

## Copyright Policy

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### **Purpose:**

To describe the use and management of copyright material at Murdoch University.

### **Audience:**

Staff, Students

### **Preamble:**

This document describes the policy for the use of copyright material at Murdoch University. The University is fully aware its duties and obligations under the [Copyright Act 1968 \(Cth\)](#) ("the Act") and the remuneration agreements that it has entered into with copyright collecting societies. All use, reproduction, and distribution of copyright material undertaken by or at the direction of the staff of the University shall be in accordance with the provisions of the Act and the relevant copyright agreements in force. The use of University equipment, networks, facilities and/or premises for a purpose that infringes copyright is not permitted.

The University Copyright Coordinator is responsible for the coordination and administration of University copyright policies and procedures ensuring the University's compliance with legislative and contractual requirements. This includes the administration and management of copyright associated income, if any, and all required payments. Any income that might be derived from the use of University copyright material must be in compliance with the relevant University policies (e.g. the [Intellectual Property Regulations](#)).

### **Objectives:**

- To comply with the Act.
- To comply with and manage the statutory and other copyright licences entered into by the University.

### **Definitions:**

*Any defined terms below are specific to this document. The definition of common terms appears in the Murdoch University Dictionary of Terms.*

- "University"

## **Policy Statement:**

### **1. Legislative Requirements**

1.1 The University is bound by the Act. In addition, it has entered into several licence agreements that assist it to meet its obligations in respect of certain provisions of the Act.

#### **1.1.1 The Statutory Licence**

1.1.1.1 Digital copying and communication of third party copyright material, where reproduced under the terms of the statutory licence in Division 4 of Part IVA of the Act, must be conducted only through the nominated central University repository or repositories.

1.1.1.2 Additional repositories may be authorised by the Director Student and Library Services as required.

#### **1.1.2 The Tertiary Music Licence**

1.1.2.1 The University has entered into a collective remuneration agreement ("the Tertiary Music Licence") with APRA (Australasian Performing Right Association), AMCOS (Australasian Mechanical Copyright Owners Society), PPCA (Phonographic Performance Company of Australia), and ARIA (Australian Record Industry Association) permitting staff and students to perform, copy, and/or communicate copyright musical works and sound recordings for educational purposes and for University events subject to certain conditions.

#### **1.1.3 Licensed Databases**

1.1.3.1 The University enters into commercial licence agreements with publishers and vendors of various journals and other content held in electronic databases.

1.1.3.2 Access to and use of these materials is governed by the individual licences provided by the publisher or vendor.

1.1.3.3 These commercial licences are managed by the Director of the University Library.

### **2. Copyright Ownership**

#### **2.1 Material created by or on behalf of the University**

2.1.1 Ownership of copyright in material produced by members of the University community is guided by the terms of the University's Intellectual Property Regulations.

#### **2.2 Third party copyright**

2.2.1 Copyright ownership in 'third party' material rests with the creator, author, publisher, or organisation responsible for preparing the material.

### **3. Moral Rights**

3.1 The University will observe the moral rights of an author as provided by the Act:

3.1.1 A right of attribution of authorship: The right of attribution gives the author of a work the right to be named as the author of that work. Failure to correctly attribute a work is an infringement of that author's moral rights.

3.1.2 A right to not have authorship falsely attributed: The right to not have authorship falsely attributed, either by putting someone else's name on the work who is not the author, or by leaving the author's name on an altered work is an infringement of the author's moral rights.

3.1.3 A right of integrity of authorship: The right of integrity gives the author of a work the right not to have the work treated in a derogatory way; that is, altered or changed in any way that will impugn the author's honour or reputation.

3.2 Moral rights are conferred on individuals only.

### **4. Safe Harbours Legislation**

The copyright Safe Harbours contained in Part V Division 2AA of the Copyright Act (the Act) will apply to universities from 29 December 2018. To be compliant with Safe Harbours Legislation the University will do the following:

4.1 Under [IT Conditions of Use Policy](#) , (Section II - Unacceptable Use) identify offenders who will then receive a first and last warning notice. Under this policy repeat offenders will have their access to University IT systems terminated.

4.2 The University's Information Security & Risk management team in conjunction with the University Copyright Coordinator to be the designated representative to receive notices from rights holders and provide the prescribed information to enable rights holders to contact the designated representative.

4.3 Comply with the prescribed notice and take-down procedure.

#### **Performance Indicators:**

There are no performance indicators.

#### **Related Documents:**

[Copyright Procedure](#)

[Intellectual Property Regulations](#)

[University Library Copyright Matters](#)

Copyright Takedown Notice (attached)

**References:**

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

[Copyright Regulations 2017](#)

**Approval and Implementation:**

<b>Approval Authority:</b>	Director, Student and Library Services
<b>Responsible Officer(s):</b>	University Copyright Coordinator
<b>Approval Authority for supporting procedures:</b>	Director, Library and Knowledge Management Services is authorised to approve all the supporting procedures.
<b>Approval Authority for supporting guidelines:</b>	There are no supporting guidelines.
<b>Approval Authority for supporting standards:</b>	There are no supporting standards.
<b>Contact Officer:</b>	University Copyright Coordinator

**Revision History:**

<b>Approved/ Amended/ Rescinded</b>	<b>Date Approved</b>	<b>Effective Date</b>	<b>Next Review Date</b>	<b>Resolution No. (if applicable)</b>
Administrative amendment	11/08/2020			
Approved	01/05/2019		01/05/2021	
Approved	31/01/2017		31/01/2019	
Approved	22/09/2011		22/09/2013	
Approved	17/08/2005		17/08/2008	
Approved	15/10/2003		15/10/2006	