

## COPYRIGHT COMPLIANCE POLICY

|                            |  |
|----------------------------|--|
| <b>Policy number</b>       | TLR 6.01   |
| <b>Policy name</b>         | Copyright Compliance Policy (Issue Six)  |
| <b>Applicability</b>       | Staff and Students of Bond University  |
| <b>Policy owner</b>        | University Librarian   |
| <b>Contact person</b>      | Manager, Scholarly Publications and Copyright  |
| <b>Policy status</b>       | Approved Policy  |
| <b>Date created</b>        | 24 July 2004   |
| <b>Date last amended</b>   | 2 October 2019   |
| <b>Date last exposed</b>   | August 2019  |
| <b>Date last reviewed</b>  |  |
| <b>Date of next review</b> | 2 October 2022   |
| <b>Related policies</b>    | Staff Acceptable Use of Computing Facilities Policy ( <a href="#">TEC 1.04</a> )<br>Student Acceptable Use of Computing Facilities Policy ( <a href="#">TEC 1.01</a> )<br>Intellectual Property Policy ( <a href="#">TLR 6.02</a> )<br>Open Access Policy ( <a href="#">USP 1.04</a> ) |

### 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*:

|                                    |  |
|------------------------------------|--|
| <b>Literary</b>                    | Most fictional and non-fictional written material, including tables, computer programs, and instruction manuals.   |
| <b>Dramatic</b>                    | Play scripts, film scripts, choreographic score, and scenarios.  |
| <b>Musical</b>                     | Scores or other notations (lyrics are protected as literary works).  |
| <b>Artistic</b>                    | Paintings, sculptures, etc., technical drawings and models, photographs, diagrams, and buildings.  |
| <b>Cinematograph film</b>          | The visual images and soundtrack of a film, including those available on video, DVD, or a website.   |
| <b>Sound recordings</b>            | Any analogue, digital, or electronic recording in any audio file format.   |
| <b>Published editions of works</b> | The way in which an individual edition of a work is presented including typesetting etc.   |
| <b>Internet material</b>           | 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 permission or a licence from the copyright owner.

## 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, PCCA 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.

## 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. The [Copyright for Staff](#) guide can assist staff in the compliant use of print, audio-visual and online resources,

Digitised copyright material must be made available via the Library's e-reserve. See the [Subject resources guidelines](#) page in the Copyright for Staff guide for guidance on the digitisation of copyright materials procedure at Bond.

## 2.5. Student Copyright Responsibilities

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.

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, images, music, computers and plagiarism is included in the [Copyright for Students](#) guide.

## 2.6. Use of University Equipment and Network

Apart from any fair dealing for individual use, or educational use under the *Copyright Act*, using University equipment and network 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).

## 3. NON-COMPLIANCE

The individual, 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 and limitation of liability under the safe harbour provisions afforded under the Act.

It is 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.

Notifications from third parties in relation to content transmitted, cached, hosted or linked to on the Bond University network will be investigated and acted upon by the University's Copyright Officer.

#### 4. NOTICES AND COPYRIGHT ADMINISTRATION

- 4.1. The University Librarian is the University's Copyright Officer and designated representative to receive notices from rights holders in relation to content transmitted, cached, hosted or referred to by linking on the Bond network. The [Disclaimer](#) page of the Bond University website provides Copyright Notices information and contact details as prescribed by the safe harbour provisions in the Act.
- 4.2. The University Copyright Officer in collaboration with Information Technology Services follows procedural actions on receipt of copyright infringement notices to identify and communicate with the infringer to take down the infringing content.
- 4.3. Staff or students identified as repeat copyright infringers will be subject to penalties such as:
  - Warnings;
  - Temporary locking of the user's network account;
  - Extended suspension of the user's network account;
  - Termination of the user's account depending on the circumstances and frequency of repeat infringements.
- 4.4. Library Services administers a centralised system to manage copyright compliance with comprehensive information for both [Staff](#) and [Students](#) on the Library website.
- 4.5. 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](#).
- 4.6. The first point of contact for assistance with copyright enquiries is the Manager, Scholarly Publications and Copyright.

#### 5. DEFINITIONS

|                         |  |
|-------------------------|--|
| <b>Act</b>              | The <a href="#">Copyright Act 1968</a> (Commonwealth)  |
| <b>Caching</b>          | Caching serves as an intermediary component that stores data so that future requests for that data can be served faster. The data stored in a cache might be the result of an earlier copy of data stored elsewhere.   |
| <b>Copyright</b>        | 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.  |
| <b>Copyright Act</b>    | The <a href="#">Copyright Act 1968</a> (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.   |
| <b>Hosting services</b> | An internet hosting service, such as the Bond University website, runs on internet servers allowing external internet data to be hosted on the Bond network.   |
| <b>Linking</b>          | A link or hyperlink is a reference to data on a website that a user can directly follow either by clicking or tapping. A hyperlink points to a whole document or to a specific element within a document.  |
| <b>Plagiarism</b>       | 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.   |
| <b>Original Works</b>   | 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.   |
| <b>Safe Harbours</b>    | The copyright safe harbours are a set of provisions* in the Copyright Act that protect online service providers, including universities, from liability for damages for copyright infringements by their end-users. There are four safe harbours: <ol style="list-style-type: none"><li>1. Transmission safe harbour where the university provides facilities and services for</li></ol> |

transmitting, routing or providing connections for copyright material or the intermediate and transient storage of copyright material through such connections.

2. Automatic caching safe harbour. The university provides computers and servers that are used to search online and that can cache copyright material through an automatic process.
3. Hosting safe harbour covers the storing, at the direction of a user, copyright material on a system or network controlled or operated by or for the University (in circumstances where no exception or statutory licence applies).
4. Linking safe harbour. This safe harbour may be relied upon where a user of the University's computer network provides a link to infringing material.

\*Part V Division 2AA of the Act

**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.

**User**

A person using the Bond University network system is a user of the system regardless of whether or not they are a student or staff member of the University.

**6. 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:

| <b>Purpose</b>          | <b>Option</b>  |
|-------------------------|--|
| Delivering teaching     | Refer to the <a href="#">Copyright for Staff guide</a> |
| Personal research/study | Refer to the <a href="#">Fair Dealing Provisions</a> . |
| Any other purpose       | Seek permission directly from author/ publisher.       |

**7. RELATED PROCEDURES**

Procedure for Responding to Copyright Infringement Notices (internal Library Services)