

# Copyright Procedure

## 1. Purpose and Scope

- 1.1 The Copyright Procedure outlines how AIAT will comply with the Copyright Act 1968 (Cth) (the Act), provides guidance regarding acceptable practices and how infringements will be managed. It should be read in conjunction with the Copyright Policy.
- 1.2 This procedure applies to all AIAT students, academic and non-academic staff and all members of Boards and Committees. They are collectively known as “user” or “users” in this document.

## 2. Definition

Refer to *Glossary of Terms*.

Act refers to the Copyright Act 1968 (Cth)

**Fair Dealing** refers to provisions in the Copyright Act, which cover copying for (personal) research or study, criticism or review, reporting the news, parody and satire, and purposes related to judicial proceedings. More details are available [here](#).

**Statutory Licences:** Part VA and Part VB in the Copyright Act which allows the copying and communication of copyright material by educational institutions.

## 3. Procedure

- 3.1 Compliance
  - 3.1.1 AIAT must comply with copyright legislation and regulations in all endeavours. Failure to comply is unacceptable and exposes AIAT to unnecessary risk.
  - 3.1.2 AIAT adopts an educative approach to copyright through the provision of support services and materials that inform practice for all users.
  - 3.1.3 Any use of third-party copyright material in research or AIAT’s teaching materials that is not covered by a licence or exception in the Act should only occur with the express written permission or licence from the copyright owner.
  - 3.1.4 Use of third-party copyright material for other activities, including, but not limited to, promotion or marketing, administration, projects, publication, or public lectures requires express written permission or licence from the copyright owner.
  - 3.1.5 All users are responsible for ensuring that necessary permissions or licences are obtained.
  - 3.1.6 Users must ensure that the risk of copyright infringement is minimised by:
    - a. ensuring that any copying made under Fair Dealing for the purposes of research, study, criticism, review, parody or satire is fair and is limited to the amounts indicated in the Act;

- b. not using AIAT equipment, facilities, digital platforms and services for purposes that infringe or increase the risk of copyright infringement;
  - c. not storing content containing third party copyright content on external non AIAT digital platforms and services such as Social Media, unless the content is original, covered by a Creative Commons Licence, and/or has no known copyright restrictions;
  - d. acting on the Copyright Officer's advice to minimise the risk of copyright infringement.
- 3.1.7 Academic staff are required to participate in periodic surveys as required by contractual obligation and legislation.

## 3.2 Statutory Licenses – Educational Use

- 3.2.1 All academic staff are to adhere to the conditions of the statutory licences. Under these licences, certain third-party copyright material can be used in AIAT's teaching materials within strict guidelines. Anyone involved in the production, reproduction or delivery of teaching materials at AIAT must be familiar with their obligations, including copying limits, communication restrictions, and labelling requirements.
- 3.2.2 Reproduction of material from or to a hard copy or digital source is subject to the following conditions:
- a. the reproduction must be for the educational purposes of the institution or of another educational Institution;
  - b. the institution have a remuneration notice with the nominated collection society; and
  - c. reproduction is limited to 'reasonable portions' of the prescribed material.
- 3.2.3 The 'reasonable portions' that may be reproduced are:
- a. no more than 10% of pages in the edition
  - b. one complete chapter or part of chapter (i.e. the chapter or part chapter may contain more than 10% of total pages in the edition)
  - c. or one chapter or 10% of total words if source material is in digital form,
  - d. one article from a periodical publication (or two or more articles if the subject matter is closely related)
  - e. a work of less than 15 pages in an anthology of literary or dramatic work
- 3.2.4 More than a reasonable portion may be reproduced and communicated if, after reasonable investigation, the work is not available within a reasonable time at an ordinary commercial price. This does not apply to articles contained in periodical publications.
- 3.2.5 Works reproduced in digital form under statutory licence may also be communicated, either by making it available online or some other means of electronic transmission. If material reproduced under statutory licence is to be made available online, the copy communicated must located in the LMS or Library. This is the copy to which students and/or staff link. This is the only way to make the majority of third party copyright content available online.

- 3.2.6 Note that communication conditions are additional to reproduction limitations. These additional conditions are:
- a. the communication is carried out solely for the educational purposes of the institution;
  - b. the communication must only be accessible by staff and students of the institution (i.e. it must be on a password protected site accessible only by authorised members of AIAT);
  - c. a warning notice must be attached to the reproduction; and
  - d. no more than one part of a text or graphic work, excluding journals, may be made available online at one time (an institution wide limitation, although it does not apply to reproductions from periodical publications).
- 3.2.7 There is no communication limit applying to the amount of material obtained via a broadcast copy, providing the conditions related to access, marking and educational use are satisfied.
- 3.3 Copyright Notices
- 3.3.1 Appropriate copyright notices must be displayed near copying equipment, in classroom presentations and on the learning management system.
- 3.3.2 All teaching/learning resources, websites and/or LMS which use third party copyright content must contain the appropriate copyright notice and attribution.
- 3.3.3 Warning notices, in the format prescribed by the Act, must be associated with digital reproductions of copyright material, whether made available online, distributed as attachments to email messages or distributed on digital storage devices. These notices must come to the attention of users before or at the same time as the material. It is recommended that the warning notice be included as the first page of the material.
- 3.3.4 Students are required to see the Notice before accessing content.
- 3.4 Reproduction of Computer Programs
- 3.4.1 Computer programs are defined under the Act as literary works. However, they are expressly excluded from the statutory licences for copying for educational use. In most cases, separate contracts are applicable to software, entered into at the time of purchase. These contracts override the free and educational use provisions contained in the Act.
- 3.4.2 The Act permits the owner of a legitimate copy of a computer program to make reproductions in certain circumstances. *Acts not constituting infringements of copyright in computer programs* of the Act should be consulted for details of those circumstances.
- 3.5 Pre-recording and Recording Lectures
- 3.5.1 Copyrighted content that can be pre-recorded or recorded during a lecture:
- a. Your own creative original work.
  - b. AIAT owned copyright content.
  - c. TV, Cable, Satellite and Radio Broadcast Content.

- d. Readings processed by the Library.
- e. Creative Commons Licenced and Open Educational Resource Content.
- f. Free of Copyright restrictions and Public Domain Content

### 3.6 Students with Print Accessibility Requirements

- 3.6.1 AIAT can copy or communicate a literary or dramatic work for the purpose of assisting a person with print accessibility requirements.
- 3.6.2 Division 3—*Reproduction and communication of works by institutions assisting persons with a print disability* of The Act provides a special Statutory Licence that allows institutions to copy and communicate material to assist a person with print accessibility requirements. This includes being allowed to
  - a. make a sound recording of a work in order to assist those with print disabilities;
  - b. copy or communicate the whole or part of a literary or dramatic work by making and/or communicating a Braille version, a large-print version, a photographic version or an electronic version of the work in certain circumstances; and
  - c. make a "relevant reproduction" or "relevant communication" of the whole or part of a work for the sole purpose of making a Braille version, a large-print version, a photographic version or an electronic version for the purpose of assisting those with a print disability.

### 3.7 Commercial Agreements

- 3.7.1 AIAT enters into a number of commercial agreements to facilitate access to content for library users. All users must be aware of, and abide by, the terms of use of each provider as these terms of use can vary.
- 3.7.2 When creating teaching materials, academic staff should link to material sourced from Library databases and not upload directly to online environments. The Copyright Officer can advise about the use of licensed databases and other commercial material.

### 3.8 Open Access

- 3.8.1 In alignment with the Intellectual Property Policy and Procedure, AIAT encourages academic staff to make non-commercialised content created in the course of their employment open access and supports the creation of Open Educational Resources and open-source software. In particular, open access should be a consideration when publishing scholarly outputs.
- 3.8.2 Academic staff and students should, where possible, make use of open access material in the development and delivery of teaching materials and assessment. The use of open access material must be done according to the terms of the licence and any attribution requirements must be met.

### 3.9 Infringement notices

- 3.9.1 Any notices from third parties alleging AIAT material or activities infringe copyright shall be promptly investigated and actioned, as required. Any correspondence

relating to allegations of copyright infringement must be sent to the Copyright Officer.

3.9.2 Receipt of a copyright infringement notice does not indicate the AIAT's acceptance that the material identified has been used unlawfully.

3.9.3 Staff, other individuals working on behalf of AIAT, and students who believe their copyright, or the AIAT's copyright, has been infringed can contact the Copyright Officer for guidance.

### 3.10 Moral Rights

3.10.1 Third party copyright content should not be used in a manner that could be construed as derogatory or that could negatively impact the creator's character or reputation.

### 3.11 Advice and support

3.11.1 The Copyright Officer should be contacted regarding advice and support regarding copyright.

## 4. Roles and responsibilities

4.1 AIAT Board of Directors has a responsibility to take reasonable steps to:

- 4.1.1 provide information and guidelines to AIAT staff and students addressing their copyright rights and responsibilities;
- 4.1.2 develop, implement and support systems and processes that facilitate copyright compliance;
- 4.1.3 ensure there are financial, structural and administrative procedures in place to meet its obligations under copyright legislation, and review and revise these as required;
- 4.1.4 monitor external developments in relation to copyright, especially copyright legislation, to revise and update AIAT policies, practices and documentation to adequately reflect changes, and to raise awareness of any developments as appropriate; and
- 4.1.5 ensure AIAT's corporate publications and information services, policies and facilities meet the requirements of the Copyright Act and are reviewed and revised periodically and as required.

4.2 CEO is responsible for

- 4.2.1 responding appropriately to any alleged breaches of the Copyright Act brought to their attention or of which they become aware.
- 4.2.2 Ensuring copyright issues are addressed when entering into agreements with outside organisations on behalf of AIAT.

4.3 Copyright Officer is responsible to

- 4.3.1 providing guidance regarding copyright; and
- 4.3.2 collecting correspondence relating to allegations of copyright infringement.

- 4.4 AIAT students, academic and non-academic staff and all members of Boards and Committees have a responsibility to
- 4.4.1 make a reasonable effort to become aware of their rights and obligations in relation to copyright, including moral rights obligations;
  - 4.4.2 adhere to the requirements of the Copyright Act, apply AIAT policies, practices and procedures when using copyright works;
  - 4.4.3 adhere to the terms and condition of any licence agreement with AIAT has entered into;
  - 4.4.4 ensure that any content downloaded from the internet or uploaded to websites that are hosted on any AIAT servers does not infringe copyright;
  - 4.4.5 consult with the CEO prior to entering into agreements with outside organisations on behalf of AIAT, particularly when third party copyright material has been used;
  - 4.4.6 report any alleged breaches of copyright of which they are aware to the CEO.
- 4.5 Academic staff are responsible for
- 4.5.1 checking and confirming the copyright compliance of resources used within their subject materials in each term of offering; and
  - 4.5.2 ensuring that digital copies of material copied under the statutory licensee must only be made available via the LMS.

## 5. Procedure Details

Institution	Australian Institute of Advance Technologies (AIAT)
Procedure name	Copyright Procedure
Procedure Reference No.	PROC – 06
Procedure Approval	Board of Directors
Procedure Authority	Executive Management Group
Responsible Officer	CEO
Governance Reference Threshold Standards	HESF 6.2.1.a
Related Documents	Acceptable Use of ICT Policy Copyright Policy Intellectual Property Policy Staff Code of Conduct Staff Performance Policy Student Code of Conduct Student General Misconduct Procedure
Related Legislation	Copyright Act 1968 (Cth) Copyright Regulations 2017 (Cth) Disability Discrimination Act 1992 (Cth) Disability Standards for Education 2005

References	<p>AIAT has referred and benchmarked with the following institutions and policies during the creation of this procedure:</p> <p>CQUniversity (2021) Copyright Policy</p> <p>James Cook University (2016) Copyright Policy and Procedure</p> <p>Monash University (2019) Copyright Compliance Procedure</p> <p>Southern Cross University (unknown) Copyright Policy, <i>retrieved from web on 8/11/2021</i></p> <p>University of New England (2015) Copyright Policy</p> <p>University of the Sunshine Coast (2021) Copyright Procedure</p> <p>Western Sydney University (2017) Copyright Policy</p>
Date of approval	31 March 2022
Review date	December 2024
Policy Category	Governance

## 6. Document Version Control

Document No	PROC - 06	Last Modify Date	Summary of Changes
Version No	1.0	NA	Initial version approved by Board of Directors
	1.01	31/3/2022	Fixed Policy reference
Created Date	Dec 2021		