



COPYRIGHT POLICY

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First Approved by:	University Council		
Custodian title & e-mail address:	Director Library Services (margie@uow.edu.au)		
Author:	Copyright and Digitisation Officer, University Library		
Responsible Division & Unit:	Library		
Supporting documents, procedures & forms:	UOW Copyright Takedown Notice UOW Copyright Information UOW Copyright and Teaching Copyright for Study and Research IT Acceptable Use Policy Subject Readings Guide UOW Notices UOW Academic Integrity Policy Academic Misconduct (Coursework) Procedures		
Relevant Legislation & External Documents:	Copyright Act, 1968 (Commonwealth)		
Audience:	Public		

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1 Purpose of Policy

The UOW Copyright Policy outlines how staff and student can comply with the provisions of the Copyright Act 1968 (Cth) (the Act). It has the objective of reducing the University community's exposure to risk, through compliance with statutory, commercial, and open licences.

2 Definitions

Word/Term	Definition (with examples if required)
Acknowledgement	The practice of respecting, referencing and giving credit to the words, ideas, designs, interpretations and influences of others.
First party copyright material	Any material created by UOW staff as part of their employment, or by students as part of their study, in which copyright has not been transferred or exclusively licensed to a third party.
Licensed third party copyright material	Any copyright protected material for which the terms of use are governed by licence, or any other form of agreement. Licensed third party copyright material does not include material copied in reliance upon s113p of the Copyright Act 1968 (that is, material copied for teaching purposes in reliance upon statutory license).
Staff	All persons appointed by the University as academic or professional services staff regardless of their level of seniority and regardless of whether holding full-time, part-time, or limited-term appointments, including conjoint appointments. For the purposes of this policy, it also includes all persons engaged by the University as casual employees.
Supplementary material	Includes any third party copyright material supplied to staff or students independently of Subject Readings. Generally speaking, "supplementary material" includes ad hoc materials supplied to students via emails and class handouts, and material loaded directly to Student Learning Platforms.
Third party copyright material	Any material where the rights belong to someone else, such as images of artworks, or extracts of text.
Unlicensed third party copyright material	Any copyright protected material not governed by an agreement between the copyright owner and the user. Consequently, allowable uses are determined by the Copyright Act 1968. The term "unlicensed third party copyright material" includes material copied in reliance upon s113p of the Copyright Act 1968 (that is, material copied for teaching purposes in reliance upon statutory licence).
Use	Includes the following acts: copying; communicating (electronically transmitting); adapting; publishing; performing in public; causing to be seen or heard in public; entering into a commercial rental arrangement; rebroadcasting; or any other copyright as defined by law.



3 Application & Scope - Exclusions or Special Conditions

1. This Policy applies to all UOW staff, students, and persons employed by controlled entities in Australia only.
2. This Policy replaces all previous Copyright Policies.
3. The scope of this Policy is limited to specifying responsibilities and procedures regarding:
 - a. The use of third party copyright material for teaching, learning, research, or administrative purposes; and
 - b. any other use of third party copyright material not covered by the IT Acceptable Use Policy.
4. This Policy does not cover first party copyright material. First party copyright material is covered by the IP Intellectual Property Policy.

4 Information

Information about copyright basics is available on the library website and includes:

1. Information about what you may copy for teaching purposes
2. Information about what you may copy for study, research, criticism, or review Information about Subject Readings.

5 Roles & Responsibilities

1. All staff and students must ensure that they understand and comply with the legal restrictions and obligations regarding the use of third party copyright material.
2. All staff must read and understand relevant information provided on UOW's copyright website
3. Subject coordinators are responsible for the copyright compliance of all third party copyright material supplied to students enrolled in their subject.
4. All students must read and understand relevant information provided on UOW's copyright website. Students are entirely responsible for any copyright infringement resulting directly or indirectly from their own actions.

6 Non-Compliance Procedures

1. The University Copyright and Digitisation Officer will address compliance risks in the first instance.
2. UOW disciplinary procedures may be applied where staff or students fail to comply with this Policy or the Copyright Act, 1968.

7 Making Material Available Online

1. Copyright law applies to online teaching materials, as well as print material.
 - 1.1 Online resources should not copied without:
 - a. permission from the copyright owner, or
 - b. a licence to use the material.



- 1.1 Making copies of digital material is covered by the Act and the statutory education licence, and copies must only be made available via the Library's Subject Readings facility.
- 1.2 Digitised copyright material must not be made available on publicly accessible websites, as this could constitute a breach of the statutory licence, and thus infringe the rights of the copyright owner.

8 Supplementary Material

1. Where it is possible and appropriate, staff must supply all unlicensed third party copyright material to students via Subject Readings.
2. Subject coordinators must implement procedures to ensure that all supplementary material supplied to students is copyright compliant.
3. The University Copyright and Digitisation Officer may conduct copyright compliance checks of the procedures used by the subject coordinator to achieve copyright compliance.

9 Using Student Material

1. Student material is generally protected by copyright. Consequently, if staff members need to use a student's work, staff members must ensure that they keep adequate documentary proof that they have the student's permission.

10 Copyright Audits

1. The University Copyright and Digitisation Officer may seek authority from the Chief Operating Officer to audit the following for compliance with copyright law, UOW Copyright Policy, and/or licence agreements, including:
 - i. course handouts;
 - ii. websites, including online subjects;
 - iii. dramatic and musical productions;
 - iv. video conferences;
 - v. compliance procedures; and
 - vi. any aspect of UOW practice that may pose a copyright compliance risk.
2. The University Copyright and Digitisation Officer may conduct an audit without notice after providing the auditee with a copy of an authority to conduct the audit.
3. Staff must provide all reasonable assistance and cooperation in complying with the audit.
4. The auditee will be provided with an opportunity to have their comments (if any) included in the audit report.
5. If the auditee fails to satisfactorily implement the recommendations contained within the audit report, the matter will be formally raised with the UOW Executive via the Director, Library Services.



11 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	05 April 2005	University Council	First Version
2	09 May 2006	Vice-Principal (Administration)	Migrated to UOW Policy Template as per the Policy Directory Refresh
3	10 March 2009	Vice-Principal (Administration)	Future review date identified in accordance with Standard on UOW Policy
4	13 September 2011	Chief Administrative Officer	Updated to reflect title change from VP(A) to CAO, and from University Librarian to Director, Library Services.
5	17 October 2016	Deputy Vice-Chancellor (Academic)	Updated terminology from Electronic Readings Service to Subject Readings Updated multiple links to additional information Updated position change from Copyright Officer to Copyright & Digitisation Officer
6	8 May 2020	Senior Deputy Vice Chancellor	Administrative amendment to update Senior Executive titles.
7	30 March 2023	Vice-Chancellor	Major amendments following scheduled review to reflect changes to the way that course materials are prepared and disseminated to students, and to reflect current practice and legislation change.