

Third Party Copyright

Preamble:

Australian Institute of Business (AIB) has a legal obligation to comply with the Copyright Act 1968(C/w) and to use its best endeavours to ensure that all AIB staff students or associates also comply with the Act when using AIB computer systems and electronic transmission and copying machines.

Purpose:

To ensure that all AIB staff, students and consultants are aware of and comply with the requirements of the Copyright Act.

Scope:

All AIB staff, contractors, students or affiliates using AIB computer or copying equipment whether on campus or by remote access.

Detail:

The following definitions apply for the purposes of this Policy and associated procedures.

- ‘the Act’ means the *Copyright Act 1968 (C/W.)*
- ‘‘CAL’ means the collecting society, Copyright Agency Limited
- ‘copyright material’ means literary, dramatic, musical or artistic works or sound recordings, cinematograph films, broadcasts or published editions as defined in the Act
- ‘Screenrights’ means the collecting society, Screenrights the Audio Visual Copyright Society
- ‘Statutory Licences’ means the provisions governing the educational use of copyright material outlined in Parts VA and VB of the Act
- ‘use of copyright material’ means the exercise of any rights granted to a copyright owner under the Act including the rights of reproduction, publication, performance and communication to the public.

STATUTORY LICENCES

What are they?

The Statutory Licences provided under the Act give educational institutions certain rights to use copyright material for educational purposes under specific terms without

obtaining permission from the copyright owner. The terms of these licences are found in Parts VA and VB of the Act.

AIB has entered into an agreement with CAL for access to the Statutory Licences for a fee.

What can be copied?

Under Part VB of the Act which covers print and graphic copying and communication, only a 'reasonable portion' of a copyright work can be copied or communicated and this must be for educational purposes

Under Part VA of the Act, which covers copying and communication of broadcasts, there is no limit to the amount which can be copied and communicated. Preview copies can be retained for 14 days then destroyed if they are not used for educational purposes.

What can be communicated?

Online communication of copyright material is allowed under the Statutory Licences following the Digital Agenda reforms to the Act, which came into operation on 4 March 2001. For online communication, copying limits are enforced across AIB.

Staff who wish to make copyright material available via the AIB website must:

1. ensure that the proper copyright warning notice appears with the image and that appropriate source information is recorded as required by the Copyright Office, or
2. obtain written permission from the copyright owner for the proposed use and retain this for the full period the material is available online.

The copyright warning notice specified in Part VB of the Act must also accompany copyright material copied into other forms of digital media such as PowerPoint presentations.

What copyright notices must be used?

Appropriate notices **MUST** be placed in the following locations or on all items/media files as required under the Act.

- Hard copy warning notices must be displayed beside any machines which are capable of allowing copying or communication of copyright material by students. This includes photocopiers, PCs, video recorders, scanners and CD burners.
- Photocopies made under Part VB must have a copyright stamp applied and completed.
- Video copies of broadcasts made under Part VA must have the required label affixed as required by the Act.
- The required electronic copyright notice must appear at the beginning of digital copies of material communicated under Part VA or VB (or other sections of the Act if required).

What audio-visual material may be copied?

Staff can copy and communicate television or radio broadcasts under Part VA of the Act. However, this does not extend to moving image material available on

commercial film or video or the Internet. Such material cannot be copied without the permission of the copyright owner.

To comply with the requirements of Part VA, analogue video copies must be marked with the required copyright label. Digital copies which are communicated must contain the required electronic copyright notice.

Digital copies made under Part VA must only be communicated to AIB staff and students.

Copyright in computer software

Computer software is protected as a literary work under the Act. AIB provides access for its staff and students to computer software through commercial licence agreements. These licences are managed by the Corporate Services Division.

Permission from the Copyright Owner

If permission is obtained from the copyright owner, material can be used in the manner authorised by that permission without any further reference to copyright restrictions.

The Copyright Office can provide a draft permission letter for staff who wish to approach copyright owners to request permission to use material. Any staff member who obtains permission for the use of copyright material must maintain appropriate files recording details of permissions obtained for the full period of the use.

Illegal File Sharing

AIB will not allow material which infringes the rights of copyright owners to be stored, transmitted or made available on any part of its network. This includes infringing material transferred via peer-to-peer networks and material illegally copied from other media.

Moral Rights

Part IX of the Copyright Act 1968 provides for the moral rights of the creators of literary, dramatic, musical or artistic works and cinematograph films. Moral rights attach to individuals only. The two moral rights which apply within Australia are the right to be acknowledged as author (attribution) and the right for a work to be treated as a whole (integrity). AIB respects the moral rights of all authors of copyright material as well as those of its staff and students.

Responsibility

The Director, Corporate Services, and is responsible for the management of this policy. The Director has the authority to require staff to take action to ensure legal compliance in accordance with this policy and other AIB guidelines and procedures relating to copyright. In cases of non-compliance with the provisions of the Copyright Act, the Director has the authority to intervene in the distribution of non-compliant items, including recalling items already distributed or removing access to online material.

Related Forms:

Nil

Related Policies:

Commercialisation of Intellectual Property Created by Staff and Students

Current Status

Approved By:

Date of Approval:

Previous version:

Version 2

Board of Directors

1 July 2011

27 October 2008