

Monash University Procedure

Procedure Title	Copyright Compliance Procedures (Australia only)
Parent Policy	Copyright Compliance Policy
Date Effective	25-February-2015
Review Date	25-February-2018
Procedure Owner	Chair, Copyright Advisory Group/University Copyright Compliance Officer
Category	Operational
Version Number	1.0
Content Enquiries	University Copyright
Scope	All campuses All staff, students and other authorised users
Purpose	To provide a framework through which Monash University staff, students and other authorised users will comply with copyright law in the applicable jurisdiction and will comply with any other binding obligations governing use of copyright material.
PROCEDURE STATEMENT	

1. Copyright compliance structure, monitoring, reporting and review

The University maintains compliance structures which:

- inform users of their legal obligations
- provide guidance and mechanisms to enable users to meet their legal obligations
- seek to prevent, and appropriately respond to, unlawful use of copyright material
- promote a positive ethical and compliance culture in relation to copyright

The University will designate a University Copyright Compliance Officer; the officer is responsible for overseeing the administration of the University's copyright compliance structures, and reporting processes.

The Vice-Chancellor delegates responsibility to the Copyright Adviser to be the University's Authorised Officer for Australian campuses to issue take-down notices and assist in implementing the [Copyright Compliance: Take Down Procedures for Copyright Infringements \(Australia only\)](#) in response to infringement complaints, including take-down notices received and sent under the [Digital Millennium Copyright Act \(DMCA\) US](#). This is in addition to any other authority to issue such a notice.

The University Copyright Compliance Officer, with the assistance of the University Copyright Adviser and the Office of the General Counsel, will complete the annual copyright compliance certification and related compliance and risk treatment strategy reports as required by the Risk and Compliance Unit.

The University Copyright Compliance Officer, in conjunction with the Office of the General Counsel, will alert the senior executive officers of the University to issues or changes in the law affecting the University.

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A Copyright Advisory Group (CoAG), chaired by the University Copyright Compliance Officer, will meet at regular intervals throughout the year and report to the Learning and Teaching Committee. The Group will include the Copyright Adviser, representatives from Faculties, the Library, eSolutions, the Office of the General Counsel and delegates from other key University centres as required or invited by the Chair. In accordance with its terms of reference this group will provide a consultative forum for the University's policy direction in relation to copyright compliance and for copyright related matters affecting the University's operation.

Each faculty and central divisions where appropriate will designate a staff member to act as a local copyright coordinator; Faculties may also designate a coordinator for each School/Department, where appropriate, to assist the faculty-level coordinator. The coordinator's role will include providing assistance during copyright surveys and audits, assisting the copyright adviser to raise and maintain awareness of copyright compliance requirements among staff and students, and alerting the copyright adviser to copyright problems or issues which may arise within the faculty, school or department.

The University will assist staff to meet compliance obligations imposed by the Copyright Act 1968 (Cth) and by commercial licences. One way this is done for teaching and learning purposes is through the University's online reading list service provided by the Library. Staff are advised to use this service when making text and images available online under the Part VB educational licence in the Copyright Act 1968 (Cth) or for the creation of links to e-journal articles or e-books for use in teaching and learning.

Where staff are concerned an intended use of copyright or licensed content may interfere with obligations under the Copyright Act 1968 (Cth) or with regard to the copyright conditions imposed by commercial licences and other licences, they have a responsibility to consult the relevant licence administrator and/or the University Copyright Advisor (University.Copyright@monash.edu), as appropriate, and, if concern remains, to secure authorisation from the relevant senior manager (Divisional Director, Dean, Head of Department, Head of School or Centre Director, etc) before proceeding with the intended use.

- Staff within the Australian campuses may seek advice from the Copyright Adviser (and/or the Office of General Counsel if necessary). Staff within Australia may also utilise the guidelines provided on the [University Copyright website](#).
- Staff employed in Australia who work in Monash locations outside the Australian legal jurisdiction may seek advice from the campus legal adviser.

Responsibility

University Copyright Compliance Officer
Faculty copyright representatives
Office of the General Counsel
All staff at Australian campuses
All students at Australian campuses
All other authorised users

2. Use of third-party copyright works

1.1. Licensed Resources: ejournals, ebooks, software, databases and music

The university enters into licence agreements with commercial providers in order to ensure staff, students and other authorised users have access to a wide and relevant range of content to support University activities. These may include resources such as software, image banks, music collections, online journals, databases and ebooks.

Staff, students and other authorised users must abide by the terms of the relevant commercial licence or other licence. Such terms may prohibit:

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- making multiple copies, or making a copy of a resource for use by an unauthorised person or organisation;
- communicating or electronically transferring or sharing a resource, in whole or in part, to an unauthorised person or organisation;
- making a resource available, in whole or in part, independently of the database provider's site.

Where users are unsure whether a proposed use is within the scope of a commercial licence or other licence, they must consult the relevant licence administrator, where available. For example:

- For information about specific ebook, ejournal or library database terms and conditions, send a query through ask.monash and check the [databases use table](#);
- For computer software licensed through eSolutions information is available at <http://intranet.monash.edu.au/esolutions/software/catalogue/index.html> or contact the eSolutions Contracts Manager;
- For information about the Universities Educational Music Licence for educational/research purposes contact the Copyright Office;
- For information about music licensing for paid/public/University business events contact [Monash University Academy of Performing Arts](#).

In all other cases seek further advice from the Copyright Office.

1.2. Use of copyright material in teaching, research and study and other limited purposes

The Australian [Copyright Act](#) contains provisions permitting the use of third-party copyright materials for teaching, research and study and other limited purposes.

In the absence of any licence agreement governing the use of third-party content, or other express permission, staff must use third-party content in accordance with the allowances provided within the Copyright Act. [For more information see Fair Dealing, Part VB licence and Part VA licence on the copyright website](#).

Where teaching and research or other university activities involve the use of content from licensed resources, the procedure stated in section 2.1 above will apply.

Where no licence agreement is in force and the intended use of third-party copyright material extends beyond what the Copyright Act allows, staff must obtain written permission on behalf of the University from the copyright holder. Staff are, accordingly, responsible for storing permission documentation in such a way as to ensure that the University can access that documentation and that any subsequent use of the material complies with the terms and conditions of the permission granted.

Responsibility

All staff at Australian campuses
All students at Australian campuses
All other authorised users

3. Use of University-owned copyright works

Works in which the University owns copyright are to be used in strict accordance with the [Monash University \(Vice-Chancellor\) Regulations](#). Such works include course materials and research falling outside the definition of 'scholarly work' in the Monash University (Vice Chancellor) Regulations.

Works in which the University owns copyright must display an appropriate statement of copyright ownership (refer to the [guidelines and templates](#) on the [University Copyright website](#)).

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Responsibility for granting copyright permission on behalf of the University or authorising a particular use of a University-owned copyright work is delegated in the University delegation of [authority for signing agreements](#). Staff and students are responsible for obtaining authorisation where rights in any University-owned copyright work are to be transferred or licensed to any person or entity not affiliated with Monash University or to the public generally such as through the application of a Creative Commons licence.

Where a delegate has authorised a particular use or granted copyright permission for the use of University-owned copyright work, such an authorisation must be concluded in writing and retained in such a way as to ensure that the University can readily access that documentation for record-keeping purposes and that the University can expeditiously assert its rights/entitlements under the permission agreement.

Responsibility

All staff at Australian campuses
All students at Australian campuses
All other authorised users

4. Responsibility for copyright compliance

Copyright compliance is the responsibility of each individual staff member, student or other authorised user.

Staff must not knowingly direct another staff member or a student to infringe copyright.

Where a staff member *accurately* recognises that the task they are about to perform *will* infringe copyright (whether of third-party works or the University's own intellectual property), they must suspend that task until advice is received from the Copyright Adviser or Office of the General Counsel, as required, or until the relevant senior manager (Divisional Director, Dean, Head of Department/School, Centre Director, etc) approves the intended use of the copyright work for the task.

Where staff are supervising, instructing or directing other staff in a task involving the copying or communication of third-party or University-owned copyright works, they have a responsibility to ensure that those staff-

- are aware of copyright compliance requirements and the rules governing the use of Monash University intellectual property under the [Monash University \(Vice Chancellor\) Regulations](#), and know where to seek further advice and information.

A staff member who is directing other staff in a task and who makes reasonable efforts to inform those staff about copyright compliance requirements and to have them comply, will not be held responsible for copyright breaches made intentionally or inadvertently by the staff under their direction.

A staff member engaged in supervising students undertaking research, or engaged in instructing students in relation to a course of study, who makes reasonable efforts to inform students about copyright compliance requirements in relation to research and learning activities and to have them comply, will not be held responsible for copyright breaches made intentionally or inadvertently by those students.

Responsibility

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All students at Australian campuses
All other authorised users

5. Breach of Procedures

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A breach of these procedures can lead to disciplinary action against staff, students and other authorised users.

Responsibility

All staff at Australian campuses
All students at Australian campuses
All other authorised users

Responsibility for implementation	All staff at Australian campuses All students at Australian campuses All other authorised users
Status	
Approval Body	Name: Academic Board Meeting: 1/2015 Date: 25-February-2015 Agenda item : 12.1
Definitions	<p>Commercial licence: a written commercial agreement between the University 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.</p> <p>Communication: as defined in the Australian Copyright Act 1968 is the electronic transmission of copyright material (e.g. email), or by making the material available online (e.g. Learning Management Systems, intranets, websites).</p> <p>Copyright: as defined in the Australian Copyright Act 1968, an includes the rights of reproduction (copying), communication, publication, public performance, adaptation (modify or create derivative works), sale and distribution.</p> <p>Copyright permission/licence: a written authorisation from the copyright owner/s for the use of their material. The use of copyright material under this permission or licence, must comply with the terms set out in the permission.</p>
Legislation Mandating Compliance	Copyright Act 1968 (Australia) Copyright Act, 1978 (South Africa) Copyright Act 1987 (Malaysia) Copyright Law of the People's Republic of China 2010 Copyright Act 1957 (India) Law No. 633 of April 22, 1941, for the Protection of Copyright and Neighboring Rights Italy (amended May 26, 1997) Copyright Regulations 1969

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	Monash University Statute Monash University (Vice-Chancellor) Regulations Part 7 of the Monash University (Council) Regulations
Related Policies	Access to Monash Courseware Policy IT Use Policy - Staff and other Authorised Users Acceptable Use of Information Technology Facilities by Students Policy Sanctions Compliance Policy Social Media Policy
Related Documents	Intellectual Property Framework Monash University Student Charter