Copyright Policy

Section 1 - Preamble

(1) Charles Darwin University (‘the University’, ‘CDU’) respects the rights of knowledge creators and copyright owners.

(2) The University is committed to supporting access to resources needed for work, study, teaching and research, and supports the creation, remix and use of openly licensed content wherever possible.

(3) The University is committed to meeting its legal and compliance obligations by informing and educating every student and staff member about copyright requirements.

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 the Copyright Procedure and the supporting information available on the CDU Library copyright website.

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) Staff and students must 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 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 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 licence;
b. recommend a default Creative Commons licence for research outputs; and
c. recommend a default Creative Commons licence for student theses.

(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) Staff and students must comply with all copyright licences 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; and
    ii. text works and artistic works licensed between the University and the Copyright Agency Limited copyright collecting society.
b. the Tertiary Music Licence for the use of:
    i. sound recordings for Music-On-Hold on telephones; and
    ii. music for university purposes including teaching and research purposes and university events.
c. licensing agreements between the university and copyright owners including:
    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 licences.

Section 5 - Non-Compliance

(15) Non-compliance with Governance Documents is considered a breach of the Code of Conduct – Staff or the 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 outlined in the Charles Darwin University and Union Enterprise Agreement 2025 and the Code of Conduct – Students.

(16) Complaints may be raised in accordance with the Complaints and Grievance Policy and Procedure - Employees and Complaints Policy - Students.

(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 Policy and Whistleblower Reporting (Improper Conduct) Procedure.

Status and Details

Status	Historic
Effective Date	17th April 2023
Review Date	17th April 2026
Approval Authority	Vice-Chancellor
Approval Date	14th April 2023
Expiry Date	2nd September 2026
Responsible Executive	Bernadette Royal Director Library Services
Implementation Officer	Bernadette Royal Director Library Services
Enquiries Contact	Bernadette Royal Director Library Services Library Services

Glossary Terms and Definitions

"Artistic works" - Refers to paintings, sculptures, graphics, cartoons, etchings, lithographs, photos, images, drawings, plans, maps, diagrams, charts, models of buildings and illustrations.

"Communication" - In copyright context refers to making third-party copyright content online for CDU educational purposes.

"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.

"Copyright Holder" - The person, group or organization that holds the copyright for the material.

"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.

"Other jurisdictions" - Refers to the copyright laws of other countries where the University delivers educational programs.

"Text works" - Includes textbooks, eBooks, worksheets, newspapers, magazines, novels, journals and material from online/websites.

"Reproduction" - refers to making copies of third-party copyright content.

"Third-party copyright content" - Refers to copyright content not owned by the University.

"Statutory licence" - Section 113P in the Copyright Act 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.