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## Copyright Policy

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### 1.0 Purpose

The purpose of this policy is to provide clarity on literary copyright in higher education.

### 2.0 Scope

This policy is relevant to all EIT academic and administrative staff and students in terms of copyright.

#### ***Essential Supporting Documents:***

*Australian Qualifications Framework requirements:* [www.aqf.edu.au](http://www.aqf.edu.au)

*Copyright Act 1968 (Cth)*

#### ***Related Documents:***

*EIT Academic Integrity & Plagiarism Detection Policy & Software Guidelines*

*EIT Academic Independence Policy & a Code of Ethics*

### 3.0 Introduction and Definitions:

Copyright is the exclusive legal right, given to the originator for a designated period of time, to print, publish, reproduce, disseminate communicate literary or artistic material.



If the works are used in any of these ways, without the permission of the copyright owner, then copyright is said to have been breached or infringed.

Copyright is protected under the Copyright Act 1968 (Cth). The Act sets out:

- the works (and other subject matter) in which copyright subsists;
- the acts that constitute infringement;
- the acts that expressly do not constitute copyright infringement, including 'fair dealing';
- copyright offences and remedies;
- broad exceptions to copyright infringement by educational and other institutions; and
- certain other matters.

Management of the copyright policy and procedures is by EIT's Publishing Manager as she/he manages all documentation.

#### **4.0 Objectives:**

EIT is committed to ensuring that copyright is protected. This relates to unit readings and study materials employed by EIT staff and students for academic purposes.

EIT is also committed to ensuring student assessment content is protected.

#### **5.0 Copying under the Statutory Licence**

In accordance with the annually renewed agreement between EIT and the Copyright Agency Ltd, EIT is licensed to copy a certain percentage of copyright materials (single or multiple copying). This is as defined and subject to Part VB of the Commonwealth Copyright Act 1968. Copyright materials range from printed to electronic and include documentation/videos/music and even encrypted data.

The copying can only be made on behalf of EIT and is solely for educational or administrative purposes of EIT. These copies are not to be sold for a profit or distributed outside EIT's normal activities.

Refer to the Copyright Agency Limited agreement for more details on what can be copied.

#### **6.0 Digital Copying is Restricted**

It should be noted that similar restrictions apply to all digital information no matter how distributed. All staff and students of EIT should ensure that at all times they have the right and authority to distribute a particular item of digital material. No materials which are copyrighted can be placed in a public place (such as a web or ftp site) for anyone other than staff or students to access.



A warning notice as defined in the Copyright Procedure should be used when distributed copyright materials.

## **7.0 Computer Software is Protected**

EIT only uses software which has been legitimately purchased or acquired generally from another (often proprietary) company.

No copying of software is allowed unless specifically provided for by the vendor of the software in the licence agreement.

EIT staff should try always to ensure that copyright restrictions are adhered even in developing areas such as remote or virtual labs where copyright issues may not be easily defined.

Any breaches of software copyright should be advised to the Publisher who will take appropriate action. Huge fines are possible; so action taken needs to be expeditious.

## **8.0 Warning Notice to be Used**

A warning notice should be used in all communications of copyright materials such as emails as defined in the Copyright Procedure.

## **9.0 Express Prohibitions**

Typical actions that infringe the Copyright Act include:

- Conversion of music CDs to MP3 or equivalent files and sharing with another individual unless specifically allowed by the owner.
- Use of CD or DVD writers or USB-based devices to copy music CDs or DVDs
- Downloading of movie or music files from unauthorised sites
- Distribution of copyrighted materials (movies/data/music) through peer-to-peer services.
- Bypassing of a vendor's protection measures (against unauthorised use) for their software is forbidden.

## **10. Central Repository of Copyright Materials**

A central storage area for copyright material for course resources is maintained by the College Manager. All copying of materials (such as from textbooks) is managed by this manager.

## **11. Maintenance of Identification of Author and associated details**

All information relating to author, publisher and copyright owner should be maintained through all metamorphoses of materials.

## **12. Moral Rights**

The Moral Rights Amendment to Part IX of the Copyright Act lists three rights held by authors:

1. Attribution of ownership
2. Not to have authorship falsely attributed
3. Integrity of Authorship (so as not to impact on the author's reputation)

It is thus important to ensure that the author is named as the author of his or her work. Even though, it may be the case that the author is not the copyright owner of the work.

## **13. Student Theses or Project Documents**

Full copyright protection should be afforded to all theses and project documents prepared by students. The author however does allow EIT, the right to publicise and make the thesis or project materials available (on the web). However, the author retains full copyright ownership (including the possibility of patents) and can publish or do with the works as they see fit.

Subject to negotiation, it is possible the author may want to keep the thesis confidential and this will generally be favourably considered by the Publisher.

## **14. Ownership (of Copyright) for EIT Internally Produced Materials**

Generally, ownership of materials produced by members of staff (both contract and full time) in the usual course of their work, subsists in EIT. This refers to all materials such as videos, documentation and software. This is generally defined in the contracts drawn up between staff and EIT.

Materials which are explicitly produced outside normal working hours in a different domain to that in which EIT operates by a member of staff are not regarded as falling under this restriction.

For any questions on this, the Publisher in the first instance should be contacted to ensure there is no ambiguity and a ruling should be provided in writing.