



# Copyright Policy

## 1. Purpose

- 1.1 Western Sydney University International College (WSUIC) is committed to ensuring that all staff and students meet the legal and compliance obligations imposed by the Copyright Act, 1968 and all current copyright licence agreements to which WSUIC is a signatory to.

This policy explains WSUIC's expectations regarding the use of third-party copyright content for educational and non-commercial purposes. It is supported by procedures and guidelines to inform and support staff and students of WSUIC in minimising the risk of copyright infringement.

- 1.2 Australian Copyright Law is contained in the Copyright Act 1968, as amended from time to time.
- 1.3 Australian Copyright Law is affected by court decisions, Government reviews, International Treaties and Free Trade Agreements.

## 2. Scope

This policy applies to all prospective and current WSUIC teaching and professional staff, and students. In accordance with the Services Agreement and Licence Agreement between WSUIC and Western Sydney University The College, Western Sydney University (WSU) holds the intellectual property rights for courses delivered by WSUIC. These intellectual property rights, along with Library and IT Services are all covered by the WSU Copyright Licence. Therefore, this policy should be read in conjunction with supporting information available on the Copyright webpages of WSU Library's web site, WSU IT Acceptable Use of Resources Policy, WSU Learning Technologies Policy, WSU Lecture Recording Policy, WSU Social Media Guidelines For Staff, WSUIC Student Conduct Policy, WSUIC Student Misconduct Rule and WSUIC IT Acceptable Use Policy.

## 3. Definitions

### “CAL”

Refers to the Copyright Agency Limited. CAL is a government appointed agency that represents authors, publishers and journalists. It negotiates the statutory licences for the copying of printed materials by educational institutions and other organisations.

### “Communication”

Means electronically transmitting a work or other subject matter online which is covered by copyright. This could include putting the work onto a website, broadcasting or faxing, emailing digital files containing the work, making it available via an online teaching system or i-lecture .



*“Copying”*

Means reproducing material by any means (into digital or analogue form) – this could include making a photocopy or recording, scanning onto a computer disk, printing out a digital file, uploading content to a USB or cloud storage.

*“Copyright”*

A legal concept giving the creator of original work exclusive rights to it.

*“Screenrights”*

Is a reference to the Audio-Visual Copyright Society which represents owners of copyright in films, scripts, music and sound recordings and negotiates the statutory licences for the copying of TV and radio broadcasts by educational institutions.

*“WSU”*

Refers to Western Sydney University

**4. Policy Statement**

- 4.1 WSUIC will conduct its educational, learning and non-commercial activities in a manner that is compliant with the provisions of the Copyright Act, 1968 (the Act) and other copyright licence agreements currently in force.
- 4.2 WSUIC respects copyright law, the rights of copyright holders and the obligations of content users under Australian Copyright Law.
- 4.3 WSUIC encourages and supports the legal use of third-party copyright content in digital, electronic or print format, to enhance its educational and non-commercial activities.
- 4.4 Staff and students will comply with all applicable legal requirements and obligations pertaining to copyright.
- 4.5 WSUIC will respond to internal copyright issues and external notifications of alleged copyright infringement.
- 4.6 WSUIC will provide signage adjacent to campus photocopiers outlining the requirements of the Copyright Act.



## **5. Specific Legal Obligations**

5.1 WSUIC staff must comply with the licenses negotiated between Universities Australia and Copyright Collecting Societies, including:

- a) Statutory Licences
  - i. The Part VB licence
  - ii. Part VA Licence
- b) Commercial Music License:
  - i. The Music Licence is a commercial agreement negotiated between Universities Australia and the following music societies, Australasian Mechanical Copyright Owners Society (AMCOS), Australasian Performing Right Association Ltd. (APRA), Australian Record Industry Association (ARIA), and Phonographic Performance Company of Australia (PPCA).
  - ii. The Music Licence allows for the use of sound recordings at events and for music-on-hold used on telephones.
  - iii. The Music Licence allows for copying and communication of sound recordings for educational and teaching purposes.

## **6. Copyright Licences**

6.1 WSUIC is licenced as an Educational Institution in accordance Part VB, (Reproducing and Communicating Works by Educational and other Institutions) of the Copyright Act, to reproduce certain amounts of works for:

- a) use in connection with courses of study conducted by WSUIC; and
- b) administrative purposes

6.2 WSU has a licence agreement with **Copyright Agency Limited (CAL)** for text and images including the Hardcopy licence and the Electronic Reproduction and Communication licence which allows the use of text and images from any source or format, including:

- a) digital or hardcopy;
- b) online or offline;
- c) Australian or foreign content;
- d) published or unpublished content; and includes:
- e) copying hardcopy to digital;
- f) photocopying of hardcopy to hardcopy;
- g) copying digital to digital; and
- h) communication of copies in a digital form.

Note: Copyright also applies to all information on the internet.



- 6.3 Print copies may be made for students, subject to the following restrictions:
- a) from a book – up to 10% or one chapter of the book, whichever is greater;
  - b) from a journal or magazines (including newspapers) – up to one complete article from any one issue of the journal or periodical (If there are two or more articles on the same topic in the journal, then these may be copies, but the same topic restriction should be interpreted narrowly);
  - c) from an anthology - works contained in the anthology which are less than 15 pages in length;
  - d) no more than 10% of the words or pages of a website;
  - e) separately published works made available through a website, such as reports, are treated as individual works and subject to the chapter or 10% rule.
- 6.4 The limits referred to above should be applied per course. That is, regardless of how many members of the teaching staff are teaching a course in a given semester, no more than 10 percent of a work should be copied or electronically transmitted to students by those members of the teaching staff (when their copying is aggregated).
- 6.4.1 For CAL licences, there is no limit to the number of copies made and copies can be sold to recoup costs but not for a profit.
- 6.5 WSU also has a licence agreement with Screenrights which allows for the reproduction of recording and/or commuting audio-visual materials sourced from a broadcast. This licence agreement does NOT include:
- a) purchase, rented or borrowed DVD's or videos; and/or
  - b) digital download or podcasts (unless they are from a free-to-air- broadcast)
- 6.5.1 Screenrights licences apply from 29 January 1990, and copies from radio and TV before then are not covered under the licence. Such items may be kept in the library, loaned and played in class but not copied.

## **7. Responsibility**

- 7.1 Everyone must comply with copyright law.
- 7.2 Everyone is responsible for ensuring that copying for the purposes of research, study, criticism, review, parody or satire is fair and is limited to the amounts indicated in the Copyright Act;
- 7.3 Everyone is responsible for ensuring that content containing third party copyright content, especially that held under commercial Music Licence is not stored on external non- WSU/WSUIC digital platforms and services such as social media, unless the content is original, covered by a Creative Commons Licence, and/or has no known copyright restrictions;



- 7.4 Everyone is responsible for acting on WSU/WSUIC's advice to minimise the risk of copyright infringement.
- 7.5 Teaching staff must familiarise themselves with current copyright laws and the limits on copying under licence. There are a number of online resources available including:
- [Australian Government Attorney-General's Department](#)
  - [Copyright Agency](#)
  - [Screenrights](#)
- 7.6 Professional and Teaching Staff are personally and legally liable if they infringe copyright or sanction a student to do so.
- 7.7 It is the responsibility of the staff member to seek clarification if unsure of the copyright requirements.
- 7.8 When giving private tuition that is not connected with WSUIC, staff are not covered by licences purchased by WSU.
- 7.9 Authors/designers of works have automatic copyright, however, where works are made during the course of employment the copyrights are owned by the employer (unless varied by agreement). Anyone who wishes to use the material must:
- a) credit the material to its author/designer to with appropriate referencing to avoid plagiarism;
  - b) not take it out of context or modify it without acknowledging the source; and
  - c) comply with the requirements of the CAL agreement.

## **8. Quality and Compliance**

- 8.1 This policy is reviewed periodically (at a minimum every two years) to ensure regulatory compliance, operational currency, the identification of continuous improvement opportunities and risk identification and mitigation. This review is reflected in WSUIC's Risk Management Framework.
- 8.2 This policy will be available on the WSUIC website for students and the WSUIC SharePoint site for staff access.
- 8.3 Emails will be issued to all staff to inform and update them on any changes to the policy and/or procedures and guidelines.
- 8.4 New staff will receive policy information during the induction process where it relates to their position.

## **9. Policy Source**

- 9.1 This policy has been developed and informed by the following sources: WSU Copyright Policy retrieved from DSS Policy and Copyright Agency Limited: website (Educational Licences).



9.2 This policy has also been benchmarked as part of the policy development and review procedure against the relevant policies of other Higher Education Providers for relevance, currency and best practice comparison.

**10. Related Forms and Documents**

N/A

**11. Related Policies, Procedures and Guidelines**

- ☐ WSU IT Acceptable Use of Resources Policy,
- ☐ WSU Learning Technologies Policy,
- ☐ WSU Lecture Recording Policy,
- ☐ WSU Social Media Guidelines For Staff,
- ☐ RULE 1 WSUIC Student Misconduct Rule
- ☐ POL 19 WSUIC Student Conduct Policy,
- ☐ POL 54 WSUIC IT Acceptable Use Policy

**12. Related Legislation**

- Copyright Act 1968: <http://www.comlaw.gov.au/Details/C2010C00476/>

**Approval and Amendment History**

<b>Approval Authority:</b>	Western Sydney University International College Board of Directors	
<b>Policy Owner:</b>	Quality and Compliance	
<b>Approval Date:</b>	27 April 2018	
<b>Date for Next Review:</b>	5 <sup>th</sup> July 2026	
<b>Amendments</b>		
<b>Revision Date</b>	<b>Version</b>	<b>Summary of changes</b>
27/04/2018	1.0	New Policy Developed
14/04/2020	1.0	Minor grammatical changes and formatting
25/05/2022	1.0	Regular review, no amendments



<b>Amendments</b>		
<b>Revision Date</b>	<b>Version</b>	<b>Summary of changes</b>
04/07/2024	1.1	Regular review Minor grammatical changes and formatting Addition of Licence Agreement to the scope Updated Policy Number from 21 to 19 for WSUIC Student Conduct Policy Removal of POL 46 Web Services Policy, and replaced with POL 54 IT Acceptable Use Policy



## Appendix A

Notice to be displayed near photocopiers

# Copyright Notice

## COMMONWEALTH OF AUSTRALIA

### Copyright Regulations 1969

#### **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 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
- A reproduction that is authorised by the copyright owner.

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

In the case of a published work in hardcopy form that is not less than ten pages and is not an artistic work, ten per cent of the number of pages, or one chapter, is a reasonable portion.

In the case of a published work in electronic form only, a reasonable portion is not more than, in the aggregate, ten per cent 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.

Please see WSUIC Quality and Compliance Department if you have any questions.