



Information Technology Services

## MUSIC, VIDEO AND SOFTWARE PIRACY POLICY

<b>Date approved:</b>	17 March 2005	<b>Date Policy will take effect:</b>	17 March 2005	<b>Date of Next Review:</b>	
<b>Approved by:</b>	Vice Chancellor				
<b>Custodian title &amp; e-mail address:</b>	Manager, Desktop Strategy and Deployment <a href="mailto:donna_meagher@uow.edu.au">donna_meagher@uow.edu.au</a>				
<b>Author:</b>	Donna Meagher				
<b>Responsible Faculty/ Division &amp; Unit:</b>	Information Technology Services				
<b>Supporting documents, procedures &amp; forms of this policy:</b>	<a href="#">Copyright Services</a>				
<b>Reference &amp; Legislation:</b>	<a href="#">IT Acceptable Use Policy (including the Requirements Governing the Use of IT Facilities)</a> <a href="#">Crimes Act, 1914 (Commonwealth)</a> <a href="#">Copyright Act, 1968 (Commonwealth)</a> <a href="#">Student Conduct Rules</a>				
<b>Audience:</b>	Public – accessible to anyone				
<b>Expiry Date of Policy:</b>	Not applicable				



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## 1 Purpose of Policy

1. This document outlines the University's policy on Music, Video and Software Piracy.
2. The University of Wollongong is committed to the appropriate use of Information Technology and Services in support of its teaching, research, administrative and service functions. This policy is an adjunct to the University's IT Acceptable Use Policy which defines the acceptable behaviour expected of users and intending users of the facilities. The University requires users to accept the IT policies and the Requirements Governing the Use of IT Facilities as a condition of their use. These are accessible on the University Policy Directory.

## 2 Definitions

Word/Term	Definition (with examples if required)
University	University of Wollongong
User	Any person using any of the University's Information Technology Facilities
IT Facilities	Information Technology facilities operated by the University, whether owned or leased
Chief Technology Officer	The Chief Technology Officer, Information Technology Services
ITS	Information Technology Services at the University of Wollongong

## 3 Application & Scope

1. This policy applies to all users of the University's IT Facilities. All users should be aware of the policy, their responsibilities and legal obligations. This policy represents the University Institutional position and takes precedence over other relevant policies which may be developed at a local level.
2. All users are required to comply with the policy and are bound by law to observe applicable statutory legislation.

## 4 Zero Tolerance

1. Unauthorised copying or communication of copyright protected material (such as music, videos and software), violates the law and is contrary to the University's standards of conduct and business practices. The University disapproves of such acts and recognises the following principles:
  - 1.1. The University will neither permit nor tolerate the copying or use of unauthorised music, video and software within the institution under any circumstances.
  - 1.2. The University will provide sufficient quantities of legitimately acquired software via the normal purchasing and approval mechanisms.
  - 1.3. The University will comply with all licensing terms and conditions regulating the use of any software acquired.
  - 1.4. The University will enforce strong controls within the institution to prevent the copying or use of unauthorised music, videos, and software. This includes effective measures to verify compliance with these standards and appropriate disciplinary action for any violation of these standards.
  - 1.5. The University will inform all authorised users of their responsibilities in relation to music, video and software piracy. This information will be furnished to all new employees, newly enrolled students, and other authorised users, prior to providing them with a user account and password.

## 5 Dealings in Copyright Protected Material for Personal Private Use



1. Music, videos or software purchased by users for personal private use are not to be installed on University owned facilities. For example, if you have purchased a CD/DVD from a music/video shop, you can bring in the original CD/DVD and listen to the music/watch the DVD on University owned facilities.
2. Where you are using material for your private personal use (e.g. entertainment), you cannot do any of the following, regardless of whether the material is protected by copyright:
  - a. post music, videos, software or other copyright material to University websites.
  - b. copy music, videos, software or other copyright material to University IT facilities.
  - c. download music, videos or software or other copyrighted material via the University's Internet service (AARNET). Students are permitted to access the University's internet service to install operating system patches and virus updates on their own personal computers connected to the University's IT Infrastructure.
  - d. transfer music, videos, software or other copyright material to friends and family via the University email system.
  - e. burn music, video, software or other copyright material to CD or other media using the University's IT facilities.
  - f. copy music and videos in anyway, including making duplicate copies of the media, or copying to any computer system.
  - g. knowingly distribute music, videos or unauthorised software.
  - h. loan or borrow music, videos or software in order for a copy to be made – including an individual loan to a friend or work colleague.

## 6 Dealings in Copyright Protected Material for Teaching or Research

1. Staff and students can copy and or communicate copyright protected material for teaching or study purposes where they have the permission of the copyright owner. Limited permission may be granted, for example, via website statements, license agreements, or under the statutory license provisions of the Copyright Act, 1968 (Commonwealth).
2. Staff and students may also be able to copy limited portions of material under the 'fair dealing' provisions of the Copyright Act, 1968 (Commonwealth).
3. For more information on what, and how much, you can copy and communicate under the fair dealing and statutory license provisions of the Copyright Act, 1968 (Commonwealth) see <http://www.library.uow.edu.au/copyright/index.html>

## 7 Dealings in Copyright Protected Software

1. The use of software is covered by Copyright Law and software licensing agreements.
2. In relation to the use of software, it is illegal to do any of the following:
  - a. use software in any way that may contravene the software license agreement or Copyright Law
  - b. copy software or its accompanying documentation, including programs, applications, data, codes and manuals, without permission or license from the copyright owner.
  - c. use a single user license copy to install a program on multiple computers.
  - d. take advantage of software upgrade offers without having a legal copy of the software to be upgraded
  - e. acquire academic software and use it for commercial use.
  - f. authorise, encourage, allow, compel or pressure users of the University's IT Facilities to make or distribute illegal software copies.
  - g. to import software into Australia without the permission of the copyright owner.



- h. to distribute software that has been imported into Australia, without the permission of the copyright owner.
- 3. Please contact ITS on (02) 4221 3775 or extension 3775 if you need clarification of software licensing issues.

## **8 Student Use of Software**

- 1. Under no circumstances are students allowed to install, attempt to install, copy, or download any type of software onto University IT Facilities, unless:
  - 1.1. The student is in an IT Laboratory specifically setup for the purpose of studying an IT related discipline where:
    - a. installation of software is required as part of coursework;
    - b. there is proof the software license belongs to the University;
    - c. the lecturer has given their authorisation.
  - 1.2. The student is a PhD research student, who has been provided with University IT Facilities to carry out their research. Any software that is to be installed on these facilities must go through the normal software purchasing and approval mechanisms.

## **9 Shared Drives**

- 1. The practice of sharing desktop hard drives is prohibited unless special approval is given by the Chief Technology Officer or their nominee.

## **10 Child Pornography**

- 1. By Law, any instances of Child Pornography found on the University's IT Facilities, or found on any equipment at any UOW Campus, must be reported to the appropriate authorities. The Chief Technology Officer or their nominee will report this type of infringement to the appropriate authority.

## **11 Electronic Media**

- 1. No type of electronic media is to be used to share or distribute pirated material. This includes such things as shared drives, hard drives, thumb drives, CD-ROMs, floppy disks, zip disks, file servers, web servers, e-mail, or any other type of electronic storage mechanisms.

## **12 Non-University Owned IT Equipment**

- 1. The University reserves the right to check for pirated music, videos and software on non-University owned IT equipment that is connected to the University's IT Infrastructure.

## **13 Proof of Ownership**

- 1. The onus is on the user to prove they have legitimate ownership of any material that may be considered to be pirated.

## **14 Reporting Illegal Activity**

- 1. Any authorised user who has knowledge or substantiated suspicion of illegal activities taking place on University IT Facilities should immediately contact ITS on (02) 4221 3775 or extension 3775.

## **15 Penalties Under the Law**

- 1. Individuals can be convicted of a criminal offence including heavy fines and/or imprisonment for up to five years for infringing copyright.
- 2. In addition, offenders are liable for damages of an unlimited amount and substantial court costs.



## 16 Administration and implementation

### Compliance Monitoring

1. The University will regularly scan the University's IT Facilities for evidence of illegal activity. Where there is evidence or suspicion of illegal activity, the University reserves the unilateral right to shutdown and isolate any IT Facilities associated with this illegal activity. The decision to shutdown and isolate any IT Facility will be made by the Chief Technology Officer or their nominee.

### Compliance

2. The University treats misuse of its IT facilities seriously. Violations of the conditions of use of IT facilities may result in temporary or indefinite withdrawal of access, disciplinary action under the University's, or relevant, entities discipline procedures, and/or reimbursement to the University.
3. IT misconduct by students will be dealt with under the Student Conduct Rules. The Chief Technology Officer or their nominee will be the Primary Investigation Officer of allegations of IT misconduct by students. Detailed investigation procedures and the penalties that may be awarded to students engaging in IT misconduct can be found in the Student Conduct Rules.
4. A user's access will be withdrawn given a written request from an appropriate staff member of the sponsoring organisation. Access may also be withdrawn by ITS in response to a suspected policy violation.
5. A student whose IT access has been withdrawn as a result of an investigation under the Student Conduct Rules can appeal the decision or the penalty to the Student Conduct Committee. Otherwise, a user whose access has been withdrawn may request reconsideration of the decision by the Chief Technology Officer who shall consider the withdrawal with the relevant Senior Executive, Dean or Director or the University Librarian. Following this the Chief Technology Officer shall confirm the withdrawal or reinstate access.
6. Misuse or unauthorised use of University IT facilities may constitute an offence under the Crimes Act, 1914 (Commonwealth) and/or other pieces of State or Commonwealth legislation. Nothing in this policy or the Requirements Governing the Use of IT Facilities may be taken as in any way diminishing or removing a person's obligations to comply with the law, or their liability to prosecution and punishment under law.
7. Users are encouraged to report any misuse and any reports will be treated as confidential.

## 17 Roles & Responsibilities

Not Available.

## 18 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	17 March 2005	Vice Chancellor	Final and approved policy including: <ul style="list-style-type: none"> <li>• Policy converted into new ITS policy format.</li> <li>• Updated link to copyright web site.</li> <li>• Improved links to acceptable use policy.</li> <li>• Compliance section updated as per standard compliance applying to all policies.</li> </ul>
2	6 May 2009	Vice Principal	Migrated to UOW Policy Template as per Policy



		(Administration)	Directory Refresh
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