

Copyright Compliance Policy

Policy Code: LIB-004**Version:** 7.0**Effective Date:** 15 January 2024

Purpose

The purpose of this policy is to ensure that the College complies with Australian copyright laws.

The *Copyright Compliance Policy* will:

- Ensure that College activities are compliant with the Australian *Copyright Act 1968* (Cth);
- Ensure the terms and conditions of statutory and contractual licence agreements providing for the use of Third Party Copyright Material are met; and
- Establish procedures and systems to minimise the risk of legal action relating to contractual breach or alleged copyright infringement.

Scope

- All students – higher education and VET, domestic and international
- All academic and training & assessment staff (including sessional staff)
- All alumni and associate library members
- All governing body members
- All other persons who are contributing to the core functions of the College e.g. volunteers

Policy Statement

This policy outlines the suitable utilisation of copyright materials within the College in line with the *Copyright Act 1968* (Cth) ('the Act'). It addresses the potential outcomes of breaches, and the different responsibilities associated with different roles within the College.

Works protected by Copyright

Copyright is automatically assigned to all created works. It does not however protect ideas, information or raw facts, styles, or techniques in common use. These works are protected by the Act:

- **Literary works:** fictional and non-fictional written material (including tables, computer programs, and instruction manuals);
- **Dramatic works:** play scripts, film scripts, choreographic score, and scenarios;
- **Musical works:** scores or other notations (lyrics are protected as literary works);
- **Artistic works:** paintings, sculptures, etc., technical drawings and models, photographs, diagrams, and buildings;
- **Cinematograph film works:** the visual images and sound track of a film, including those available on video, DVD, CD-ROM, or a website;
- **Sound recordings:** any analogue, digital, or electronic recording in any audio file format;

- **Published editions of works:** the way in which an individual edition of a work is presented including typesetting etc.
- **Internet material:** Material on the Internet is protected by Copyright Law. The Internet carries an implied licence to browse a website, create an external link to the site, and to print material for personal use. Most sites carry a copyright notice, or terms and conditions defining the scope of the licence granted to end users.

Statutory licences

The Statutory Education Licence from the Copyright Agency Limited (CAL) held by the College (see <https://www.copyright.com.au/>) allows Third Party Material to be used lawfully by academics and students for educational purposes, as outlined in the Act.

Academics can use third party material for the purpose of teaching including provision of course materials without stated permission from the copyright owner. Students can use third party material for the purpose of study.

The Library FAQs and Guides outline how this licence should be used.

Exceptions

The Act allows exceptions to literary, musical and dramatic works with regard to exclusive owner rights.

The use of the following are permissible without infringing copyright:

- The College owns the copyright.
- The College holds a Statutory Educational Licence from Copyright Agency Limited (CAL) (<https://www.copyright.com.au/>) which provides remuneration to creators for use of their work.
- Copying and sharing material for which copyright has expired.
- Less than a “reasonable portion” of material is copied. The Act allows “insubstantial amounts” to be copied without payment.
- A licence to copy the material has been received by the College.
- Explicit written permission has been obtained from the copyright owner allowing use of copyrighted material. In this case, details are to be provided to the Library for the *Copyright Register*.
- An out of print book – please contact the National Librarian if this may be the case.

Breaches of the Copyright Act 1968 (Cth)

Infringement penalties may be applied to the College and/or the individual who breaches the Act.

When the College has taken all reasonable steps to ensure copyright compliance within the law, individual staff members can still be open to prosecution if they do not observe copyright rules.

An individual sanctioning, approving, instructing or requesting another to violate copyright could be considered to have authorised an infringement.

Users of equipment must be made aware of copyright obligations to avoid staff being liable for equipment being used to make unauthorised copies.

A *Take Down Notice* is housed on the College Forms page of the College website and within the *Academic Library Guide*; it allows for reporting of infringement allegations, and is monitored by the National Librarian. If content is found to breach copyright the responsible staff member or student will be contacted to have the content removed.

Staff Copyright

Using third party materials for educational purposes

College staff can use copyright material for educational purposes as a statutory licence covering print (CAL) is held by the College. All courses must comply with copyright requirements. Materials used must be correctly referenced following the *APA 7 Referencing Guideline*.

Exceptions in the Act allow the reproduction of “reasonable portions” of copyright materials in educational institutions without permission from the copyright owner if the work is available for purchase.

“Reasonable portion” constitutes:

- 10% of the number of pages OR one chapter of a book.
- eBooks: a reasonable portion of the number of words in the eBook is allowed. However individual licence terms of use may allow more.
- One article from any one issue of a journal or newspaper.
- Two or more articles from the one issue if they are for the same research or course of study.

Using electronic content in course materials

Subscriptions and/or purchase agreements held by the College allow licences for electronic content to be used for educational use. This also allows for uploading, linking to and communicating content.

Licensed electronic resources provided to students must directly link to the content on the provider’s site. An exception occurs when permission has been obtained from the copyright holder by an academic staff member for content to be distributed to students in hard copy or to be uploaded onto the learning management system; this must be recorded in the *Copyright Register*.

The following practices allow an educator to ensure that copyright is effectively managed and provide an alternative to copyright exceptions and/or statutory licences:

- Linking: Linking to a website is not a breach under the Act. However, good practice would acknowledge the source website and author. It is the responsibility of the individual to ensure that the link is not taking the user to material which is pirated.
- Embedding: Embedding is a type of linking that allows material to be displayed on your online space (website, blog, wiki etc.) without the URL being visible to the viewer. It is commonly used for displaying online films, e.g. YouTube videos.

Open Education Resources (OER)

Some materials are free to use for educational purposes and are licenced in a way that allows educational institutions to use the material without having to rely on the statutory licences or exceptions contained in the Act. In such instances, when using this material you be guided by the terms and conditions of the licence rather than copyright law.

In this case, the material is categorised as Open Education Resources (OER).

Creative Commons

Creative Commons (CC) licences are freely available online for creators to access and attach to their work. CC material is the most common source of free for education material and OER. CC licences allow material to be used for educational purposes, and depending on the type of CC licence that is attached to a work, a staff member and/or student may modify or share the material.

Use of copyright materials by the author

Staff members are responsible for their personal compliance to copyright law, including for any materials produced by them such as research publications. If a staff member is sharing their published materials with students or other staff they are responsible for ensuring that the sharing of this material is compliant to copyright law and listed on the College's [Copyright Register](#) if relevant.

Use of images in assessed work and class content

Fair use for educational purposes allows the use of table, figures, pictures and images for class content and assignments. The source of the work should be acknowledged using the [APA 7 Referencing Guideline](#); the staff member or student is responsible for checking any licensing restrictions.

Using third party materials for other (non-educational) purposes

The Act sets out the exclusive rights of copyright owners and the rights of users. Additional uses may be covered by licence agreements to which the College is party.

It is illegal to use any pictures or videos without the permission of the copyright owner.

Software programs are also protected by the Act. Users do not have the right to make and distribute copies of programs without specific permission of the copyright holder

Student Copyright

Fair dealing exceptions allow students to make copies of copyright material under the following guidelines:

- 1) **Research or Private Study:** 10% or one (1) chapter of a work; one (1) article of a journal issue (or more if the topic is the same) i.e. a "reasonable portion".
- 2) **Critique or Review:** Copyright protected work can be reproduced for the purpose of critique or review of the material; in this situation the work must be correctly referenced using the [APA 7 Referencing Guideline](#). Please note: the author has the right to direct that they not be named.

Students are responsible for their personal compliance to copyright, particularly regarding plagiarism, academic integrity and correct referencing. If any student is submitting a published article as part of an assessment, they are responsible for ensuring their use of the material is compliant to copyright law.

Use of College Equipment

The [Acceptable IT Usage Policy - Information Resources](#) prohibits the use of College equipment to upload, transmit, store, share or download copyright material without permission. Fair dealing exception under the Act allows the above for individual or educational use.

Copyright notices must be placed within view of all printer/ scanner/ photocopiers, computers, and audio-visual equipment.

Administration of Copyright

Information for both Staff and Students is provided on the Library website:

- Staff: Library > LibGuides > Academic Staff > Copyright.
- Students: Library > LibGuides > Study Skills > Copyright, Plagiarism and TurnItIn

To facilitate access to information about material for which copyright authorisation has been acquired (for any College purpose by any Department) the College has a [Copyright Register](#).

The first point of contact for assistance with copyright enquiries is the Campus Librarian located at each campus.

Definitions

Act - means the *Copyright Act 1968* (Cth).

College – The Australian College of Natural Medicine Pty Ltd (ACNM) trades as Endeavour College of Natural Health and Endeavour Wellness Clinic. For the purpose of this policy, any reference to ‘College’ or ‘the College’ should be considered a reference to each or any of these respective trading names / entities.

Copyright - is the exclusive legal right to make copies, license, and otherwise use literary, musical or artistic work whether printed, audio, video etc. Works granted such rights after 1977 are protected for the lifetime of the originator and for a period of 70 years after his or her death. Approval must be sought and granted to use copyright material in any student work.

Copyright Register - means a register (on the College Intranet) where the College stores details of:

- 1) Permissions granted by copyright owners for the educational use of third party materials / works.
- 2) Third party material (e.g. journal article, book chapter), where a ‘reasonable portion’ will be used for educational purposes.

Creative Commons – it is the internationally recognised licensing system used by some copyright owners to make their copyright material freely available under standardised terms.

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

“Fair use” - is the right to use portions of copyrighted materials without permission for purposes of education, commentary, or parody.

Infringement Allegation - means an allegation that the College has infringed copyright.

Librarian - means a person who is employed principally to work in the College Library.

Staff/ staff member(s) - means those employed or contracted by the College with access to the College IT network.

Student - means an individual person who is formally enrolled to study at the College (either in a course or one or more non-award subjects). The individual person is that who appears on the College’s documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

Take Down Notice - is an Infringement Allegation form used in respect of material transmitted by, stored on, cached in /or linked to from College sites. These forms are monitored by the National Librarian.

Third party - means any person or organisation other than the College.

Third Party Material - means material in which copyright is owned by a party other than the College.

Work - means, for example, a book, a journal, a student’s research thesis, working papers series, conference proceedings and multimedia.

Related Procedures

Not Applicable

Further Information

Related Policies

Acceptable IT Usage Policy - Information Resources

Free Intellectual Inquiry Policy - HE

Related Documents

APA 7 Referencing Guideline

Copyright Register

Take Down Notice

Guidelines

Not Applicable

Benchmarking

Bond University

James Cook University

The University of Adelaide

University of Tasmania

Supporting Research and Analysis

Australian Copyright Council. 2022, May 5). *Education: Copyright basics*.

<https://www.copyright.org.au/browse/book/ACC-Education:-Copyright-Basics-INFO048>

Australian Libraries and Archives Copyright Coalition. (n.d.). *Copyright warning notices for use by libraries and archives*. <https://alacc.org.au/library-copyright-notice/>

Related Legislation

Copyright Act 1968 No 63 (Cth). <https://www.legislation.gov.au/C1968A00063/latest/text>

Review and Approval

Policy Author

National Librarian

Policy Owner

National Librarian

Contact

National Librarian

sophie.gow@endeavour.edu.au

Recommending Body

Academic Board

Meeting date: 31 January 2019

Approval Body

College Council

Meeting date: 08 February 2019

Policy Status

Revised – updated 2023 for currency, minor changes only (no approval required)

Responsibilities for Implementation

Campus Librarians

Director of Education

Heads of Departments

National Librarian

Other Library staff

Key Stakeholders

Academic governance bodies – Academic Council, Education Board, Academic Discipline Committees

All staff – higher education, VET, operational

Alumni Library Members

Associate Library Members

Senior Leadership Team

Students