

## Copyright Procedure

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### 1.0 Purpose:

The purpose of this procedure is to ensure all EIT staff and students are aware of the rules which protect academic materials. It provides the options available to legally access information and directs stakeholders to the EIT staff member who oversees this function.

### 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 Copyright Policy*

*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).

(Refer to the EIT Copyright Policy)

Management of the Copyright Policy and Procedure (including compliance) 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 Implementation:**

EIT holds a membership with *Copyright Agency Limited*. This is the collecting society responsible for administering the Educational Statutory Licence for text and artistic material. The licence allows the user to reproduce and communicate defined portions of copyright material for educational purposes, without seeking permission from the creators of the material.

All other material requests are made directly to the copyright holder and permission documentation stored.

### **6.0 Delineation of Copyright Materials:**

When using electronic communication such as powerpoint or email, the following method of signalling copyright material should be used:

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Commonwealth of Australia

Copyright Act 1968

Notice for Paragraph 135ZXA(a) of the Copyright Act 1968

Warning



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This material has been reproduced and communicated to you by or on behalf of the Engineering Institute of Technology under Part VB of the Copyright Act 1968 (the Act).

The material in this communication may be subject to copyright under the Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the act.

Do not remove this Notice.

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#### **7.0 Hardcopy Copying (or Scanning):**

All equipment used for copying materials should have the following notice placed next to it in a prominent location:

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Commonwealth of Australia  
Copyright Act 1968

Notice about the reproduction of works and the copying of published editions  
Warning

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Copyright Owners are entitled to take legal action against persons who infringe their copyright. A reproduction of materials that is not protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including:

- A reproduction that is a fair dealing under the Copyright Act 1968 (the Act), including a fair dealing for the purposes of research or study; or
- A reproduction that is authorised by the copyright owner.

It is a fair dealing to make a reproduction for the purposes of research or study, of one or more articles in a periodical publication for the same research or same course of study, or, for any other work, of a reasonable portion of a work.

For a published work in hardcopy form that is not less than 10 pages and is not an artistic work, 10% of the number of pages, or one chapter, is a reasonable portion.



For a published work in electronic form only, a reasonable portion is not more than, in the aggregate, 10% of the number of words in the work.

More extensive reproduction may constitute fair dealing. To determine whether it does, it is necessary to have regard to the criteria set out in the subsection 40(2) of the Act.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

### **8.0 Take Down Notices:**

When an infringement of copyright has been identified a take down notice is issued.

If the take down notice is issued to EIT, the Publisher will immediately investigate and action appropriately. The College Manager will be advised and possible disciplinary action taken if appropriate.

If a copyright infringement of EIT's materials (e.g. student assignment) has been noted on a web site, the Publisher will immediately issue a take down notice to the offending company and advise the College Manager. For international offenders, assistance may be sought from ACPET or COPHE.

### **9.0 Disciplinary Processes / Procedures**

Both staff and students of EIT are bound by the relevant disciplinary policies and procedures. One possible sanction is to restrict access to EIT's infrastructure and communication facilities. EIT's Publishing Manager will investigate breaches of the copyright Policy and recommend sanctions to the Dean. As with all copyright breaches, this will be reported to the Academic Board for possible further action.