



Copyright Procedure

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Related Documents	Copyright Policy Intellectual Property Policy Learning Technologies Policy Library and e-Resources Policy Professional Academic Misconduct Policy Professional Academic Misconduct Procedure Records Management Policy Records Management Procedure Student Academic Misconduct Policy Student Academic Misconduct Procedure Student Code of Conduct Staff Code of Conduct
HESF (Threshold Standards) 2021	3.3.1, 4.1.1, 5.2.2, 7.3.3b

1. Purpose

This Procedure outlines the responsibilities and guidelines for identifying and managing licencing obligations and prevention of copyright breaches.

2. Scope

This Procedure is to be applied in conjunction with the Copyright Policy and apply to all staff and students at the Institute.

The Institute will investigate all allegations of copyright infringement performed by staff and students and disciplinary proceedings may be initiated against those responsible in accordance with the Staff Code of Conduct, Student Code of Conduct Professional Academic Misconduct Policy and Procedure, Student Misconduct Academic Misconduct Policy and Procedure, Intellectual Property Policy, Learning Technologies Policy and Library and e-Resources Policy.

4. Definitions

See the AIH Glossary of Terms for definitions.

5. Procedures and Guidelines

5.1 Compliance

The Institute must comply with copyright legislation and regulations in all Institute activities. Failure to comply is unacceptable and exposes the Institute to unnecessary risk.

Any use of third-party copyright material in the Institute's teaching materials or students study purposes that are not covered by a statutory licence or exception in the Copyright Act should only occur with the written permission or licence from the copyright holder.

Use of third-party copyright material for other activities, including, but not limited to, promotional or marketing, administration, projects, publication or public information sessions requires written permission or licence from the copyright holder.

All staff and students are responsible for ensuring that necessary permissions or licences are obtained. Copyright records must be managed in line with the Records Management Policy and associated Procedures.

5.2 What material is protected by copyright?

Copyright applies to any written or recorded work or image as soon as it is created. The duration of the copyright will depend on the type of material, usually copyright lasts for the lifetime of the creator plus 70 years.

Copyright cover includes:

- Literary works: books, newspaper and journal articles, government publications, book chapters, research papers
- Artistic works – drawings, photographs, images
- Music and sound recordings, video recordings
- Film, television and radio broadcasts
- Computer programs, software and games
- Internet, website text, emails

5.3 Can copyright material be used without permission?

In some situations, materials can be used without permission. These situations are covered by the 'fair dealing provisions', which allow limited copying and use of works without violating copyright. This relates to a reasonable portion of the work being copied for the specific purposes for study, research or review, if the copying is 'fair dealing'.

5.3.1 Study and Research

A student or researcher can copy:

- 10% or one chapter of a book whichever is greater.
- One article from any issue of a journal two or more only if they are on the same subject.
- 10% of Digital materials (this is accepted as 10% of the word count).
- An artistic image or graph or chart etc., may be reproduced in whole or in part.

- Under the 'moral right' legislation you must acknowledge all sources.

5.3.2 Preparing Teaching Materials

Teaching or educational content cannot use copyright protected works unless the educational institution holds statutory licence for copying and communicating hardcopy or digital resources without permission.

All staff are to adhere to the conditions of the statutory licences. Under these licences, certain third-party copyright material can be used in the Institute's teaching materials within strict guidelines. Anyone involved in the production, reproduction or delivery of teaching materials at the Institute must be familiar with the obligations, including copying limits, communication restrictions and labelling requirements.

5.3.3 Expiry of Copyright

Copyright generally lasts for 70 years after the death of the creator or 70 years after its first publication. There are no copyright restrictions once the copyright expires and works are classified as in the public domain.

5.3.4 Copyright Warning Notices

- A warning notice should be attached to all digital copies of materials copied or communicated under the Part IV A Statutory Licence.
- The Institute's staff must take all reasonable actions to ensure that each communication can only be received or accessed by students and staff of the Institute unless written permission is given or received.
- Appropriate warning notices should be placed in the following locations or on all items and media files as required under the Act:
 - a) Hard copy warning notices should be displayed beside any machines which are capable of allowing copying or communication of copyright materials by students, e.g. photocopiers, computers, scanners, and any other electronic data storage devices.
 - b) Photocopies made under the Part IV A should have a copyright notice attached (see Annexure 1)
 - c) The required electronic copyright warning notice should appear at the beginning of digital copies of material communicated under Part IV A of the Act.

6. Breaches of Copyright Procedures and Takedown Requests

Any identified breaches of the copyright legislation and regulations or a takedown request will be brought to the attention of the Dean/Director of Teaching and Learning. Proven misconduct will be managed in accordance with the Professional Academic Misconduct Policy and associated procedures or the Student Academic Misconduct Policy and associated procedures.

7. Version Control

This Procedure has been endorsed by the Australia Institute of Higher Education Academic Board as at June 2023 and is reviewed every 3 years. The Procedure is published and available on the Australian Institute of Higher Education website <http://www.aih.nsw.edu.au/> under 'Policies and Procedures'.

Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2023.1	Librarian/Academic Support Manager	New policy	22 June 2023	29 June 2023

Annexure 1: Copyright Warning Notice – Electronic Use

(Copyright Warning Notice – Electronic Use)

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