works

**University's Copyright & Open Access Coordinator** means the person appointed by the University to that role.

<b>RMO File No.</b>	F. 2019/6968
<b>Policy Custodian</b>	Deputy Vice-Chancellor and Vice-President (Academic)* <i>Change of custodian from COO to DVCA approved 8 April 2022</i>
<b>Responsible policy officer</b>	University Librarian
<b>Endorsed by</b>	Vice-Chancellor's Executive on 15 July 2020
<b>Approved by</b>	Chief Operating officer on 29 July 2020
<b>Related Documents and Policies</b>	<a href="#">IT Acceptable Use and Security Policy</a> <a href="#">Intellectual Property Policy</a> <a href="#">Code of Conduct</a> <a href="#">Student Misconduct Rules</a> <a href="#">Legal Compliance Policy</a> <i>Procedure for Actioning Copyright Infringement Allegations and Take-Down Notices</i> <i>Procedure for Using Third Party Material for Teaching Purposes</i>
<b>Related Legislation</b>	<i>Copyright Act 1968 (Cth)</i>
<b>Superseded Policies</b>	Nil
<b>Effective from</b>	29 July 2020
<b>Review Date</b>	28 July 2023
<b>Contact for queries about the policy</b>	Coordinator, Copyright & Licensing (phone 8313 7078 or email <a href="mailto:copyright@adelaide.edu.au">copyright@adelaide.edu.au</a> ) or see University's <a href="#">Copyright Advice Website</a>