

Copyright Procedure

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Purpose

This Procedure is a general guideline to ensure GOTAFE's effective compliance with the Copyright Policy and the Copyright Act (as amended). It aims to guide staff and students on the use of 3rd party copyright works and convey an awareness of the rights of copyright owners, authors, creators, and users.

Relevant Policy/Policies

- Copyright Policy and the Intellectual Property Policy

Scope

This Procedure applies to all GOTAFE employees and students. It replaces all previous Copyright Procedures.

Roles and Responsibilities

The Copyright and Intellectual Property Advisor (CIP Advisor) shall:

- ensure GOTAFE's effective compliance with the Copyright Act and the Copyright Policy
- implement this Procedure and develop copyright rules, guidelines, and processes
- provide advice, information, and assistance to staff and students on copyright and licenses
- ensure staff do not infringe 3rd party copyright used in teaching and learning resources

Staff and Students, shall:

- endeavour to be aware of the provisions of the Copyright Act and the Copyright Policy
- endeavour to be aware of this Procedure and its internal copyright rules and guidelines
- endeavour not to infringe copyright works used in learning materials
- comply with terms and conditions of copyright licenses and agreements

People and Culture and Digital Solutions:

- **People and Culture** ensures all employees are made aware of and signs off on the Copyright Policy, at induction. **Digital Solutions** shall provide technical support and expert assistance to the CIP Advisor during the investigation of cases where employees used or reproduced digital works, broadcasts or any related materials on the GOTAFE network or devices without the requisite permission or license.

Procedure

1. Copyright and Educational Licenses.

The Copyright Act allows educational institutions the right to copy without the need to obtain permission for certain amounts of literary, dramatic, artistic, and musical works for educational purposes. Note, however, that this allowance is not absolute, it has restrictions and conditions.

1.1 CAL LICENSE

Under Section 113P of the Act (formerly Part VB), educational institutions can copy and communicate literary, dramatic, and artistic works through a **statutory**

license, the CAL License. GOTAFE has a CAL License. (Copyright Agency Ltd-CAL is the Licensor).

1.2 It is important to note that this License is not absolute, it has restrictions and limitations.

1.3 Principal subjects are written works-texts sourced from books, journals, newspapers, and magazines and others. (With allowance on certain types of images).

1.4 For a detailed guide on this License, **see Copyright Guidelines: Written Materials & the CAL LICENSE**

1.5 **SCREENRIGHTS LICENSE (NO SCREENRIGHTS LICENSE)**

The Act allows educational institutions to copy and communicate broadcast materials from television and radio through a **statutory license**, Screenrights License. **GOTAFE has terminated this license.** (Audio-Visual Copyright Society Ltd a.k.a. Screenrights is the Licensor).

1.6 To use television or radio broadcast materials or related works, contact the CIP Advisor.

1.7 **TAFE MUSIC LICENSE**

Educational institutions can copy and communicate musical works through the TAFE Music License. GOTAFE has a TAFE Music License. (Apra-Amcos-PPCA-ARIA is the Licensor).

1.8 This License is not absolute, there are conditions and limitations.

1.9 Principal subjects are music and sound recordings used in teaching-educational resources and those played in GOTAFE events, activities, and facilities.

1.10 For more information, see **Copyright Guidelines: MUSIC LICENSE**

1.11 **LICENSE STORAGE**

1.12 These Licenses, including any related copyright document, information, content or agreements shall be stored and kept in a secured site at the GOTAFE network within the CIP Advisor's department.

2. **Permissions and Licenses**

2.1 Unless a notice, permission, or a license expressly states that the owner allows a material to be used or copied without permission, staff and students should seek permission or procure a license from the rights holder for the use of a 3rd party material. If the subject material falls under 1.1 and 1.7, there is no need to obtain permission.

2.2 A Copyright Register of permissions and related agreements obtained by staff, shall be administered and maintained. It is important for staff to furnish all permission documents, including the complete communication (emails), to the CIP Advisor.

2.3 For a detailed guide on Permissions, see **Copyright Guidelines: SEEKING PERMISSION**

3. **Moral Rights**

3.1 Moral Rights are personal rights granted under the law to authors-creators of copyright works. (Part IX of the Copyright Act). It consists of 3 types:

3.2 **Right of attribution-** is the right of an author-creator to be identified or named as the author-creator of their own work.

3.3 **Right against false attribution-** is the right of an author-creator to prevent others from being credited as the author-creator of their work; and

3.4 **Right of integrity-** the right of an author-creator to ensure their work is not subject to derogatory treatment or in a way that is harmful to the author-creator's reputation.

3.5 Whether or not an author-creator owns the copyright, the author-creator is entitled to moral rights, unless expressly waived in writing.

4. Attribution, Acknowledgement, Referencing

4.1 When using 3rd party materials in academic works, study, research, teaching and learning materials staff and students must attribute, acknowledge, or reference the author, creator, or the copyright holder of these materials

4.2 This is important to prevent plagiarism and infringement of copyright.

4.3 For further guidance, contact the following:

4.3.1 **Students:** For Referencing Guide, Support, or Training contact: Library: library@gotafe.vic.edu.au and Learning Support: learningsupport@gotafe.vic.edu.au

4.3.2 **Designers and Trainers:** Attribution, Acknowledgment, Referencing, contact: Senior Digital Designer or CIP Advisor; General Referencing, contact: Library: library@gotafe.vic.edu.au

4.3.3 **General Staff:** General Referencing, contact: Library: library@gotafe.vic.edu.au; Text Attribution, Referencing contact: Senior Digital Designer or CIP Advisor; Image Attribution, Acknowledgment, contact: Senior Digital Designer or CIP Advisor

5. Infringement of Copyright

5.1 Infringement or breach of copyright occurs when 3rd party works are used, copied, communicated, performed, or altered to derivative work, without permission of the copyright owner.

5.2 If a staff encounters an infringement or serious infringement of copyright, inform your Manager and the CIP Advisor. The CIP Advisor will investigate and make the necessary recommendation. Students may inform their Trainer or the CIP Advisor.

5.3 Serious breach of this Procedure may result in disciplinary action, warning, reprimand, or dismissal, in line with related policies and procedures.

5.4 Criminal Offence. Some infringements are Criminal Offences (Section 132(1) and (2) Copyright Act). A corporation may be liable for fines and other penalties. If convicted, individuals may be liable for a fine or possible imprisonment. The infringed owner may bring an action for damages and an accounting of profit, against the individual or the corporation

6. Ownership of Copyright in an Educational Institution

6.1 Ownership of copyright-intellectual property rights in an educational institution are stated in detail in the Intellectual Property Procedure.

7. Guidelines, Rules and Processes

7.1 The CIP Advisor monitors and reviews legislative developments and shall ensure GOTAFE remains aligned and compliant with future regulatory requirements. In line with this responsibility, the CIP Advisor shall develop copyright guidelines, rules, and processes.

7.2 For further information, enquiries, or assistance on Copyright, the Copyright Policy, and this Procedure, contact the CIP Advisor, email: copyright@gotafe.vic.edu.au

Definitions

Copyright – a type of intellectual property that protects original works of authors-creators. A copyright owner controls and manages how their work is used and may prevent others from reproducing their work, without permission.

CIP Advisor – refers to the GOTAFE Copyright and Intellectual Property Advisor

Copyright Act/The Act – refers to the Australian Copyright Act 1968 and its amendments

Infringement or Breach of Copyright – when a 3rd party material is used, reproduced, communicated, performed, or transformed to derivative work without the permission of the owner. Some infringements are Criminal Offences.

3rd Party Works/Materials – are works whose copyright is owned by persons or organizations other than GOTAFE

Moral Rights - are personal rights granted to authors-creators under the law. It includes the right to attribution, the right to be identified as author-creator, right to have their work respected and not subjected to derogatory treatment.

Copyright Agency Ltd or CAL – the agency that administers the CAL License

Apra-Amcos-PPCA-ARIA – the group that administers the TAFE Music License

APRA- the Australasian Performing Right Association

AMCOS – the Australasian Mechanical Copyright Owners Society

ARIA – the Australian Recording Industry Association Limited.

PPCA – the Phonographic Performance Company of Australia Ltd

Audio-Visual Copyright Society Ltd (a.k.a. **Screenrights**) – is the body that administers the Screenrights License

a.k.a.- means ‘also known as’

Documentation and regulation

- Copyright Act of 1968 (as amended)
- Copyright Policy E9
- Intellectual Property Policy E10
- Intellectual Property Procedure B-P138
- Employee Discipline Policy CS11
- Student Code of Conduct Policy E6
- Student Code of Conduct Procedure E6-P27

Guidelines:

- Copyright Guidelines: Written Materials & the *CAL LICENSE* [under development]
- Copyright Guidelines: *Music License* [under development]
- Copyright Guidelines: Seeking Permission [under development]
- Copyright and Assessment Tools (Attribution)