

COPYRIGHT COMPLIANCE POLICY

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Policy name	Copyright Compliance Policy (Issue Five)
Applicability	Staff and Students of Bond University
Policy owner	University Librarian
Contact person	Manager, Scholarly Publications and Copyright
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Related policies	Staff Acceptable Use of Computing Facilities Policy (TEC 1.04) Student Acceptable Use of Computing Facilities Policy (TEC 1.01) Intellectual Property Policy (TLR 6.02) Open Access Policy (USP 1.04)

1. OVERVIEW

Bond University is committed to compliance with the *Copyright Act 1968* (Cth) and respects the rights of copyright holders under the law. Bond University is both a producer and consumer of copyright materials.

Copyright compliance is the responsibility of each individual staff member and student. Staff and students must ensure they are familiar with their copyright obligations under the *Copyright Act* as detailed in the Bond University [Copyright Library Guides](#) for [Staff](#) and [Students](#).

Staff and students must also comply with the terms of the University's statutory and commercial licences when using copyright material.

2. THE POLICY

2.1. Works Protected by Copyright

The following works are subject to copyright in accordance with the Australian *Copyright Act*:

- **Literary:** most fictional and non-fictional written material, including tables, computer programs, and instruction manuals;
- **Dramatic:** play scripts, film scripts, choreographic score, and scenarios;
- **Musical:** scores or other notations (lyrics are protected as literary works);
- **Artistic:** paintings, sculptures, etc., technical drawings and models, photographs, diagrams, and buildings;
- **Cinematograph film:** 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.

Apart from any fair dealing for individual use or educational use, as permitted by the *Copyright Act* and the University's statutory licences, material found on the internet should not be used for any other purpose without an explicit licence from the copyright owner.

See the [iLearn](#) copyright information page for further compliance details.

2.2. Statutory Licences

The University is a signatory to three licence agreements between Universities Australia and various copyright collecting agencies who act on behalf of owners of copyright works. The Licences are with the Copyright Agency Limited (CAL), the Audio-Visual Copyright Society Ltd (Screenrights) and AMCOS, APRA, PPCA and ARIA in the Music Societies agreement.

Under these agreements the University pays annual fees so that staff can make prescribed use of copyright materials for the purposes of providing course materials for students, without the need to ask for permission from the copyright owner. Guidelines for the use of copyright material under these licences are made available to all staff on the Licences page of the [Copyright for Staff](#) guide.

The collecting agencies' licences require the University to regularly report on its usage of copyright material through hardcopy and online surveys.

Digital copies of material copied under the CAL licence must only be made available for learning and teaching via the [Subject Materials Request Form](#).

2.3. Exceptions

There are exceptions to the exclusive rights enjoyed by owners of copyright in literary, dramatic and musical works. There is no copyright infringement if:

- The copying is covered by statutory licences (as licence payments made by the University remunerate creators for use of their copyright works);
- Written permission is obtained from the copyright owner explicitly stating what is allowed to be done with the copyright material;
- The copyright is owned by the University;
- The material has been supplied to the University with a licence to copy;
- The proposed copying and/or communication falls within provisions in the *Copyright Act* that allow 'insubstantial amounts' of copying without payment.

2.4. Staff Copyright

2.4.1. Using copyright material for educational purposes:

Bond University has statutory licences covering print, television and radio copying that enables staff to use copyright material for educational purposes. Copyright requirements must be complied with in both Equivalent Full-time Student Unit (EFTSU) and non-EFTSU courses. See the [Licences](#) page for more details.

2.4.2. Staff responsibilities:

The individual staff member, who does not observe copyright rules and infringes copyright, could be open to prosecution particularly where the University has taken all reasonable steps to ensure compliance with the law.

It may also be an infringement to authorise an infringement of copyright. A person is likely to have authorised an infringement when they have requested or instructed someone else to infringe copyright, or exercises a degree of control over the person infringing copyright or the means by which the infringing copy was made, or has countenanced, sanctioned or approved the infringement. Staff can be liable for unauthorised copies made on their equipment if users of the equipment are not made aware of copyright obligations

2.4.3. Registering copyright

Protection is automatic and free. There is no system of registration for copyright protection in Australia and copyright protection does not depend on a copyright notice or the copyright symbol, ©, being incorporated into the work.

A work is automatically protected from the time it is first written down or recorded in some way. Copyright will only apply where the material is original. Original does not mean original in thought but only that some degree of skill and effort has been employed by the creator and it has not been copied from another.

Copyright does not protect ideas but the material form in which ideas are expressed, described or put into effect. For further information see the [Copyright for Staff](#) guide.

2.5. Student Copyright

Students can make copies of copyright material under the Fair Dealing exceptions, particularly the following:

2.5.1. Fair dealing for the purpose of research or study: Students may copy a 'reasonable portion' - e.g. 10% or 1 chapter of a work; 1 article of a journal issue (or more if they concern the same topic of research or course of study) - of copyright items for private study or research.

2.5.2. Fair dealing for the purpose of review or critique: Copyright work may be copied for inclusion in, for instance, an essay, conference paper or journal article for the purpose of commenting critically on the material. Any such use should cite the work and author (unless the author is anonymous or has agreed or directed that they not be named).

Students are subject to a variety of copyright responsibilities at Bond University. Specific information about student copyright responsibilities such as using material from the internet, music, computers and plagiarism, is included in the [Copyright for Students](#) guide.

2.6. Use of University Equipment

Apart from any fair dealing for individual use, or educational use under the *Copyright Act*, using University equipment to download, upload, share, store or transmit copyright material without the permission of the copyright owner is a breach of the Staff Acceptable Use of ICT Facilities Policy (TEC 1.04) and the Student Acceptable Use of ICT Facilities Policy (TEC 1.01).

Copyright notices must be placed adjacent to all photocopying machines, computers, scanners, and audio-visual equipment that can be used for copying. Refer [Copyright Warning Notices](#).

3. CENTRALISED COPYRIGHT ADMINISTRATION

- 3.1. The University administers a centralised system to manage copyright compliance with comprehensive information for both [Staff](#) and [Students](#) on the Library website
- 3.2. To facilitate access to information about material for which copyright authorisation has been acquired (for any University purpose by any Faculty) the University has a [Centralised Copyright Permissions Register](#).
- 3.3. The first point of contact for assistance with copyright enquiries is the Manager, Scholarly Publications and Copyright.

4. DEFINITIONS

Copyright A bundle of rights given by law to the owner to publish, copy, adapt, broadcast and perform material contained in literary, dramatic, musical and artistic works, sound recordings, films and broadcasts.

Copyright Act The [Copyright Act 1968](#) (Cth) gives creators of original 'works' the exclusive right to reproduce, publish, communicate, and adapt their material; and to control the way it is used by other people.

Plagiarism Plagiarism occurs when the work of another person, or persons, is used and presented as one's own, unless the source of each quotation or piece of borrowed material is clearly acknowledged with an appropriate citation.

Original Works A piece of work is "original" if some degree of skill and effort has been employed by the creator and it has not been copied from another.

Third-party copyright material All material for which the copyright is not owned by Bond University which may include both unlicensed and licensed third-party copyright material.

5. AVOIDING INFRINGEMENT

In deciding whether and how you can use copyright material, the key question is: What is your purpose in using this material? The following matrix outlines the main purposes for which staff may use copyright material:

Purpose	Option
Delivering teaching	Refer to the Copyright for Staff guide
Personal research/study	Refer to the Fair Dealing Provisions .
Any other purpose	Seek permission directly from author/ publisher.