

COPYRIGHT POLICY

Policy Category	Corporate		
Document Owner	President		
Responsible Officer	Dean		
Review Date	October 2023		
References and Legislation	Copyright Act 1968 (Cth) Electronic Use Notice: https://www.copyright.com.au/licences-permission/educational-licences/copying-under-education-licence/Part VB Educational Statutory Licence Copyright Agency: https://www.copyright.com.au Australian Copyright Council: https://www.copyright.org.au Creative Commons Australia: https://creativecommons.org.au APIC's Copyright Guidelines for Learning and Teachingv1		
Version	Change description	Approved	Effective Date
1.7	Section 9.2, remove the wording "and by the APIC authorised agent network".		11 April 2017
1.8	Section 5 added a paragraph on 'unreasonable barriers to access'. Section 10.1 Deferred enrolment added.		27 July 2017
1.9	Updates	Academic Board 24 February 2017	February 2017
1.9.1	Section 6.2, update undergraduate admission criteria		31 August 2017
2.0		Academic Board 3 April 2019	5 April 2019
2.1	Periodic review and re-formatting	Academic Board 11 October 2021	15 October 2021

1. Purpose

The purpose of this Policy is to outline responsibilities and procedures regarding the use of third-party copyright material, with the objectives of:

- reducing staff and APIC's exposure to the risks associated with the use of third-party copyright material;
- assisting staff in making full legal use of the materials at their disposal by clearly identifying responsibilities; and
- promoting copyright compliance.

2. Scope

This Policy applies to all APIC staff, students, and controlled entities. The scope of this Policy is limited to specifying responsibilities and procedures regarding:

- the use of third-party copyright material for teaching, learning, research, or administrative purposes; and

- any other use of third-party copyright material not covered by the Music, Video and Software Piracy Policy.

This Policy does not cover first-party copyright material. First party copyright material is covered by the Intellectual Property Policy.

3. Definitions

Item	Definition
<i>Copyright</i>	Defined as a legal concept that gives the creator of an original work exclusive rights to exploit the work for a limited time and prevent others from copying the work.
<i>Copyright Act</i>	The Copyright Act 1968 (Cth).
<i>Copyright works and third party copyright material</i>	Works or other subject matter where the copyright is not owned by APIC.
<i>Moral rights</i>	The three moral rights granted to the creators of copyright in Part IX of the Copyright Act 1968 (Cth).

4. Policy Statement

4.1 What individuals can do with copyright protected materials depends upon who owns the copyright, whether the use of the material is the subject of an agreement, the type of material used, how the material is used, how much material is used, and the purpose for which the material will be used. APIC has a responsibility to provide information and guidelines to employees, students, controlled entities and individuals associated with APIC concerning copyright. These can be broken down into the following:

- Addressing copyright rights and responsibilities;
- Develop, implement and support systems and processes that facilitate copyright compliance; ensure there are financial, structural and administrative procedures in place to meet its obligations under copyright legislation, and review and revise these as required;
- Monitor external developments in relation to copyright, especially copyright legislation, to revise and update policies, practices and documentation to adequately reflect changes, and to raise awareness of any developments as appropriate;
- Ensure APIC's corporate publications and information services, policies and facilities meet the requirements of the Copyright Act and are reviewed and revised periodically; and
- Respond appropriately to any alleged breaches of the Copyright Act brought to the attention of authorised officers of APIC or of which officers become aware.

4.2 Individuals have a responsibility to:

- Make an effort to become aware of their rights and obligations in relation to copyright, including moral rights obligations;
- Adhere to the requirements of the Copyright Act, apply APIC policies, practices and procedures when using copyright works;

- Consult with the APIC's Copyright Officer when developing learning and teaching resources, to ensure compliance with the relevant copyright law requirements, licence conditions, and APIC processes;
- Consult with APIC's Copyright Officer before entering into agreements with outside organisations on behalf of APIC, particularly when third party copyright material has been used;
- Report any alleged breaches of copyright to APIC's Copyright Officer; and
- Copyright Warning Notices must be placed next to machines that are used to copy text and artistic works or audio-visual material. The notice will differ depending on whether the machine copies text and artistic works (e.g., photocopier), audio-visual material (e.g. video recorder) or both. The notice must be at least A4 size, in close proximity to the machine and readily visible to anyone using the machine.

5. Uses

5.1 The Australian Copyright Act contains provisions that allow educational institutions to use text, images and notated (print) music in ways that would otherwise require copyright clearance. These provisions are sometimes referred to as the Part VB educational statutory licence. APIC is covered under the ECA Group licence.

5.2 APIC staff can copy and communicate text, images and print music without a copyright clearance if:

- it is for educational purposes, and
- they work for an educational institution that is covered by the Part VB educational statutory licence.

5.3 Available content

The statutory licence allows the use of text and images from any source or format:

- digital or hardcopy
- online or offline
- Australian or foreign content
- published or unpublished content

5.4 Availability of Copy

5.4.1 A 'work' is an item of text or an image, usually created by a single 'author'. An 'edition' (such as a book, journal or newspaper), or a publishing platform such as a website or CD ROM, may contain many 'works'. For example, in a newspaper, each article, opinion piece, letter to the editor, cartoon and photograph is a separate 'work'.

5.4.2 In some cases, a teacher may use only a 'reasonable portion' of a work, not the entire work. For some content, a specified proportion is deemed to be a 'reasonable portion'. More than this specified proportion can be a 'reasonable portion', but there is no guidance in the legislation about how much. Similarly, there is no guidance on what constitutes a 'reasonable portion' of works such as artistic works.

5.4.3 The following is a guide.

	Entire Work	Deemed 'Reasonable Portion'
Hardcopy	<p>If:</p> <ul style="list-style-type: none"> unpublished published, but not separately not available (in any form) within a reasonable time at an ordinary commercial price an article in a periodical (such as a journal, newspaper or magazine) – more than one if they are on the same subject a text work of no more than 15 pages published in an anthology an image that accompanies (and explains or illustrates) text that can be copied under the statutory educational licence. <p>Otherwise, a 'reasonable portion'.</p>	<p>If work is published as an edition of 10 or more pages:</p> <ul style="list-style-type: none"> 10% of the number of pages, or a chapter (if more than 10% of the pages)
Digital	<p>If:</p> <ul style="list-style-type: none"> if one of the hardcopy criteria applies work available for purchase, but only in hardcopy work is an image (even if it is available for purchase in digital form) <p>Otherwise, a 'reasonable portion'. (read Electronic Use notice, which must be published with each copy under this scheme)</p>	<p>If work published:</p> <ul style="list-style-type: none"> 10% of the words a chapter (if more than 10% of the words) 10% of a musical work

5.4.4 There is a general understanding that a student in a course should receive no more than a 'reasonable portion' for that course. For example, a teacher who copies 10% of a commercially available book for a class should not copy another 10% of the book for the same class.

5.4.5 Any kind of copyright material can be used in both online and hardcopy exams by educational institutions. This includes broadcast, sound and film

5.4 Approved Uses

Uses allowed by the statutory licence include:

- hardcopy content: photocopying, scanning
- digital content: saving to disk, printing, making available online, emailing.
- Any material shared with students, either through the learning management system or via email, **must** have an Electronic Use Notice attached to the copied material so that it is visible *before* it is accessed.

5.5 Disability Matters

The Copyright Amendment Disability Access and Other Measures Act (CADM) 2017 covers all persons with a disability that causes difficulty reading, viewing, hearing or comprehending copyright material. This fair dealing exception will permit making changes to the format of copyright resources. This means that

teachers and educational institutions will be able to make format-appropriate versions of educational materials for students with disabilities.

5.6 Fair Dealing

5.6.1 In addition to the statutory licence, other provisions in the Copyright Act permit educational institutions to use copyright material without permission from the copyright owner. These include section 200AB (the “special case” or “flexible dealing” exception) and section 28 (playing music and showing films in class).

5.6.2 Section 200AB allows an educational institution to use copyright material for educational instruction in some instances, where the use is not covered by other specific exceptions in the Copyright Act. For example, it does not apply to a use that would be covered by the statutory licence or the other provisions relevant to educational institutions. Section 200AB only applies if:

- the circumstances of the use amount to a special case;
- the use does not conflict with a normal exploitation of the material;
- the use does not unreasonably prejudice the legitimate interests of the owner of the copyright; and
- the copying is not made for commercial advantage or profit.

6. Non-compliance

6.1 APIC’s disciplinary procedures may be applied where employees or students fail to comply with this policy or the Copyright Act. Some breaches of the Copyright Act are criminal offences, attracting heavy fines and terms of imprisonment.

6.2 Students are entirely responsible for any copyright infringement resulting directly or indirectly from their actions.

7. Roles and Responsibilities

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.

APPENDIX A

Commonwealth of Australia *Copyright Act 1968* **Notice about the reproduction of works and the copying of published editions**

Warning

Copyright owners are entitled to take legal action against persons who infringe their copyright. A reproduction of material that is protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including:

- (a) a reproduction that is a fair dealing under the *Copyright Act 1968* (the **Act**), including a fair dealing for the purposes of research or study; or
- (b) a reproduction that is authorised by the copyright owner.

It is a fair dealing to make a reproduction for research or study, of one or more articles in a periodical publication for the same research or same course of study or, for any other work, of a reasonable portion of a work.

For a published work in hardcopy form that is not less than 10 pages and is not an artistic work, 10% of the number of pages, or one chapter, is a reasonable portion.

For a published work in electronic form only, a reasonable portion is not more than, in the aggregate, 10% of the number of words in the work.

More extensive reproduction may constitute fair dealing. To determine whether it does, it is necessary to have regard to the criteria set out in subsection 40(2) of the Act.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

APPENDIX B

Commonwealth of Australia *Copyright Act 1968* **Notice about the copying of audio-visual items**

Warning

Copyright owners are entitled to take legal action against persons who infringe their copyright. Unless otherwise permitted by the *Copyright Act 1968* (the *Act*), unauthorised use of audio-visual items in which copyright subsists may infringe copyright in that item.

It is not an infringement of copyright in an audio-visual item to use that item in a manner that is a fair dealing under section 103C of the Act.

Section 103C of the Act relates to fair dealing for the purpose of research or study and sets out the matters that must be considered in determining whether a reproduction of an audio-visual item is a fair dealing.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.

APPENDIX C

ELECTRONIC WARNING NOTICE FOR COPYRIGHT STATUTORY LICENCES

WARNING

This material has been reproduced and communicated to you by or on behalf of **Asia Pacific International College** in accordance with section 113P of the *Copyright Act 1968 (the Act)*

The material in this communication may be subject to copyright under the Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act.

Do not remove this notice.