

Copyright Policy and Procedure

1. Purpose

The purpose of this policy and procedure is to:

- outline the responsibilities of the Institute for centrally managing copyright compliance, and for staff in the reproduction and communication of copyright material as teaching and learning materials and research,
- provide a central and clear statement to staff and students of their compliance obligations with respect to copyright,
- promote the effective use of information resources by the Institute community, and
- ensure that Institute staff observe the law relating to copyright and abide by contractual commitments.

2. Scope

This policy and procedure applies to all Institute staff, students, and visitors as users of third-party copyright material.

This policy and procedure is intended to amplify and expand upon the principles contained within the MIT *Responsible Conduct of Research Policy* regarding the production of copyright material by the Institute and its staff.

3. Definitions

The Act:	The <i>Copyright Act 1968</i> (Cth).
Authorised User:	All staff, students, and other users who are authorised by the Institute to use its systems or network to access the Internet.
CAL:	Copyright Agency Limited - administers Part VB of the <i>Act</i> , print and graphic licence.
Communication:	To make available on-line or electronically transmit to staff and students of MIT. Such communication explicitly excludes individuals who are neither staff nor students and entities that are not constituent parts of the Institute.

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Commercial Licence	Written commercial agreement between the Institute and the copyright owner (eg publisher/software company) setting out the terms under which the product/material may be used and the terms of remuneration. Commercial licences usually pertain to multiple items of copyright material that have been packaged together as a commercial product, eg journal databases, software.
Copying Limits:	The quantity of copying allowed, as defined by the Copyright Act.
Copyright Regulations:	Is a reference to Regulations made under the Copyright Act.
Digital Agenda:	<i>Copyright Amendment (Digital Agenda) 2000.</i>
Educational purposes:	includes the following, but is not limited to: <ul style="list-style-type: none"> ▪ material used for teaching of students; ▪ copying / communicating to students as part of a course of study; ▪ a copy retained by the library (or a staff member) as a teaching resource; ▪ the administration of students and units and ▪ research.
Head Librarian:	The senior library staff member at each Institute Campus.
Part VA:	of the Copyright Act, which provides the Institute with an Audio- Visual statutory licence.
Part VB:	of the Copyright Act, which provides the Institute with a Print and Graphic statutory licence.
Research:	Is original investigation to gain knowledge, understanding and insight (as per the definition contained in the <i>MIT Code for the Responsible Conduct of Research</i>). This research may include systematic investigations undertaken to improve the Institute’s own functioning in teaching, research and administration.
Restricted Access:	Access to staff and students of the Institute only.
Screen rights:	Screen rights – administers the Part VA of the Act, audio-visual licence.

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The Schedule:	Means the Schedule annexed to this policy and procedure, being: Notices.
Software:	Computer instructions or data, which are stored electronically.
Staff:	Means all fixed term, casual and continuing staff, trainees, interns and work experience staff; and includes the Chief Executive Officer (CEO) and members of the Institute’s Executive Management Team.
Statutory Licence:	The licence contained in the <i>Copyright Act 1968</i> (Cth) whereby educational institutions are permitted to reproduce and communicate certain amounts of print and graphic or broadcast material for educational purposes.
Student:	Means to include the following: <ul style="list-style-type: none"> ▪ A person enrolled in a course or unit with the Institute; ▪ A student of another higher education institution to whom the Institute has granted right of access to Institute premises and facilities; ▪ a person who was a student at the time the alleged breach occurred; ▪ a person who is on leave of absence from or who has deferred enrolment in a unit or course at the Institute; ▪ a person designated a student by the Institute Board of Directors.

4. Policy Statement

- 4.1. As both an owner and a user of material protected by copyright, the Institute shall endeavour to ensure that its rights as an owner of copyright are appropriately protected and managed and that the rights of others are not infringed.
- 4.2. The use of the Institute’s computing and communications facilities for any purpose that would breach copyright is forbidden.
- 4.3. The use of the Institute’s equipment to download, copy, compress, host, store, transfer or redistribute copyright digital media, including and not limited to images, music, film, software, electronic games, and electronic publications from commercial and online storage devices, in any format (CD, DVD, mp3, mp4, pdf, ePub, etc.), without the permission of the copyright owner or ability to rely on the Institute licence agreements, is forbidden.

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- 4.4. A breach of this policy and procedure may result in disciplinary action.
- 4.5. The Schedule- Notices will prescribe the placement of notices near equipment that can be used to copy and/or communicate copyright material.

5. Procedure

- 5.1. The Institute and its staff and students are authorised to use certain copyright material in accordance with the following conditions:

Authority	Conditions	Responsibility
Statutory Licences	<p>Australian <i>Copyright Act 1968</i> (Cth) (the Act) provides statutory licences (Part VA and Part VB) that allow the copying and communication of works and broadcasts by educational and other institutions. The Institute will entered into an agreement with the relevant collecting societies such as Copyright Agency Limited (CAL) for the use of copyright material under the terms of the statutory licences.</p> <p>The making of multiple copies of materials for the 'educational purposes' of the Institute, is not transferable to third parties.</p> <p>Sampling exercises provide information on copying and communication undertaken under the statutory licences in nominated areas of the Institute during periodic sampling periods.</p>	<p>Staff and students must comply with licence conditions and cooperate with sampling exercises.</p> <p>Copies of the agreements, and guidelines for their use, are available from the MIT Library upon request.</p>
Copying and communication limits -Under Part VB of the Act	A 'reasonable portion' of a text- based (print and graphic copying and communication) copyright work can be copied or communicated for educational purposes.	Staff and students should be familiar with the definition of a 'reasonable portion'
Under Part VA of the Act	Images in electronic form may be copied and communicated in their entirety for educational purposes, subject to compliance with certain requirements.	

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Copyright notices and labels	Prescribed notices and labels must be distributed and displayed with copyright material copied or communicated under the licences. Staff must attach the appropriate prescribed notices when copying or communicating copyright material under the statutory licences. See the Schedule- Notices.	The Institute will display copyright-warning notices at all relevant locations and copying machines.
Commercial agreements- Databases Audio-visual Licences	<p>The Institute enters into a number of commercial arrangements for access to third party copyright material contained in online databases subject to certain conditions.</p> <p>Intellectual Property and authentication protocols allow staff and students to download or print the full text of an article or book chapter for their own personal research or study.</p> <p>Agreements with publishers and vendors for the provision of access to a wide range of academic journals and professional information maintained in electronic databases.</p>	<p>Staff and students must comply with licence conditions and cooperate with sampling exercises.</p> <p>Copies of the agreements, and guidelines for their use, are available from the MIT Library upon request.</p>
Computer software	<p>Individual licence agreements with publishers or vendors govern access and use of this material.</p> <p>Audio-visual licences permit staff and students to perform, copy, or communicate copyright audio-visual works such as sound recordings and cinematographic films for educational purposes and for Institute events subject to certain conditions.</p> <p>Access to computer software is available under commercial licence agreements and is protected as a literary work under the Act.</p>	

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Direct agreement with the copyright owner	With permission from the owner of copyright material, access is available as authorised.	Where permission is gained directly from the owner of copyright material, the user must keep written records (lodged with the Library for central recordkeeping).
Institute-owned copyright	Copyright material produced by Institute staff and students is subject to the MIT Intellectual Property Policy and the relevant staff employment contract.	Where copyright material owned by a third party is embedded in teaching materials further use of the material remains subject to the Act.

5.2. Period of Copyright Protection

- 5.2.1. Copyright protection periods are different for different types of material. The period of protection depends on whether the material was first published or produced before or after 1 May 1969 (the date which the current Act came into force).
- 5.2.2. In general, copyright for literary, dramatic, artistic, and music works last for the life of the author plus 70 years, with certain exceptions.
- 5.2.3. A comprehensive list of protection periods can be found at the Australian Copyright Council website. <http://www.copyright.org.au>

6. Responsibilities

6.1. The Campus Directors, MIT Melbourne and Sydney are responsible for:

- overall Copyright compliance (supported by the nominated Librarian); and
- acting as the central point of contact for all audits and surveys conducted for or by the various collecting societies.

6.2. The nominated Librarian is responsible for:

- the management of copyright within the Institute and is the first point of contact for assistance with copyright issues;
- ensuring that MIT Libraries comply with all aspects of the *Copyright Act 1968*, in particular the sections regarding "Copying of works in libraries or archives";

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- online database license agreements; and
 - procedures to ensure that any requests for photocopying or electronic document delivery done on behalf of staff or students is carried out within the limits of the legislation, and includes the relevant Copyright Declaration Forms and Notices.
- 6.3. The Institute may, with the approval of the Executive Management Team, enter into agreements with respect to the Institute copyright assets.
- 6.4. The IT System Administrator or their nominee, in consultation with the Head Librarian or other relevant senior executive(s), is responsible for:
- the use of the Institute computer systems for downloading or transmitting material, which infringes copyright, which is strictly prohibited. IT may be called upon to monitor and /or provide details of individual students or staff whose computer usage indicates infringing activity.
 - imposing conditions on access to the Institute network, systems and databases, in order to comply with the provisions of the *Copyright Act 1968* and / or the terms and conditions of its contractual arrangements with information providers and software distributors.
 - provision of the Institute designated Learning Management Systems (LMS), which enables academics to create web-based courses and units. However, responsibility for the content rests with the Course Coordinator or individual academics responsible for uploading content.
- 6.5. The MIT System Developer Team is responsible for:
- the centralised management and recording of the online communication of resources by staff;
 - the overall compliance of the Institute internet web presence. However, relevant staff of various operational units are responsible for ensuring the copyright compliance of content uploaded onto Institute web pages.
- 6.6. Copyright compliance is the responsibility of each individual staff member, student or other authorised user. Under the definition of materials (works) which are protected by the *Copyright Act 1968* (Cth), all original works created by staff and students on behalf of the Melbourne Institute of Technology are automatically granted copyright protection. On documentation, the copyright symbol must be followed by the name of the Institute as copyright owner and the year of first publication e.g. © Melbourne Institute of Technology, 2000.

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6.7. Academic staff are responsible for checking and confirming the copyright compliance of resources used within their teaching materials in each trimester of offering. If the academic staff member is not the original developer of the material, or is assigned the role without involvement in the pre-trimester materials preparation or revision, it is their responsibility to check with the unit developer or Head of School for assurance that copyright compliance has been addressed.

6.8. All staff are responsible for:

- developing their own knowledge and understanding of the relevant requirements of the *Copyright Act 1968* (Cth);
- complying with the terms and conditions of any licence agreements which the Institute has entered into with collecting agencies or information providers;
- ensuring that any content downloaded from the internet or uploaded to personal websites which are hosted on any Institute servers do not infringe copyright - see also *MITs Resource Allocation Users - Policies and Procedures (RAUPP)*;
- ensuring that they do not instruct, authorise or condone any infringement of the Act by students, other staff or visitors to the Institute; and
- not making multiple copies or resources for distribution to students from online databases subscribed to by the library without first consulting with the library to determine the terms and conditions of individual license agreements. Staff should consider directing students to access any required readings themselves through the library's online resources (i.e. providing a link to the resource).

6.9. Students can make a copy of a "reasonable portion" of copyright material under the Fair Dealing provisions in the Copyright Act, for the purposes of research or study. Students are responsible for consulting the guidelines on the Copyright website to gain a better understanding of the amounts and uses considered to be "fair".

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7. Implementation and communication

This policy and procedure will be implemented and communicated through the Institute via:

- Announcement on the Institute’s website;
- Internal circulation to staff;
- Staff professional development;
- Student orientation programs;
- Student handbook.

Supporting documents and References

[Copyright Act 1968 \(Cth\)](#)

Responsible Conduct of Research Policy and

Procedures Staff Code of Conduct Policy

Student Charter

Student General Misconduct Policy and

Procedure Quick Guide to Copyright for Academic

Staff

Resource Allocation Users - Policies and Procedures

(RAUPP) Intellectual Property Policy and Procedure

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The Schedule- Notices

The Institute is required to have notices in place on or near equipment that can be used to copy and/or communicate copyright material. The Head Librarian must ensure that these notices are appropriately placed.

1. Hard-copy copying - Section 39A Notice

- 1.1. This is a standard copyright notice, which provides legal protection in the event that staff or students infringe copyright (in non audio-visual materials) using equipment supplied by the Institute.
- 1.2. The Head Librarian in consultation with the IT System Administrator must ensure that these notices are attached to or near photocopiers, scanners, PCs and any other equipment that is capable of copying in the print medium.

Note: the law requires that the following notice be A4 in size (297mm by 210mm).

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COMMONWEALTH OF AUSTRALIA

Copyright Regulations WARNING

Copyright owners are entitled to take legal action against persons who infringe their copyright. A reproduction of material that is protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including:

A reproduction that is a fair dealing under the Copyright Act 1968 (the Act), including a fair dealing for the purposes of research or study; or
A reproduction that is authorised by the copyright owner.

It is a fair dealing to make a reproduction for the purposes of research or study, of one or more articles on the same subject in a periodical publication, or, in the case of any other work, of a reasonable portion of a work.

In the case of a published work in hardcopy form that is not less than 10 pages and is not an artistic work, 10% of the number of pages, or one chapter, is a reasonable portion.

In the case of a published work in electronic form only, a reasonable portion is not more than, in the aggregate, 10% of the number of words in the work.

More extensive reproduction may constitute fair dealing. To determine whether it does, it is necessary to have regard to the criteria set out in the subsection 40(2) of the Act.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

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- 1.3.** If a machine can also copy audio-visual material (e.g. a PC which can be used to download images, text, films and recorded music), both the s.39A notice and the s.104B notice must be displayed together.

2. Audio-visual copying – Section 104B Notice

The Digital Agenda Amendment Act provides for a notice to give legal protection to MIT in case staff or students infringe copyright in audio-visual material (such as films or recorded music). The Head Librarian in consultation with the IT System Administrator must ensure that the s.104B notice is displayed in the vicinity of, or attached to, any machine that can copy audio-visual material e.g. personal computers (PCs), or DVD writers.

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COMMONWEALTH OF AUSTRALIA

Copyright Regulations 1969

Schedule 9 (Regulations 17A) WARNING

Copyright owners are entitled to take legal action against persons who infringe their copyright. Unless otherwise permitted by the Copyright Act 1968 (the Act), unauthorised use of audio-visual items in which copyright subsists may infringe copyright in that item.

It is not an infringement of copyright in an audio-visual item to use that item in a manner that is a fair dealing under section 103C of the Act. Section 103C of the Act relates to fair dealing for the purpose of research or study and sets out the matters that must be considered in determining whether a reproduction of an audio-visual item is a fair dealing.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

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3. Other Electronic Communication.

For electronic communication by means such as the web, power-point or email, the following conditions must be complied with:

- 3.1. Each electronic or digital copy and/or communication MUST contain the following electronic notice:

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Copyright Regulation 1969 WARNING

This material has been copied and communicated to you by or on behalf of Melbourne Institute of Technology pursuant to Part VB of the Copyright Act 1968 (the Act).

The material in this communication may be subject to copyright under the Act. Any further copying or communication of this material by you may be the subject of copyright protection under the Act.

Do not remove this notice.

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- 3.2. The Executive Dean or their nominee in consultation with the IT System Administrator must ensure the above notice must appear either before or at the same time as the material being communicated appears on the screen.
- 3.3. The Institute must ensure that access to copyright material made available electronically in reliance on Part VB is restricted to staff and students entitled to receive it - access must not be available to anybody else.
- 3.4. The copying and communication limits as described in the 'Quick Guide to Copyright for Academic Staff' must be complied with.

4. Part VB Statutory License

4.1. Print and Graphic Copyright and Communication - Multiple Copies Made Under License for Educational Purposes

Part VB of the Act imposes restrictions on what can be copied. The Act permits MIT to make multiple copies of materials for the 'educational purposes' of MIT, which could not otherwise be legally copied. The protection against infringement afforded by Part VB will be lost if the copy is, with the consent of MIT, used for a purpose other than the educational purposes of the institution, made, sold, or otherwise supplied for a financial profit; or to an educational institution which does not at that time have a remuneration notice in force.

4.2. Online (Web) Communication related to Teaching and Learning

- 4.2.1. Web sites hosted by the Institute and maintained by staff and hot-linked to web sites must not be used to communicate copyright material under the Institute's Part VB statutory licence. No material for teaching purposes (e.g.: unit descriptions / outlines / other documents) may be communicated from a personal web address provided by a commercial internet service provider (e.g.: Yahoo, Bigpond. etc.).
- 4.2.2. Online (web) communication of copyright material under the Institute's Part VB statutory licence must be arranged via the Learning Management System (i.e.: Moodle).
- 4.2.3. Material copied into electronic format may only be available online for 12-calendar months, at which stage it must be taken down for 7 days before made available via the Web.

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