



## COPYRIGHT PROCEDURE

### Governing Policy

[Copyright Policy](#)

### Purpose

This procedure outlines the responsibilities and guidelines for identifying and managing licencing obligations and prevent copyright breaches.

### Definitions

Unless otherwise defined in this document, all capitalised terms are defined in the [glossary](#).

The following definitions apply for this policy and associated procedures.

**CAL** – means Copyright Agency Limited, the collecting society.

**Act** – in this policy and procedure, refers to the *Copyright Act 1968* (Cth).

**Copyright material** – means literary, dramatic, musical or artistic works or sound recordings, cinematograph films, broadcasts or published editions as defined in the Act.

**Copyright Officer** – AIB authorised Copyright Officer.

**Part IVA Statutory Licence** – means the provisions governing the educational use of copyright material outlined in Part IVA Division 4 of the Act.

A ‘**reasonable portion**’ is defined in section [10](#) of the Act as to “not exceed, in the aggregate, 10%”.

**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.

### Procedure

#### Copyright Conditions

##### 1. Fair dealing for purpose of Research or study

- 1.1. Under Section [40](#) of the Act, students (not the institution) can copy, communicate, adapt etc. materials provided it is part of the student’s Research or study. Appropriate referencing of the origins of any such materials will be required in line with AIB’s Academic Integrity Policy.

## 2. Statutory Education Licences

- 2.1. 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 Division 4 Part IVA of the Act.
- 2.2. AIB has entered into an agreement with CAL for a Statutory Licence for a fee.
- 2.3. AIB does **not** have a Screenrights licence, which would cover copying and communication of broadcasts, e.g. television and radio broadcasts.

## 3. What can be copied?

- 3.1 Under Division 4 Part IVA of the Act (which covers print and graphic copying and communication), only a 'reasonable portion' of a copyrighted work can be copied or communicated (the 'reasonable portion' limits are outlined on [CAL's website](#), and this must be for educational purposes).
- 3.2 AIB Staff must comply with the reasonable portion limits set out in Part IVA of the Act and guidelines on CAL's website.
  - (a) For example, the Part IVA Statutory Licence does **not** apply to AIB marketing materials, because marketing is not an 'educational purpose'.
  - (b) It also does not cover the copying and distribution of articles, such as in newspapers or other press about AIB.

## 4. What can be communicated?

- 4.1. Online communication of copyright material is allowed under the Part IVA Statutory Licence, subject to 'reasonable portion' limits on the amounts that may be copied.
- 4.2. All copyright material available via the AIB student learning portal must be vetted by the Copyright Officer, to:
  - (a) ensure it is for educational purposes; and
  - (b) ensure that the amounts of an item of copyright material does not exceed limits on the amounts that may be copied; and
  - (c) ensure that a copyright warning notice (see below) appears with the material and that appropriate source information is recorded; or
  - (d) obtain the prior written permission from the copyright owner for the proposed use and retain this for the full period the material is available online.

## 5. Copyright warning notice

- 5.1. A warning notice should be attached to digital copies of any material copied or communicated under the Division 4 Part IVA Statutory Licence.
- 5.2. It is not acceptable to offer the notice as a click through link that gives the viewer the option to bypass it.
- 5.3. The notice should be used only with material copied in reliance of the Division 4 Part IVA Statutory Licence. The notice should not be used with material copied with permission of the copyright owner or under any other blanket licence.
- 5.4. AIB and AIB Staff must take all reasonable steps to ensure that each communication can only be received or accessed by people entitled to receive or access it (this would normally mean staff and students of AIB).
- 5.5. Appropriate warning notices should be placed in the following locations or on all items and media files as required under the Act:

- (a) Hard copy warning notices should be displayed beside any machines which are capable of allowing copying or communication of copyright material by students, e.g. photocopiers, computers, video cameras, scanners and other electronic data storage devices.
- (b) Photocopies made under Division 4 Part IVA should have a copyright notice attached (see [Annexure 1](#)).
- (c) The required electronic copyright warning notice should appear at the beginning of digital copies of material communicated under Division 4 Part IVA of the Act.

## **6. Copying of audio-visual material**

- 6.1. AIB and AIB Staff must not copy and communicate television or radio as AIB does not have a Screenrights statutory licence.
- 6.2. Moving image material available on commercial film or video or the Internet must not be copied without the permission of the copyright owner.
- 6.3. Please note that the Division 4 Part IVA Statutory Licence does **not** cover the copying of video content (e.g. from YouTube or otherwise). Please refer to the individual licensing conditions with all online material.

## **7. Hyperlinks**

- 7.1. AIB may use hyperlinks in its educational materials (e.g. AIB's Learning Management System) to legitimate external websites without seeking the copyright owner's permission, but if it is required by the terms of the website, please contact the Copyright Officer.
- 7.2. Even so, the following issues need to be considered on a case by case basis for each item of content on external websites:
  - (a) prior permission to link to an external website may be required under the terms and conditions for the use of the external website.
  - (b) whether the existence of the item of content on an external website infringes (or is likely to infringe) the owner of the intellectual property rights in that item of content, e.g. if the content was a copy of a 20<sup>th</sup> Century Fox labelled movie, it is highly likely that it will infringe copyright and trademark laws.
  - (c) where it is unclear and the content is likely to infringe copyright, please review the content and see if the uploader has licensed or has rights to use it in a way that allows commercial or educational use without permission (e.g. a creative commons licensed video, such as those on [Creative Commons Search](#)).
  - (d) if no licence or rights have been given, AIB Staff should seek to obtain permission to use the content from the copyright owner, who may not be the uploader, or obtain a licence to use the material from a pay for use service.

## **8. Copyright Permission from the Copyright Owner**

- 8.1 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. A draft permission letter for staff who wish to approach copyright owners to request permission to use material is at [Annexure 2](#). Please liaise with the Copyright Officer to make these requests.

- 8.2 **Copyright Permissions Register** – Any AIB Staff who obtain permission for the use of copyright material must maintain appropriate files recording details of permissions obtained for the full period of the use and notify the Copyright Officer, who will maintain a register of such permissions.
- 8.3 **Copyright in computer software** – Computer software is protected as a literary work under the Act. AIB provides access for AIB Staff to computer software through commercial licence agreements. These licences are managed by the relevant Head of Department.
- 8.4 **Illegal File Sharing** – AIB, AIB Staff, and students will not allow material which infringes the rights of copyright owners to be stored, transmitted or made available on any part of AIB’s network. This includes infringing material transferred via peer-to-peer networks and material illegally copied from other media.

## 9. Moral Rights

- 9.1 Part IX of the Act provides for the moral rights of the creators of literary, dramatic, musical or artistic works and cinematograph films. Moral rights attach to individuals only.
- 9.2 The two moral rights which apply within Australia are the right to be acknowledged as author (attribution), unless it is reasonable not to (or the author has consented to not being attributed) 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.
- 9.3 AIB, AIB Staff, and students must avoid making changes or additions to images (and other works) that are unreasonably ‘derogatory’ (prejudicial to the creator).

## 10. Managing Breaches of the Act

- 10.1 During AIBs induction process students and staff are taken through the copyright obligations. Staff unsure of requirements and obligations can contact the [Copyright Officer](#).
- 10.2 Students may wish to discuss any minor queries or concerns with an academic staff member prior to consultation with the Copyright Officer.
- 10.3 Any identified breaches of the Copyright Act will be brought to the attention of the Academic Dean. Proven misconduct will be managed in accordance with the Academic Integrity Policy and Procedure.

## 11. For Further Information

- 11.1 For any further information regarding compliance with the AIB Copyright Policy or with the Copyright Act, please contact the Copyright Officer at [AIBcopyright@aib.edu.au](mailto:AIBcopyright@aib.edu.au).

### **Responsibility:**

Academic Dean

### **Related Forms and Documents:**

Copyright Permission Register

<b>Current Status:</b>	<b>Version 1</b>
<b>Approved By:</b>	Board of Directors
<b>Effective From:</b>	<b>3 September 2020</b>
<b>Date of Approval:</b>	3 September 2020
<b>Previous Versions:</b>	21 March 2018 <i>Copyright Policy V2</i> 24 May 2016 1 July 2011 <i>Third Party Copyright V2</i>
<b>Date of Next Review:</b>	3 September 2023

## **Annexure 1**

### **(Copyright Warning Notice – Electronic Use)**

#### **WARNING**

This material has been reproduced and communicated to you by or on behalf of Australian Institute of Business Pty Ltd pursuant to Part IVA Division 4 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.**

## Annexure 2

### (Draft Letter to Copyright Owner)

[AIB's letterhead]

[insert date]

[insert name]

[insert title]

[insert address details]

Dear [insert name]

#### **Request for permission to use [Material From] [Insert Title]**

I am writing on behalf of the Australian Institute of Business Pty Ltd ('AIB').

AIB wishes to use the following material of which you are the creator and/or copyright owner:

*[insert details of material sought to be used – type (e.g. article, quote (cite in full), art work, logos, diagrams, graphs, tables, music etc.) author/composer, date of publication, title, publication, page, section and/or paragraph/s].*

We propose to: *[remove any of the following that do not apply]*

1. reproduce the material in *[hardcopy form/digital form]*;
2. communicate the material *[on an intranet/on the Internet/by email]*;
3. publish the material *[insert a description of where the material will be published]*;
4. *[insert a description of any other required uses]*.

AIB seeks your permission to use the above-mentioned material in this way.

The purpose of the use would be to *[insert description of purpose of proposed use e.g. prepare a learning resources to be distributed to AIB's students]*.

If you do not control the copyright in all of the above-mentioned material, I would appreciate any contact information you can give me regarding the proper rights holder(s). Otherwise, your permission confirms that you hold the right to grant the permission requested here.

If you require any additional information, please contact me on *[insert]* or by email on *[insert]*.

If you agree with the terms as described above, please sign the permission form below and send one copy in the self-addressed return envelope I have provided. A duplicate copy of this permission form is enclosed for your records.

Yours sincerely

*[signature]*

*[insert name]*

*[insert position]*

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Permission granted for the use of the material as described above:

Name: .....

Title: .....

Company/Organisation: .....

Signature: .....

Date: .....

**Letter preparation notes (to be deleted from final version of letters):**

1. *This letter should be used when there is no existing licence which permits the proposed use of the material.*
2. *Replace the italicised text with relevant details, and ensure that all italicised text is replaced or deleted before sending.*
3. *Send the signed original of this letter, plus a duplicate copy, to the addressee.*
4. *Do not use the material until an affirmative response is received.*