

# Copyright Policy

## Section 1 - Purpose and Context

- (1) Western Sydney University, as both a creator and user of copyright content, is committed to ensuring that all staff and students meet the legal and compliance obligations imposed by the [Copyright Act, 1968](#) and all current copyright licence agreements which the University is a signatory to.
- (2) This policy explains the University's expectations regarding the use of third party copyright content for educational, research and non-commercial purposes. It contains procedures and guidelines to inform and support staff, students and other members of the University community in minimising the risk of copyright infringement.
- (3) Australian Copyright Law is contained in the [Copyright Act 1968 \(Cth\)](#).
- (4) Australian Copyright Law is affected by court decisions, Government reviews, International Treaties and Free Trade Agreements.
- (5) This policy applies to all University staff and students and should be read in conjunction with supporting information available on the [Copyright webpages](#) of the University Library's web site, the [Code of Conduct](#), [Compliance Policy](#), [Intellectual Property Policy](#), [IT Acceptable Use of Resources Policy](#), [Learning Technologies Policy](#), [Learning and Teaching Procedures - Multimedia Production and Use](#), [Privacy Policy](#), [Social Media Guidelines For Staff](#), [Student Code of Conduct](#), [Student Misconduct Rule](#), and [Web Policy](#).

## Section 2 - Definitions

- (6) For the purpose of this policy 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 posting third party copyright content online via vUWS for 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 free licences allowing them to share, reuse and remix their material, legally.
  - f. External Digital Platforms and Services refers to digital services not managed by the University e.g. YouTube, Vimeo, social media sites.
  - g. Fair Dealing refers to provisions in the Copyright Act, which cover copying for (personal) research or study, criticism or review, reporting the news, parody and satire, and purposes related to judicial proceedings.
  - h. "Insubstantial" portion refers to Sections 135ZG and 135ZMB of the Copyright Act and allows the University to make multiple copies of and to communicate an 'insubstantial' portion of a literary or dramatic work for educational purposes. It is defined as one or two pages of a literary or dramatic work which is in hardcopy form, or no more than one percent of the total number of pages in a literary, dramatic or notated musical work if

there are more than 200 pages, or no more than one per cent of the words in a literary work if in an electronic work.

- i. Live streaming is sending video and audio signals in real time over the internet.
- j. No known copyright restrictions refer to content where the copyright has expired or the copyright holder authorise others to use the work without restrictions.
- k. Other jurisdictions refers to the Copyright Laws of other countries where the University delivers educational programs.
- l. Part VA Statutory Licence relates to the copying and communication of broadcasts.
- m. Part VB Statutory Licence relates to the reproduction and communication of text and artistic works.
- n. Reproduction refers to making copies of third party copyright content.
- o. Statutory Licences: Part VA and Part VB in the Copyright Act which allows the copying and communication of copyright material by educational institutions.
- p. Third Party Copyright Content refers to copyright content not owned by the University.
- q. vUWS refers to the learning management system at the University.

## Section 3 - Policy Statement

(7) The University aims to conduct its educational, learning, research and non-commercial activities in a manner that is compliant with the provisions of the [Copyright Act, 1968](#) (the Act) and other copyright licence agreements currently in force.

(8) The University respects copyright law, 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.

(9) 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 non-commercial activities.

(10) Staff and students must comply with all applicable legal requirements and obligations pertaining to copyright.

(11) The University will respond to internal copyright issues and external notifications of alleged copyright infringement.

### Specific Legal Obligations

(12) University staff must comply with the licenses, negotiated between Universities Australia and Copyright Collecting Societies:

- a. Statutory Licenses:
  - i. The Part VB licence:
  - ii. Part VA licence
- b. Commercial Music Licence:
  - i. The Music Licence 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. The Music Licence allows for the use of sound recordings at University events and for Music-On-Hold used on telephones.
  - iii. The Music Licence allows for copying and communication of sound recordings for educational and teaching purposes.

# Section 4 - Procedures

## Minimising the Risk of Copyright Infringement

(13) University staff and students must ensure that the risk of copyright infringement is minimised by:

- a. ensuring that any copying made under Fair Dealing for the purposes of research, study, criticism, review, parody or satire is fair and is limited to the amounts indicated in the Act;
- b. not using University equipment, facilities, digital platforms and services for purposes that infringe or increase the risk of copyright infringement;
- c. not storing content containing third party copyright content, especially Part VA, Part VB, commercial Music Licence and Section 200AB content on external non University digital platforms and services such as social Media, unless the content is original, covered by a Creative Commons Licence, and/or has no known copyright restrictions;
- d. acting on the University's advice to minimise the risk of copyright infringement;

(14) The University adopts an educative approach to copyright through the provision of support services and materials that inform practice for both staff and students.

(15) The procedures to use third party copyright content in vUWS for educational and instructional purposes are set out in the [Copyright webpages](#) posted on the University Library's web site.

(16) The procedures are designed to assist staff to use third party copyright content which are covered by:

- a. the main Statutory Licences, Part VA and Part VB
- b. the Commercial Music Licence
- c. Section 28 and Section 200AB of the Copyright Act.
- d. Fair Dealing Provisions
- e. Moral Rights Provisions
- f. The Statutory Licence for Students with a Print Disability
- g. Electronic Copyright Notices.

(17) These procedures are designed to also assist staff when:

- a. Designing podcasts for Western Sydney University Students
- b. Designing podcasts for publicly available Digital Platforms and Services
- c. Pre-recording and recording lectures
- d. Using Audio-Visual content from YouTube, other Digital Services/Platforms and Commercial DVDs
- e. Managing copyright infringements.

## Using Text and Artistic Works in vUWS - Part VB Statutory Licence

(18) The Part VB Statutory Licence is known as the CAL Licence. The [Copyright Agency](#) appointed by the Australian Government manages the Licence, and negotiates with Universities Australia about the details of the Licence to reproduce and communicate text and artistic works.

(19) The University Library provides centralized storage for all Part VB scanned book and print journal readings required to be accessed by students via vUWS during a session.

(20) Content listed below must be lodged for placement in the University Library's Readings Direct Service:

- a. One Book chapter or 10% of the total pages of a book, whichever is greater.
- b. One article from a single hardcopy journal issue that requires digitisation
- c. Two or more articles on the same subject matter from a single print or web based journal.
- d. Ten percent of the words from a Web site. It is advisable to provide a URL to a web site
- e. Downloaded PDFs of content available via the University Library's online resources.
- f. If you require more than 10% of a book, please contact the University Copyright Officer for advice.

(21) Artistic works from print, electronic and Internet sources can be used in PowerPoints, Lecture Notes, Learning Guides and other Learning Resources. Artistic works are paintings, sculptures, graphics, cartoons, etchings, lithographs, photos, images, drawings, plans, maps, diagrams, charts, models of buildings and illustrations.

(22) Artistic works must be appropriately attributed if their source is known.

(23) Files containing artistic works must have the Statutory Part VB Electronic Copyright Notice attached at the beginning of the file or as a Gateway to content.

(24) No Part VB content must be uploaded on external Digital Platforms and Services.

### **Using Text and Artistic Works for Printed Course Readers - Part VB Statutory Licence**

(25) Printed Course Readers containing book chapters, articles, images, lecture notes and other printed learning content, are governed by the Part VB Statutory Licence.

(26) The limits for copying imposed by the licence are:

- a. Books - one chapter or 10% of the total pages, whichever is the greater.
- b. Hardcopy journals and magazines, including newspapers - one article from an issue or two or more where they are on the same subject matter.
- c. No more than 10% of the words or pages of a website.
- d. Separately published works made available through a website, such as reports are treated as individual works and subject to the chapter or 10% rule.
- e. Artistic works from hardcopy and web sources.

### **Using Radio, Television, Cable and Satellite Broadcasts for Educational Purposes in vUWS, Part VA Statutory Licence**

(27) The Part VA Statutory Licence is known as the Screenrights Licence. The collecting agency Screenrights appointed by the Australian Government manages the Licence, and negotiates with Universities Australia about the details of the Licence.

(28) The Part VA Statutory Licence allows recording of copies of anything broadcast on radio or television, including cable TV and then conversion into Digital files for educational purposes.

(29) Broadcasts made available on the Broadcaster's web site such as broadcasts posted by the ABC, SBS, Channels 7, 9, 10 and Cable TV Channels to their web sites can be copied and communicated for the educational purposes of the University via vUWS.

(30) Part VA content can be uploaded directly to vUWS.

(31) Copies of broadcasts can be shown and captured in lectures or tutorials, and can be uploaded directly to vUWS with the Statutory Part VA Electronic Copyright Notice placed at the beginning of the content.

(32) Broadcasts can be recorded or pre-recorded.

(33) Compilations of Broadcasts can be made.

(34) Part VA Broadcasts are available via the Library and can be copied and communicated.

(35) Part VA content must not be stored in digital platforms external to the University e.g. YouTube.

### **Using Sound Recordings in vUWS, Commercial Music Licence**

(36) Universities Australia has entered into an agreement with 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 \(PPCA\)](#).

(37) The music licence agreement covers the copying and communication of sound recordings for educational purposes.

(38) Using sound recordings in vUWS require a Music Copyright notice and appropriate attribution.

### **Showing Copyrighted content in lectures, tutorials and other educational learning spaces Section 28, Copyright Act**

(39) Section 28 allows the showing (the performance) of Copyright content including Broadcast Content, Commercial and Borrowed Films and DVDs in lectures, tutorials, workshops, seminars and other University spaces for educational instruction.

(40) Section 28 also allows the showing of copyright content via live streaming to enrolled students.

(41) Section 28 does not allow the copying of commercially purchased and hired audio-visual material.

### **Section 200AB, Copyright Act, A Special Case or Flexible Dealing Exception: Using Section 200AB Content in vUWS**

(42) The Flexible Dealing Exception, Section 200AB, allows universities to make limited use of copyright content for educational instruction.

(43) Section 200AB can be used for downloaded video clips, reformatting Video cassettes and other copyright content.

(44) A proposed use of copyright content would be a "flexible dealing" under s200AB if the use of content:

- a. Is not covered by the statutory licences, Part VA or Part VB, the Commercial Music Licence, or another statutory exception such as Section 28.
- b. Is for a particular instructional purpose.
- c. Is for a special case.
- d. Is not for the purpose of the University obtaining a profit or a commercial advantage. Charging on a cost-recovery basis is acceptable.
- e. Does not conflict with the normal exploitation of the copyright content.
- f. Must not unreasonably prejudice the copyright owner, if a licence for the proposed use can be purchased or obtained.
- g. Is only made available on the University's password protected vUWS, and only for the students involved in the educational instruction.

## **Pre-recording and Recording Lectures**

(45) Copyrighted Content that can be pre-recorded or recorded during a lecture:

- a. Your own creative original work.
- b. University owned Copyright Content.
- c. Music Licence Sound Recordings.
- d. Part VA TV, Cable, Satellite and Radio Broadcast Content, including content from the Library e.g. EduTV.
- e. Part VB Readings processed by the Library.
- f. Part VB artistic works from hardcopy, electronic and Web sources.
- g. "Insubstantial" portion of a literary or dramatic work
- h. Section 200AB Content.
- i. Creative Commons Licenced and Open Educational Resource Content.
- j. Free of Copyright restrictions and Public Domain Content

## **Students with Print Accessibility Requirements**

(46) The University can copy or communicate a literary or dramatic work for the purpose of assisting a person with print accessibility requirements.

(47) Part VB, Copyright Act provides a special Statutory Licence that allows institutions to copy and communicate material to assist a person with print accessibility requirements.

- a. Section 135ZP allows the University
  - i. to make a sound recording of a work in order to assist those with print disabilities;
  - ii. to copy or communicate the whole or part of a literary or dramatic work by making and/or communicating a Braille version, a large-print version, a photographic version or an electronic version of the work in certain circumstances.
- b. Section 135ZQ, Copyright Act 1968 allows the university to make a "relevant reproduction" or "relevant communication" of the whole or part of a work for the sole purpose of making a Braille version, a large-print version, a photographic version or an electronic version for the purpose of assisting those with a print disability.

## **Designing Podcasts for Students**

(48) Podcasts made for the educational purposes of the University must be placed in vUWS if the podcasts contain:

- a. Music Licence Sound Recordings
- b. Part VA TV Broadcast Content
- c. URLs to Readings processed by the Library's Reading Direct Service
- d. Insubstantial portions of a literary work-usually 1% of the total pages of a book
- e. Stable URLs to content in the Library e-Resources such as EduTV, TVNews and Alexander Street Collections
- f. Part VB artistic works from hardcopy, electronic sources
- g. Section 200AB Content.

(49) Content that can be used in designing podcasts for students are:

- a. Your own creative original work
- b. Your Team's creative original work
- c. University owned Copyright Content

- d. URLs to websites
- e. Creative Commons Content
- f. Open Access content
- g. Open Educational Resources content
- h. Free of Copyright restrictions content
- i. Public Domain Content
- j. The Copyright Holder has given permission to use their content in the podcast.

(50) Podcasts for students containing Part VA, Part VB, Section 200AB and the Commercial Music Licence content must only be posted and made available for enrolled students studying the content via vUWS or on a password protected University webpage.

(51) A Combined Copyright Notice must be placed at the beginning of the podcast content.

(52) Such podcasts must not be posted to, made available from and stored in Digital Platforms and Services not owned by the University.

### **Designing Podcasts for External Digital Platforms and Services**

(53) This content can be used in designing publicly available podcasts for YouTube or other similar Digital Platforms and Services:

- a. Your own creative original work
- b. Your team's creative original work
- c. University owned Copyright Content
- d. URLs to websites
- e. Creative Commons Content
- f. Open Access Content
- g. Free of Copyright restrictions Content
- h. Public Domain Content
- i. Open Education Resources Content
- j. The Copyright Holder has given permission to use their content in a publicly available web site.

(54) Podcasts for students containing Part VA, Part VB, Section 200AB and the Commercial Music Licence content must only be posted and made available for enrolled students studying the content via vUWS or a secure password protected University webpage.

### **Using Audio-Visual content from Digital Platforms/Services and Commercial DVDs**

(55) Audio-Visual content includes broadcasts, sound recordings, films, video and Commercial DVDs that shows moving images with or without sound.

(56) The Internet contains a significant amount of audio-content in a variety of styles and formats.

(57) Under Section 200AB, you may be able to use content from Commercial DVDs.

### **Fair Dealing**

(58) A Fair Use Exception does not apply in Australian copyright law and must not be used to copy and communicate copyrighted content for educational purposes.

(59) Fair Dealing exceptions apply in Australian Copyright Law

(60) The Copyright Act provides that copying a reasonable portion of a work for the purposes of research or study, criticism or review, news reporting or parody and satire will be a fair dealing.

(61) The fair dealing exception does not apply to the making of multiple copies of content by the University for students required in a course of study. Making multiple copies for students is governed by the Part VA Statutory Licence, Part VB Statutory Licence, Commercial Music Licence and other licenced content.

(62) Audio-Visual Item means a sound recording, a film, a sound broadcast or a television broadcast.

## **Moral Rights in the Copyright Act**

(63) The University respects the Moral Rights of authors and creators.

(64) The University encourages all staff and students to be mindful and respectful of the Moral Rights of authors and creators.

(65) Moral Rights are legal obligations contained in the Australian Copyright Act to attribute authors and to treat their works respectfully.

(66) Moral rights are:

- a. The right of attribution of authorship. The author has the right to be identified as the author of the work or film when it is presented to the public. The attribution must be reasonably clear and prominently.
- b. The right against false attribution of authorship. The author has the right not to have their work attributed falsely to someone else and not to have an altered work being attributed as unaltered.
- c. The right of integrity of authorship. The author has the right to have the integrity of their work respected and not subjected to derogatory treatment. A treatment is derogatory if it in some way prejudicially affects the honour or reputation of the author.

(67) Moral rights are separate from copyright and unlike copyright, cannot be waived, sold, assigned or licensed or transferred. They remain with the author even where the copyright has been sold or passed to a third party.

(68) When using third party copyright content, it is important for staff and students to:

- a. Attribute the authors and creators of the content where reasonable.
- b. Not falsely attribute an author's or creator's work.
- c. Not alter, add to, crop, edit, and change or distort an author's or creator's work, unless it is reasonable in the circumstances.

## **Managing Copyright Infringements**

(69) Copyright infringement may arise when using, designing or in making copyright content available to students in vUWS or publicly available via other University web sites or external Digital Platforms and Services, such as YouTube and similar sites.

(70) The University will respond quickly to internal copyright issues and external notifications of alleged copyright infringement.

(71) Internal copyright infringement issues in vUWS and on other University webpages will be dealt with as follows:

- a. Internal minor issues of copyright infringement:



- i. The Copyright Officer may identify minor issues of copyright infringement and will deal with them in a confidential manner.
- b. Internal complex issues of Copyright infringement:
  - i. Complex issues of Copyright infringement identified by the Copyright Officer will be referred to the Executive Director, Library Services.

(72) External individuals or organisations that believe content available on the University's digital platforms and services may constitute a copyright infringement of their work or the work of others should notify the University by sending an email to [copyright@westernsydney.edu.au](mailto:copyright@westernsydney.edu.au).

(73) The notification must contain sufficient information to:

- a. Enable the identification and location of the copyrighted work that is the subject of the claimed infringement.
- b. Identify the best means to contact the individual or organisation.
- c. Indicate who the owner of the material is.

(74) The University Copyright Officer will deal with External notifications of infringement in a confidential and timely manner, and will refer the matter to Senior Staff if the matter cannot be resolved in a timely manner.

## Copyright Notices

(75) Copyright Notices must be placed at the beginning of Part VA, Part VB, Commercial Music Licence and Section 200 AB content, when posting such content to vUWS and other password protected University digital platforms for University students.

(76) Podcasts and other teaching/learning resources which use Part VA, Part VB, Commercial Music Licence and Section 200 AB content, must contain the appropriate copyright notice and attribution.

(77) Students are required to see the Notice before accessing content.

(78) Copyright notices are available on the [Copyright webpages](#) of the Library's website.

## Section 5 - Guidelines

(79) These guidelines are designed to assist staff to use third party copyright content which is not governed by the main Statutory Licences, Part VA and Part VB, the Commercial Music Licence, Section 28 and Section 200AB of the [Copyright Act](#).

(80) The copyright guidelines cover using:

- a. Creative Commons Licenced, Open Educational and No Known Copyright Restrictions Content.
- b. Social Media.
- c. Open Educational Courses.

### Using Creative Commons Licences, Open Education Resources and No Known Copyright Restrictions Content

(81) There is a variety of content that can be used freely in educational contexts.

(82) This content can be Creative Commons contents, Open Educational content no known copyright restrictions content, and content where the terms and conditions indicate it can be used freely and redistributed.

## **Creative Commons Licences**

(83) Creative Commons' content can be used freely and may potentially be modified for educational and instructional purposes including videos, podcasts and teaching/learning resources for educational or instructional purposes.

(84) Each Creative Commons Licence will specify the kind of attribution and uses that can be made of their content.

(85) When using Creative Commons content, a URL to the Creative Commons Licence used must be provided.

## **Open Educational Resources (OER)**

(86) Open Educational Resources are:

- a. Free to reuse, remix, redistribute and adapt original OER content with the minimal risk of copyright infringement.
- b. The Internet and other technologies support the copying, redistribution, adaptation and remixing of OERs.
- c. OER content enables the reuse, remixing and adapting of resources since the copyright owner has already given permission to use the content in that way.
- d. It is easy to access OERS with millions of CC Licenced content available online.
- e. Collaboration is encouraged inside and outside institutions based upon the sharing and further development of OERs.
- f. Can be used in vUWS with Part VA and Part VB Statutory Licenced content, Commercial Music Licenced content and Section 200AB content for Western Sydney University Online Courses.
- g. Can be used in MOOCS, Social Media, or in Digital Platforms and Services that are publicly available.
- h. Can be licenced for reuse, remixing, adaptation and sharing by using Creative Commons Licences or other similar Licences.

(87) "No Known Copyright Restrictions" may indicate that:

- a. The copyright of the content has expired;
- b. The content has been placed in the public domain;
- c. The Copyright holder is not interested in exercising control over the content;
- d. The Copyright holder has authorised others to use the work without restrictions.

It is important to note that in some cases content can be free of copyright restrictions in one jurisdiction but not free of copyright restrictions elsewhere.

## **External digital platforms and services**

(88) In posting content to external digital platforms and services it is advisable to use only:

- a. Content that has been originally created by you.
- b. Content where the University holds copyright.
- c. Content where you have written permission to use it.
- d. Content with Creative Commons Licences and similar that allows material to be shared and distributed
- e. Content where the copyright has expired, has no known copyright restrictions or in the public domain
- f. Content from Open Education Resource Sites and similar web sites that can be shared and distributed.

(89) Part VA, Part VB, Commercial Music Licence and Section 200AB content must never be posted to Social Media web sites.

## **Designing Open Educational Courses**

(90) In designing Open Educational Courses it is advisable to use only:

- a. Content that has been originally created by you.
- b. Content where the University holds copyright.
- c. Content where you have written permission to use it.
- d. Content with Creative Commons Licences and similar that allows material to be shared and distributed.
- e. Content where the copyright has expired, has no known copyright restrictions or in the public domain.
- f. Content from Open Education Resource Sites and similar web sites that can be shared and distributed.

(91) Part VA, Part VB, Commercial Music Licence and Section 200AB content must never be used in designing Open Educational Courses.

### **Further information**

(92) Further information is available on the [Copyright webpages](#) of the Library's website.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	18th October 2016
<b>Review Date</b>	18th October 2024
<b>Approval Authority</b>	Vice-Chancellor and President
<b>Approval Date</b>	13th October 2016
<b>Expiry Date</b>	Not Applicable
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