
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.

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 Project and Resource Office 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, recently renamed in July 2018 to the Text and Artistic Works license. 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:

Text, Artistic Works and Broadcast Notice

[WARNING]

This material has been copied [and communicated to you] in accordance with the statutory licence in section 113P of the Copyright 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.

The following amended version should be used for intranet and/or LMS pages:

Text, Artistic Works and Broadcast Notice

[WARNING]

Some of this material may have been copied [and communicated to you] in accordance with the statutory licence in section 113P of the Copyright 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

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:

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

[WARNING]

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) 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
- b) 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.

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 VET and/or HE 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.



10. Essential Supporting Documents

- *Australian Qualifications Framework requirements:* www.aqf.edu.au
- *Copyright Act 1968 (Cth)*

11. Related Documents

- *Copyright Policy.DS*
- *Academic Misconduct Detection Policy.HE*
- *Academic Freedom and Code of Ethics Policy.DS*