

Copyright Compliance Policy

Section 1 - Audience

(1) This policy applies to all staff and students of the University of Newcastle (University).

Section 2 - Executive Summary

(2) The University is committed to compliance with the following legislation:

- a. [Copyright Act 1968](#) (Cth)(the Act);
- b. [Copyright Regulations \(2017\)](#)(the Regulations);
- c. [Copyright Amendment \(Digital Agenda\) Act 2000](#);
- d. [Copyright Amendment \(Online Infringement\) Act 2015](#);
- e. [Copyright Amendment \(Disability Access and Other Measures\) Act 2017](#); and
- f. [Copyright Amendment \(Service Providers\) Act 2018](#).

(3) The University respects the rights of copyright holders under law. Copyright compliance is the responsibility of the institution and of every individual staff member or student.

(4) Staff and students are required to be familiar with their obligations under [the Act](#) and [the Regulations](#).

(5) Staff and students are required to read and understand this policy and its associated documents.

Section 3 - Purpose

(6) This policy outlines staff and student rights and responsibilities within the educational context under [the Act](#).

(7) The Copyright Compliance Guidelines form part of this policy and should be read in conjunction with this policy.

Section 4 - Scope

(8) This policy applies to all material protected by the Act, including:

- a. literary works;
- b. dramatic works;
- c. video and film;
- d. computer programs;
- e. musical works (including scores and sound records);
- f. artistic works;
- g. digital material; and
- h. material published on the internet.

Section 5 - Principles

(9) Staff and students may be both creators, and consumers of copyright, and as such have certain rights and responsibilities.

(10) Staff and students must take all reasonable steps to ensure their activities comply with copyright law and licenses, and must not knowingly expose the University to the risk of copyright infringement.

Statutory and Voluntary Licenses

(11) The University is licensed via a statutory licence under [the Act](#), and pays fees to various collection agencies to use copyright material for educational purposes. Fees from the licence are subsequently disbursed to copyright owners. Use of material under this licence is subject to certain limits and requirements which may include sampling, labeling, and other requirements. The University has also entered into a number of voluntary licenses with copyright owners which govern the use of copyright works. Staff are required to comply with the limitations and requirements of statutory and voluntary copyright licences. The Copyright Compliance Guideline should be accessed for further information regarding these requirements and limitations.

“Take Down” Notices

(12) The University will act on all ‘take down’ notices promptly, and remove or disable access to the copyright material specified in the notice. In the instance where the University identifies that there has been no infringement the University may issue a counter-notice. The University will restore, or enable access to the copyright material following the issue of a counter-notice, providing that the copyright owner does not notify of a pending court order within the allowable timeframe as indicated in the [Copyright Regulations 2017](#). Where copyright material is restored following the issue of a counter-notice there will be no further avenue for resolution of the matter within the University. The University will act in accordance with any subsequent court orders in relation to any such matter.

Indigenous Cultural Intellectual Property Protocols

(13) The University is committed to protecting the rights that Indigenous people have in relation to their traditional arts and culture, and will comply with any Indigenous Cultural Intellectual Property Protocols adopted.

Non Compliance with this Policy

(14) Staff members and students who do not comply with this policy, [the Act](#), or the Regulations may be subject to infringement penalties in accordance with [the Act](#) or [the Regulations](#).

(15) Staff who do not comply with this policy may also be subject to the provisions of the misconduct / serious misconduct clauses of the applicable [Enterprise Agreement](#) or employment contract.

(16) Students who do not comply with this policy may also be subject to the provisions of the [Student Conduct Rule](#).

Status and Details

Status	Current
Effective Date	25th January 2021
Review Date	25th January 2024
Approval Authority	Vice-Chancellor
Approval Date	18th January 2021
Expiry Date	Not Applicable
Enquiries Contact	Anthony O'Brien Copyright Advisor (02) 4921 6456 <hr/> University Library

Glossary Terms and Definitions

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

"Student" - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

"University" - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.