

Copyright Policy

Section 1 - Preamble

- (1) Charles Darwin University (CDU) respects the rights of knowledge creators and copyright owners.
- (2) The University is committed to meeting its legal and compliance obligations by providing information and education to every student and staff member.
- (3) The University is committed to minimising barriers to access of resources needed for work, study, teaching and research, and supports the creation, remix and use of openly licensed content wherever possible.

Section 2 - Purpose

- (4) This policy outlines the University's expectations regarding the use of copyright content for educational, research and non-commercial purposes and informs and supports members of the University community to maximise the legal use of copyright material while minimising the risk of copyright infringement.

Section 3 - Scope

- (5) This policy applies to all University staff and students and should be read in conjunction with supporting information available on the University Library's copyright web site.

Section 4 - Policy

- (6) The University respects the rights of copyright holders and the obligations of content users under Australian Copyright Law, and in other jurisdictions where the University delivers educational programs.
- (7) The University aims to comply with the provisions of the [Copyright Act 1968](#) and with its other copyright licences and agreements.
- (8) Staff and students must comply with all applicable legal copyright requirements and obligations.
- (9) The University will respond to internal copyright issues and external notifications of alleged copyright infringement.
- (10) The University encourages and supports the legal use of third-party copyright content, either in digital, electronic or print format to enhance its educational, research and community activities.
- (11) The University will actively promote open scholarship and the adoption of creative commons licensing, and can:
 - a. mandate that works created by staff for university educational purposes be published under a Creative Commons open license;
 - b. recommend a default Creative Commons licence for research outputs; and
 - c. recommend a default Creative Commons licence for student thesis.

(12) The University will mandate systems where copyright content must be housed and define procedures to ensure compliance and reporting obligations can be met and safe harbours protections can be relied on.

(13) The University will mandate how data pertaining to the communication, reproduction and use of copyright materials is to be collected and made available to meet reporting and compliance requirements.

Specific Legal Obligations

(14) University staff must comply with all copyright licenses such as those negotiated between Universities Australia and copyright collecting societies, those negotiated with commercial suppliers and those made directly with copyright owners including:

- a. the Section 113P statutory licence for the reproduction and communication of:
 - i. television and radio broadcasts licensed between the University and the Screenrights copyright collecting society (formerly Part VA in the [Copyright Act 1968](#)); and
 - ii. text and artistic works licensed between the University and the Copyright Agency Limited copyright collecting society (formerly Part VB in the [Copyright Act 1968](#)).
- b. Tertiary Music Licence:
 - i. is a commercial agreement negotiated between Universities Australia and the following music societies, Australasian Mechanical Copyright Owners Society (AMCOS), Australasian Performing Right Association Ltd. (APRA), Australian Record Industry Association (ARIA), and Phonographic Performance Company of Australia (PPCA);
 - ii. allows for the use of sound recordings for Music-On-Hold on telephones; and
 - iii. allows for copying and communication of music for university purposes including teaching and research purposes and university events.
- c. License agreements between the university and copyright owners include:
 - i. information resources licensing agreements e.g. those negotiated by the University Library;
 - ii. vocational Education and Training training package agreements;
 - iii. individual agreements with copyright owners; and
 - iv. creative commons and other openly published licenses.

Section 5 - Definitions

(15) For the purpose of this policy and procedures the following definitions apply:

- a. Artistic works refers to paintings, sculptures, graphics, cartoons, etchings, lithographs, photos, images, drawings, plans, maps, diagrams, charts, models of buildings and illustrations.
- b. Communication refers to making third-party copyright content online for CDU educational purposes.
- c. Copyright refers to the exclusive rights of reproduction, communication and performance granted by the [Copyright Act 1968](#) to the copyright holders of literary, dramatic works, musical, artistic works and other subject matter such as films, videos, sound recordings and broadcasts.
- d. Copyright holder refers to the person, group or organization that holds the copyright for the material.
- e. Creative Commons refers to a world-wide scheme that provides copyright owners with a free mechanism to licence their materials so others can share, reuse and remix their material legally.
- f. Disability is defined as 'a disability that causes the person difficulty in reading, viewing, hearing or comprehending copyright material in a particular form'. This would include students with vision impairment, students who are unable to hold or manipulate books, students with an intellectual disability and students with general learning difficulties such as dyslexia.

- g. External Digital Platforms and Services refers to digital services not managed by the University e.g. YouTube, Vimeo, social media sites.
- h. Fair Dealing refers to provisions in the [Copyright Act 1968](#), which cover copying for (personal) research or study, criticism or review, reporting the news, parody and satire, and purposes related to judicial proceedings.
- i. "Insubstantial" portion refers to the [Copyright Act 1968](#) and allows the University to make multiple copies of and to communicate an 'insubstantial' portion of a literary or dramatic work for educational purposes. The amount of a work that is deemed insubstantial is not explicitly defined in the [Copyright Act 1968](#). The general test for what would be deemed insubstantial is that the intended use of the amount copied would not unreasonably prejudice the legitimate interests of the copyright owner.
- j. Live streaming is sending video and audio signals in real time over the internet.
- k. Other jurisdictions refers to the copyright laws of other countries where the University delivers educational programs.
- l. Reproduction refers to making copies of third-party copyright content.
- m. Statutory licences: Section 113P in the [Copyright Act 1968](#) allows the copying and communication of copyright material by educational institutions. This section replaces the previous Part VA and VB provisions and came into effect 1st January 2019.
- n. Text works include textbooks, eBooks, worksheets, newspapers, magazines, novels, journals and material from online/websites.
- o. Third party copyright content refers to copyright content not owned by the University.
- p. The Learning Management System refers to the university systems provided to support online classrooms and associated activity.
- q. "No Known Copyright Restrictions" may indicate that:
 - i. the copyright of the content has expired;
 - ii. the content has been placed in the public domain;
 - iii. the Copyright holder is not interested in exercising control over the content; or
 - iv. the Copyright holder has authorised others to use the work without restrictions.

Section 6 - Non-compliance

(16) Non-compliance with Governance Documents is considered a breach of the [Code of Conduct - Staff](#) or [Code of Conduct - Students](#), as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures.

(17) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Governance Framework, [Fraud and Corruption Control Policy](#) and [Whistleblower Reporting \(Improper Conduct\) Procedure](#).

Status and Details

Status	Historic
Effective Date	15th January 2022
Review Date	30th November 2022
Approval Authority	Vice-Chancellor
Approval Date	1st December 2021
Expiry Date	16th April 2023
Responsible Executive	Louise King Provost
Implementation Officer	Bernadette Royal Director Library Services
Enquiries Contact	Bernadette Royal Director Library Services <hr/> Library Services