



Copyright Services, University Library

## COPYRIGHT POLICY

<b>Date approved:</b>	15 April 2005	<b>Date Policy will take effect:</b>	15 April 2005	<b>Date of Next Review:</b>	February 2013
<b>Approved by:</b>	University Council				
<b>Custodian title &amp; e-mail address:</b>	Copyright and Digitisation Officer, University Library				
<b>Author:</b>					
<b>Responsible Faculty/ Division &amp; Unit:</b>	Planning and Human Resources, University Library				
<b>Supporting documents, procedures &amp; forms of this policy:</b>	Nil				
<b>References &amp; Legislation:</b>	<a href="#">Copyright Act, 1968 (Commonwealth)</a> <a href="#">Music, Video and Software Piracy Policy</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. The purpose of this Policy is to outline responsibilities and procedures regarding the use of third party copyright material, with the objectives of:
  - a. reducing staff and UOW exposure to the risks associated with the use of third party copyright material;
  - b. assisting staff to make full legal use of the materials at their disposal by clearly identifying responsibilities; and
  - c. promoting copyright compliance.

## 2 Definitions

1. What individuals can do with copyright protected materials depends upon who owns copyright, whether the use of the material is the subject of an agreement, the type of material used, how the material is used, how much material is used, and the purpose for which the material will be used. Consequently, the following definitions are necessarily detailed.
2. All copyright material will fall under the definition of either "first party copyright material", "unlicensed third party copyright material", or "licensed third party copyright material":

Word/Term	Definition (with examples if required)
First party copyright material	any material created by UOW staff as part of their employment, in which copyright has not been transferred or exclusively licensed to a third party.
Third party copyright material	Includes both unlicensed and licensed third party copyright material
Unlicensed third party copyright material	<p>Any copyright protected material not governed by an agreement between the copyright owner and the user. Consequently, allowable uses are determined by the Copyright Act 1968.</p> <p>The term "unlicensed third party copyright material" includes material copied in reliance upon Parts VA or VB of the Copyright Act 1968 (that is, material copied for teaching purposes in reliance upon statutory licence).</p> <p>The term "unlicensed third party copyright material" does not refer to the circulation of original published copies. For example, the act of loaning an original purchased copy of a book is not covered by this Policy. However, the act of loaning photocopies of the purchased book to students would be covered by this Policy.</p>
Licensed third party copyright material	<p>Any copyright protected material for which the terms of use are governed by licence, or any other form of agreement.</p> <p>Licensed third party copyright material does not include material copied in reliance upon Part VA or VB of the Copyright Act 1968 (that is, material copied for teaching purposes in reliance upon statutory license).</p>
Use	includes the following acts: copying; communicating (electronically transmitting);



	adapting; publishing; performing in public; causing to be seen or heard in public; entering into a commercial rental arrangement; rebroadcasting; or any other copyright as defined by law.
Course packs 4	Includes any compilation of third party copyright material supplied to students in hardcopy or electronic format, such as, for example, printed books of readings or course materials burnt to CD ROM.
Print reserve collections	Include any formal or informal collections of printed third party copyright materials which have been established for the primary purpose of providing some staff and/or students with access to the collection.
Supplementary material	includes any third party copyright material supplied to staff or students independently of the Electronic Readings Service, course packs, or print reserve collections. Generally speaking, "supplementary material" includes ad hoc materials supplied to students via emails and class handouts.

### 3 Application & Scope - Exclusions or Special Conditions (if any)

1. This Policy applies to all UOW staff, students, and controlled entities.
2. This Policy replaces all previous Copyright Policies.
3. The scope of this Policy is limited to specifying responsibilities and procedures regarding:
  - a. the use of third party copyright material for teaching, learning, research, or administrative purposes; and
  - b. any other use of third party copyright material not covered by the Music, Video and Software Piracy Policy.
4. This Policy does not cover first party copyright material. First party copyright material is covered by the IP Intellectual Property Policy.

### 4 Information

1. Information about copyright basics is available at <http://www.library.uow.edu.au/copyright/index.html>.
2. Information about what you may copy for teaching purposes is available at <http://www.library.uow.edu.au/copyright/teachingguidelines/index.html>. Alternatively, for quick access to specific information on what you may copy for teaching purposes choose a topic from the drop down list in "Fast Facts for Teaching" at <http://www.library.uow.edu.au/copyright/>.
3. Information about what you may copy for study, research, criticism, or review is available at <http://www.library.uow.edu.au/copyright/studyguidelines/index.html>. Alternatively, for quick access to specific information on what you may copy for study, research, criticism, or review choose a topic from the drop down list in "Fast Facts for Study" at <http://www.library.uow.edu.au/copyright/UOW026674.html>.
4. Information about the Electronic Readings Service is available at <http://uow.libguides.com/content.php?pid=28220&sid=1204897>.

### 5 Roles & Responsibilities

1. All staff and students must ensure that they understand and comply with the legal restrictions and obligations regarding the use of third party copyright material.



2. All staff must attend at least one copyright training session and read and understand relevant information provided on UOW's copyright website (<http://www.library.uow.edu.au/copyright> ).
3. Subject coordinators are responsible for the copyright compliance of all third party copyright material supplied to students enrolled in their subject.
4. All students must read and understand relevant information provided on UOW's copyright website (<http://www.library.uow.edu.au/copyright/UOW026674.html> ). Students are entirely responsible for any copyright infringement resulting directly or indirectly from their own actions.

## 6 Non-Compliance Procedures

1. The University Copyright Officer will address compliance risks in the first instance.
2. UOW disciplinary procedures may be applied where staff or students fail to comply with this Policy or the Copyright Act, 1968.

## 7 Making Material Available Online

1. All unlicensed third party copyright material to be made available online, or in other digital formats such as CD ROM, must be processed via UOW's centralised online copyright management system, which is currently the Electronic Readings Service (<http://uow.libguides.com/content.php?pid=28220&sid=1204897>).
2. The University Copyright Officer may conduct copyright compliance checks of any third party copyright material made available online.

## 8 Course packs

1. Subject coordinators must ensure that all course packs supplied to students enrolled in their subject contain a contents page or file that includes:
  - a. year, session and subject code(s); and
  - b. full bibliographic details for every portion of third party copyright material reproduced, including pages copied.

Please note: This clause is not intended to address individuals' obligations under the moral rights provisions of the [Copyright Act 1968](#) (for more information on moral rights see <http://www.library.uow.edu.au/copyright/UOW026672.html#moral>)

2. Subject coordinators must attach appropriate notices to course packs, which are available at <http://www.library.uow.edu.au/copyright/infonotices/index.html>.
3. Subject coordinators must retain a copy of all course packs supplied to students in their capacity as a subject coordinator in the last 12 months.
4. The University Copyright Officer may conduct copyright compliance checks of any course pack supplied to students in the last 12 months.

## 9 Supplementary material

1. Where it is possible and appropriate, staff must supply all unlicensed third party copyright material to students via the Electronic Readings Service or within course packs.
2. Subject coordinators must implement procedures to ensure that all supplementary material (that is material not supplied via the ERS or within course packs) supplied to students is copyright compliant (information available at <http://uow.libguides.com/coursematerial>).
3. The University Copyright Officer may conduct copyright compliance checks of the procedures used by the subject coordinator to achieve copyright compliance.



## 10 Print reserve collections

1. Any faculty print reserve collection not registered with the University Copyright Officer within eight weeks of the commencement of this Policy must be approved by the Dean of the relevant faculty and the University Librarian.
2. Deans must ensure that adequate procedures are created and implemented to ensure that a print reserve collection within their faculty does not contain unlicensed third party copyright material, except for material concurrently available via the Electronic Reading Service.
3. The University Copyright Officer may conduct copyright compliance checks of print reserve collections, including their content and any relevant copyright procedures.

## 11 Using student material

1. Student material is generally protected by copyright. Consequently, if staff need to use a student's work, subject coordinators must ensure that they keep adequate documentary proof that they have the student's permission.

## 12 Copyright Audits

1. The University Copyright Officer may seek authority from the Vice-Principal (Administration) to audit the following for compliance with copyright law, UOW Copyright Policy, and/or licence agreements, including:
  - a. print reserve collections;
  - b. course packs;
  - c. course handouts;
  - d. websites, including online subjects;
  - e. dramatic and musical productions;
  - f. video conferences;
  - g. compliance procedures; and
  - h. any aspect of UOW practice that may pose a copyright compliance risk.
2. The University Copyright Officer may conduct an audit without notice after providing the auditee with a copy of an authority to conduct the audit.
3. Staff must provide all reasonable assistance and cooperation in complying with the audit.
4. The auditee will be provided with an opportunity to have their comments (if any) included in the audit report.
5. If the auditee fails to satisfactorily implement the recommendations contained within the audit report, the matter will be formally raised with the UOW Executive via the University Librarian.

## 13 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	15 April 2005	University Council	First Version
2	6 May 2009	Vice-Principal (Administration)	Migrated to UOW Policy Template as per the Policy Directory Refresh
3	9 March 2010	Vice-Principal (Administration)	Future review date identified in accordance with Standard on UOW Policy