

COPYRIGHT POLICY

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Date of Next Review	20 August 2020	
Approved by	Executive Committee	20th August 2014
Responsible Person	Dean	
Related Documents		
References and Legislation	Tertiary Education Quality and Standards (TEQSA) Act 2011 (Cth); Higher Education Standards Framework (Threshold Standards) 2015; Education Services for Overseas Students Act 2000 (Cth); Education Services for Overseas Students Regulations 2001; National Vocational Education and Training Regulator Act 2011; Migration Act 1958 (Cth); National Code of Practice for Providers of Education and Training to Overseas Students 2018; the Higher Education Support Act 2003 (Cth); Privacy Act 1988 (Cth); Copyright Act, 1968 (as amended)	

1. Purpose:

The College, as a creator and user of copyrighted materials, is committed to ensuring that all staff and students meet the legal obligations imposed by the Copyright Act, 1968 and all current copyright licence agreements to which the College is a signatory.

This policy outlines expectations regarding the use of third party copyright material for education and research. It supports staff, students and other members of the College community in minimising the risk of copyright infringement and encouraging respect for the works of other creators.

2. Scope:

This policy covers all copyright materials, used in all environments by all staff, students, and others engaged by the College.

Australian copyright law applies to actions that take place in Australia, even if the material used was created or first published in another country.

This policy serves as a guide but does not constitute legal advice.

3. Definitions:

Term	Definition
<i>Copyright</i>	Refers to the exclusive rights of reproduction, communication and performance granted by the Copyright Act, 1968 to the copyright holders of literary works, dramatic works, musical works, artistic works, computer software, films, videos, sound recording, broadcasts and other copyright subject matter.
<i>College (the)</i>	The Australian College of Applied Psychology (ACAP).
<i>Commercial licence</i>	A written commercial agreement between the College and the copyright owner (e.g. publisher/software company) setting out the terms under which the product/material may be used. Commercial licences usually pertain to multiple items of copyright material that have been packaged together as a commercial product, e.g. journal databases.

Term	Definition
<i>Copyright Act, 1968</i>	As amended in the Australian Commonwealth legislation which defines the legally enforceable rights of creators of original works.
<i>Copyright infringement</i>	The illegal use of copyright material, typically when all or a substantial part of material protected by copyright is used without the copyright owner’s permission or is used in a way not permitted under Australian copyright law.
<i>Copyright notices</i>	Notices required by statutory licenses to be displayed when copyright material is copied or communicated under those licenses. All staff are required to use the specific notices when copying or communicating material under the statutory licenses
<i>Copyright Officer</i>	A role within the College that monitors compliance risk and advises on copyright compliance issues. The Copyright Officer convenes the Copyright Reference Group.
<i>Communicate</i>	To make available online or transmit electronically as defined under the Copyright Act 1968 (as amended).
<i>Creative Commons licences</i>	Change copyright terms from a default of “all rights reserved” to “some rights reserved.” There are six main Creative Commons licences. Users need to closely read the rights allowed to ensure they that do not infringe copyright.
<i>Educational purposes</i>	Copying and/or communicating copyright material to students or staff for a particular educational course and includes copying and/or communicating for administrative purposes of the course.
<i>Electronic resources</i>	Databases, online journals, electronic books, online audio or video recordings, and electronic datasets such as statistical information
<i>Fair Dealing</i>	Provisions in the Copyright Act allow limited use of copyright material for educational and other purposes.
<i>Licences</i>	Statutory or voluntary commercial arrangements that allow economic return to creators and originators of copyrighted works.
<i>Reasonable portion</i>	<p>The amount of a work than can be made without infringing copyright under statutory licenses made available to educational institutions in the Copyright Act, 1968 (as amended). Generally a reasonable amount is:</p> <ul style="list-style-type: none"> ▪ For books, 10% of the total number of pages, or one chapter if the work is broken up into chapters. ▪ For journal articles, one article from an issue of a journal, or more than one if they are on the same subject matter (e.g. a special issue of a journal). ▪ For a published work in electronic form only, a reasonable portion is not more than 10% of the number of words in the work.
<i>Statutory Licences</i>	These permit Colleges to lawfully reproduce, use and distribute copyright material for educational purposes.
<i>Streaming</i>	The method of delivering content in a continuous stream of data to the end-user. Streaming can be contrasted to downloading, which refers to the transmission of data from one system to another system and involves making a copy of the transmitted data on the second system.

4. Policy

4.1 General principles and obligations

The College:

- a) Aims to conduct its education, research, and other activities in a manner that is compliant with the provisions of the Copyright Act and other copyright licence agreements currently in force.
- b) Encourages and supports the legal use of third party copyright material to enhance its educational and research activities. The College does not condone the use of third party copyright materials that infringe copyright.
- c) Expects its staff, students and other members of its community to comply with all applicable legal requirements pertaining to copyright and to take appropriate action to minimise the risk of infringement whenever dealing with third party copyright material, for its educational, research and other uses.
- d) Expects its staff and students to:
 - Ensure the use of any third party copyright material for the Colleges' education, research or other purposes, complies with the provisions of the Copyright Act, the Statutory Licences and other copyright agreements currently in force;
 - Meet the moral rights provisions of the Copyright Act;
 - Not infringe copyright when using the equipment, facilities and services of the Colleges;
 - Adhere to the procedures of this document or with documents placed on
 - College websites whenever dealing with third party copyright materials;
 - Act on the Copyright Officer's advice to minimise the risk of copyright infringement.

4.2 Moral Rights

The following moral rights also apply to the use of third party materials. Users must give the creator of a literary, artistic, musical, dramatic work, or computer program or film:

- The right of attribution - the creator should be attributed when users reproduce a work and it should be clear and reasonably prominent so that the person receiving a reproduction of the work will have notice of the creator's identity,
- The right of integrity - a creator's work should be respected and not subject to derogatory treatment by distorting it or modifying it, nor should users do something to a creator's work that is prejudicial to the reputation of the creator.
- The right of creators not to have their work falsely attributed – creators are entitled to take legal action if their work is falsely attributed to someone else.

4.3 Fair Dealing

The Copyright Act contains some special provisions that enable individuals to copy materials for certain limited purposes, such as research and study, criticism and review and parody and satire without having to apply for permission from (or pay a fee to) the copyright holder. In all cases, the dealing will only be 'fair' if a 'reasonable portion' is copied and a clear and adequate source citation and proper acknowledgment of the author or creator of the original work is provided

4.4 Statutory Licenses

In addition to the general obligations outlined above, staff and others in the broader College community must comply with a number of key licences and provisions of the Copyright Act.

The College holds licences from statutory bodies which permit us to lawfully reproduce, use and distribute copyright material for educational purposes.

- a) Part VB license, an agreement with the Copyright Agency (CAL), which allows for the multiple copying and communication of specific amounts of third party copyright material (print and graphics) for educational purposes.

The Copyright Agency licence includes the following:

- Hardcopy Licence covers copies made from hardcopy originals, i.e. paper-based copies only (including paper-to-paper, and paper-to- electronic copies).
- Electronic Reproductions / Communications Licence covers copies made from electronic originals to be reproduced (including digital-to- digital, digital-to-paper) and for copies of electronic originals to be communicated electronically (including email, posting copies on internet, posting copies on intranet etc.).

A copyright notice and attribution must accompany each copy, electronic reproduction or communication (see Attachment 1 for the required Part VB notice). This notice must appear either before or at the same time as the material being communicated.

- a) Part VA license, an agreement with Screenrights, the audio-visual copyright society, which allows of the copying and communication of TV, radio, satellite and cable broadcasts.

The Copyright Act has special provisions for educational copying which allows copying of any type of broadcast program from any Australian TV channel (free to air and pay) or radio station, or previously broadcast podcast or vodcast, for use for educational purposes, as long as the copies are appropriately labelled and a Screenrights licence is in force (see Attachment 1 for the required Part VB communication notice).

Under the Screenrights licence, copies can be shown in class, held in the library for lending purposes, and can be communicated via computer network e.g. intranet or email.

A Screenrights educational licence covers all off-air copying – it does not cover streamed internet content (see 5.6 below), showing rented films in class, or copying bought / hired videos.

4.5 Commercial Licences

Access and use of many electronic resources provided by the Navitas Professional library are governed by license agreements negotiated between the College and publishers or third parties. In general, these legally binding contracts allow students, staff, and other authorized users to access these resources for educational, scholarly and research purposes. Users of these licensed resources must comply with the terms of agreements and be aware that publishers may monitor use of electronic resources to ensure that the terms of their licensing agreements are enforced.

In using licensed electronic resources, users must:

- Comply with license terms associated with specific resources,
- Limit uses to educational, or personal research purposes;
- Not distribute copies of material to individuals or groups outside the College

In general, it is preferable to link to articles (using an appropriate authentication mechanism) rather than to download and post articles to a server.

4.6 Online material not covered by statutory or commercial licences

A broad range of educational material is available online, including from open learning and Creative Commons sources. This section of the policy applies to the use of online material in College courses that is not subject to one of the licences described above.

College staff may only use online material in courses (including showing audio-visual content in class and distributing content to students via email) if:

- The material is expressly designated as Creative Commons or open licence material. This means that the copyright owner must expressly give his/her consent to free public use of the material without the need to seek their permission or licence; Share-alike Creative Commons licences require copies or adaptations of the work to be released under the same or similar licence as the original.
- The terms of use of the material, and the terms of use of the website from which the material is available, permit use of the material for educational purposes without the copyright owner's permission or licence. For example, the terms of use of certain websites (e.g. YouTube) set specific limits on the purposes for which material from the website may be used.

If online material is not expressly designated as Creative Commons or open licence, staff must seek and obtain the express licence or consent of the copyright owner to use, copy or distribute the material in the intended manner.

Some of the audio-visual material found on the internet is online without permission of the copyright owner. Potentially infringing files should not be downloaded, linked to or recommended to students.

4.7 Disability

Educational institutions can rely on the print disability provisions in the Copyright Act to assist people with a print disability to use copyright material.

Unlike other provisions available to education institutions, all of a work may be copied and provided in a required format with the following conditions:

- Copies must be used for people with a print disability only.
- A warning notice must be provided with the copy.
- A record of copies must be kept.
- A check must be made of the commercial availability of a copy in the required format.

Master copies for other educational institutions or print disability organisations, can be copied and communicated, provided the copies will only be used for people with a print disability. In many cases publishers make available digital copies of textbooks for print disability purposes on request.

5. Document Management Control

Date	Summary of Changes	Reviewer Name and Department/Office
20/08/2014	Policy Established	Dean
12/10/2018	Change of template	VET Compliance Manager

ATTACHMENT 1:

<p>Copyright Notices Part VA (Screenrights)</p>	<p>Each copy which is communicated under Part VA of the Copyright Act must include the Part VA Copyright Statutory License warning notice.</p> <p>The form of the notice is prescribed under the Copyright Act and is reproduced below.</p> <p>This notice must appear either before or at the same time as the material being communicated.</p> <p>PART VA COPYRIGHT STATUTORY LICENSE WARNING NOTICE COMMONWEALTH OF AUSTRALIA Copyright Regulation 1969</p> <p>WARNING</p> <p>This material has been copied and communicated to you by or on behalf of Navitas Professional Institute pursuant to Part VA of the Copyright Act 1968 (the Act)</p> <p>The material in this communication may be subject to copyright under the Act. Any further copying or communication of this material by you may be the subject of copyright protection under the Act.</p> <p>Do not remove this notice</p>
<p>Copyright Notice Part VB (Copyright Agency)</p>	<p>Each copy made and communicated under Part VB of the Copyright Act must include the Part VA Copyright Statutory License warning notice.</p> <p>The form of the notice is prescribed under the Copyright Act, 1968 and is reproduced below.</p> <p>This notice must appear either before or at the same time as the material being communicated.</p> <p>PART VB COPYRIGHT STATUTORY LICENSE WARNING NOTICE COMMONWEALTH OF AUSTRALIA Copyright Regulation 1969</p> <p>WARNING</p> <p>This material has been copied and communicated to you by or on behalf of Navitas Professional Institute pursuant to Part VB of the Copyright Act 1968 (the Act)</p> <p>The material in this communication may be subject to copyright under the Act. Any further copying or communication of this material by you may be the subject of copyright protection under the Act.</p> <p>Do not remove this notice</p>