Copyright Compliance Policy

Policy Code: LIB-004  Version: 1.0  Effective Date: 9 July 2019

Purpose

The purpose of Copyright Compliance 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.

Definition of “College” – The Australian College of Natural Medicine Pty Ltd trades as Endeavour College of Natural Health (Endeavour) and FIAFitnation. 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 entities or trading names.

Scope:

- All students – higher education and VET, domestic and international
- All academic and training & assessment staff
- All alumni and associate library members
- All governing body members
- All contractors and other persons who are contributing to the core functions of the College e.g. volunteers
- All subjects / units of study and courses

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 Educational Copying Licence from the Copyright Agency Limited (CAL) held by the College (see [https://www.copyright.com.au/](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.
- 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 Copyright 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 statutory licences covering television and radio (Screenrights) and print (CAL) are held by the College. All courses must comply with copyright requirements. Materials used must be correctly referenced following the APA 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 Referencing Guidelines; 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 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 through a Copyright Library Guide and FAQ’s.
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 Librarians located at each campus.

**Definitions**

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

**Copyright Register** - means a register (on the College Intranet) where the College stores details of:
   a) Permissions granted by copyright owners for the educational use of third party materials / works.
   b) 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

Nil

### Further Information

#### Related Policies

- Free Intellectual Inquiry Policy - HE
- Acceptable IT Usage Policy - Information Resources

#### Related Documents

- Copyright Register
- APA Referencing Guideline
- Take Down Notice

#### Guidelines

Not applicable

#### Benchmarking

- Bond University
- James Cook University
- The University of Adelaide
- University of Tasmania

#### Supporting Research and Analysis

Education Copyright basics


Copyright Notice

#### Related Legislation

- Copyright Act 1968 (Cth)

Review and Approval

Policy Author
National Librarian

Policy Owner
National Librarian

Contact
National Librarian
Rebecca.combrink@endeavour.edu.au

Recommendning Body
Academic Board
Meeting date: 31 January 2019

Approval Body
College Council
Meeting date: 08 February 2019

Policy Status
New

Responsibilities for Implementation
- All Library staff
- Director of Education
- Heads of Departments / Associate Heads of Departments / Course Coordinators
- National Librarian

Key Stakeholders
- All higher education academic staff
- All operational staff
- All VET Trainers & Assessors
- Alumni Library Members
- Associate Library Members
- Dean and Director of Operations
- Director, Student Services & Retention
- National Quality, Governance & Compliance Manager
- Students