

# Copyright Policy

## Section 1 - Overview and Scope

- (1) The University fosters the legitimate use of copyright works and is committed to upholding the rights of creators and copyright owners.
- (2) This Policy outlines the responsibilities of UNE Representatives and students when using copyright works used in the course of their enrolment, employment and engagement with UNE, including study, research, teaching, administrative or volunteer work. It also addresses compliance with the [Copyright Act 1968 \(Cth\)](#), the [Copyright Regulations 2017 \(Cth\)](#) and any other copyright license or agreement that the University enters into.
- (3) This Policy does not cover ownership of copyright generated by University employees or students in the course of their employment and studies, which is governed by the University's [Knowledge Assets and Intellectual Property Policy](#).
- (4) This Policy applies to all UNE Representatives, students, and Controlled Entities associated with the University.
- (5) Within this Policy:
  - a. Part A – states the principles of this policy;
  - b. Part B – outlines UNE's obligations to receive and respond to allegations of copyright infringement;
  - c. Part C – outlines UNE's obligation to enact a takedown procedure and UNE's response to non-compliance with the [Copyright Act 1968 \(Cth\)](#) and [Copyright Regulations 2017 \(Cth\)](#).

### Part A - Policy Principles

- (6) UNE Representatives and students may be both creators, and consumers of copyright, and as such have certain rights and responsibilities under copyright law.
- (7) UNE Representatives and students must take all reasonable steps to ensure their activities comply with copyright law and licenses, and must not knowingly expose the University to the risk of copyright infringement.

### Part B - Statement of Responsibilities

- (8) The Director Library Services and University Librarian and Copyright Specialist has a responsibility to take reasonable steps to:
  - a. provide information and training to UNE Representatives and students about their copyright rights and responsibilities in relation to teaching, study and research, disability access provisions, and administrative or promotional activities;
  - b. develop, implement, monitor and support systems and processes that facilitate copyright compliance;
  - c. ensure there are financial, structural and administrative procedures in place to meet the University's

obligations under copyright legislation, and review and revise these as required;

- d. monitor external developments in relation to copyright, especially copyright legislation, to revise and update University policies, practices and documentation to adequately reflect changes, and to raise awareness of any developments as appropriate;
- e. ensure the University's corporate publications and information services, policies and facilities meet the requirements of the [Copyright Act 1968 \(Cth\)](#) and are reviewed and revised periodically and as required respond appropriately to any alleged breaches of the [Copyright Act 1968 \(Cth\)](#) brought to the attention of authorised officers of the University or of which officers become aware.
- f. coordinate the actions required to remove, or disable access to, copyright material specified in notices of claimed copyright infringement in accordance with the UNE Takedown Procedure made under this policy and as indicated in the [Copyright Regulations 2017](#).
- g. coordinate the actions required to restore, or enable access to, copyright material following the issue of a counter-notice, providing that the copyright owner does not notify of a pending court order within the allowable timeframe as indicated in the Copyright regulations 2017.
- h. Where a counter notice is issued, there will be no further avenue for resolution of the matter within the University and the University will act in accordance with any subsequent court orders in relation to any such matter.

(9) UNE Representatives have a responsibility to:

- a. make a reasonable effort to become aware of their rights and obligations in relation to copyright, including moral rights obligations;
- b. adhere to the requirements of the [Copyright Act 1968 \(Cth\)](#) and any licence terms attached to the use or access of third party copyright material, as well as apply any relevant University policies, practices and procedures when using copyright works;
- c. ensure copyright compliance of all copyright material supplied to students enrolled in the unit they manage or offer support for. Guidelines for using copyright material for educational purposes are available on the University's copyright website, and should be read in conjunction with the [Online Learning Resources Policy](#);
- d. not infringe copyright using university equipment or systems, such as using computers and internet access to download or upload infringing material online. Staff obligations when utilising information and communications technology resources at UNE are outlined in the [Information and Communication Technology Facilities and Services Rule](#);
- e. consult with the Legal Office prior to entering into agreements with outside organisations on behalf of the University, particularly when third party copyright material has been used;
- f. report any alleged breaches of copyright to the Copyright Specialist in accordance with the UNE Takedown Procedure made under this policy.

(10) Students have a responsibility to:

- a. read and understand relevant information on the University copyright website;
- b. make a reasonable effort to become aware of their rights and obligations in relation to copyright, including moral rights obligations;
- c. adhere to the requirements of the [Copyright Act 1968 \(Cth\)](#) and any licence terms attached to the use or access of third party copyright material, as well as apply any relevant University policies, practices and procedures when using copyright works;
- d. not infringe copyright using university equipment or systems, such as using computers and internet access to download or upload infringing material online. Students' obligations when utilising information and communications technology resources at UNE are outlined in the [Information and Communication Technology Facilities and Services Rule](#);

- e. report any alleged breaches of copyright to the Copyright Specialist in accordance with the UNE Takedown Procedure made under this policy.

(11) UNE uses copyright material for teaching and learning purposes that it downs, has a licence or permission to use, or uses in reliance of provisions contained in the [Copyright Act 1968 \(Cth\)](#). Any unauthorised use of the third party copyright material by student is prohibited.

## **Part C - Takedown Procedure**

(12) UNE is required to comply with Part 6 of the [Copyright Regulations 2017](#) in meeting its obligations to receive and respond to allegations of copyright infringement by third parties for content hosted on its systems or network.

(13) Content captured under the Takedown Procedure may include copyright works, links or cached copyright material.

(14) The UNE Copyright Specialist is the Designated Representative who is responsible for sending and receiving notices, counter notices and managing claims of copyright infringement. The Designated Representative will follow the notice and takedown procedure prescribed in Part 6 Divisions 4-6 of the [Copyright Regulations 2017](#).

### **Non-compliance**

(15) The University's Copyright Specialist will address copyright risks in the first instance.

(16) The University's Copyright Specialist may seek authority from the Executive Principal Student Journey to audit Schools, Libraries or Centres for compliance with copyright law, University Copyright Policy, and/or licence agreements.

(17) The University's disciplinary procedures may be applied where employees or students fail to comply with this policy or the [Copyright Act 1968 \(Cth\)](#).

(18) Students are entirely responsible for any copyright infringement resulting directly or indirectly from their own actions.

(19) Some breaches of the [Copyright Act 1968 \(Cth\)](#) are criminal offences, attracting heavy fines and terms of imprisonment.

## **Section 2 - Authority and compliance**

### **Authority**

(20) The Vice-Chancellor and Chief Executive Officer (VC&CEO), consistent with the [Vice-Chancellor Functions Rule](#), makes this Policy.

(21) The Policy Steward, Director Library Services and University Librarian, is authorised to make processes and procedures for the effective implementation and operation of this policy, and to publish associated documents and any tool that will assist with compliance.

(22) The Policy Administrator for this Policy is the Director Governance and University Secretary, who is authorised to make minor administrative updates to this policy.

### **Compliance**

(23) UNE Representatives and students must observe the Policy.

(24) This Policy operates as and from the Effective Date.

(25) Previous policies relating to copyright are replaced and have no further operation from the Effective Date of this Policy.

(26) Notwithstanding other provisions of this policy, the VC&CEO may approve an exception to this policy where the VC&CEO determines the application of this policy would otherwise lead to an unfair, unreasonable or absurd outcome. Approvals under this clause must:

- a. be documented in writing;
- b. state the reason for the exception; and
- c. be registered in the approved UNE electronic Records Management System (RMS) in accordance with the [Records Management Rule](#).

## Section 3 - Quality Assurance

(27) The Director Library Services and University Librarian and Copyright Specialist will regularly monitor and report to the VC&CEO on the operation of, and compliance with, this Policy.

## Section 4 - Roles and Responsibilities

Role/Function	Responsibility
Vice-Chancellor and Chief Executive Officer	Approve exceptions to this Policy.
Director Library Services and University Librarian and Copyright Specialist	<ul style="list-style-type: none"><li>• Authorised to make processes and procedures for the effective implementation and operation of this Policy, and to publish associated documents and any other tool that will assist with compliance.</li><li>• Provide information and training to UNE Representatives and students about their copyright rights and responsibilities.</li><li>• Develop, implement, monitor and support systems and processes that facilitate copyright compliance.</li><li>• Ensure the University's corporate publications and information services, policies and facilities meet the requirements of the <a href="#">Copyright Act</a>.</li><li>• Coordinate the actions required to remove or disable access to copyright material specified in notices of claimed copyright infringement in accordance with the UNE Takedown Procedure.</li><li>• Coordinate the actions required to restore or enable access to copyright material following the issue of a counter notice in accordance with the UNE Takedown Procedure.</li></ul>
UNE Web Team	Remove the relevant claimed infringing material from the University IT Facilities.
UNE Representatives	<ul style="list-style-type: none"><li>• Ensure copyright compliance of all copyright material supplied to students enrolled in the unit they manage or offer support for.</li><li>• Report any alleged breaches of copyright to the Copyright Specialist in accordance with the UNE Takedown Procedure made under this Policy.</li></ul>
Students	Report any alleged breaches of copyright to the Copyright Specialist in accordance with the UNE Takedown Procedure made under this Policy.

## Section 5 - Definitions

(28) 'Copyright' is a legal concept that gives the creator of an original work, exclusive rights to exploit the work for a limited time and prevent others from copying the work.

(29) 'Copyright works' and 'third-party copyright material' means works or other subject matter where the copyright is not owned by the University.

(30) 'Moral rights' means the three moral rights granted to the creators of copyright in [Part IX of the Copyright Act 1968 \(Cth\)](#).

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	3rd October 2023
<b>Review Date</b>	3rd October 2025
<b>Approval Authority</b>	Vice-Chancellor and Chief Executive Officer
<b>Approval Date</b>	3rd October 2023
<b>Expiry Date</b>	Not applicable
<b>Unit Head</b>	Ben Conyers Director Library Services and University Librarian
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## Glossary Terms and Definitions

**"UNE Representative"** - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

**"Student"** - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

**"Records Management System (RMS)"** - The University of New England installation of TRIM (Content Manager), or equivalent replacement system, under the control of the Records Management Office.