

Copyright Take Down Procedure

Policy Code: CG1062

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Purpose

Federation University Australia is subject to laws relating to the provision of the *Copyright Act 1968* (Cth).

This operating procedure details the processes required to ensure the University's compliance with these acts .

The procedure follows the rules as set out in *Copyright Amendment Regulations 2004 (No. 1) Statutory Rules 2004 No. 405*<http://www.comlaw.gov.au>

Scope

This procedure applies to all the University Authorised Users across the University's six campuses; Mt Helen, SMB, Horsham, Stawell, Ararat and Camp Street.

Definitions

The Act:	The Copyright Act 1968, and all relevant amendments.
AUSFTA:	US Free Trade Agreement Implementation Act 2004
Authorised Officer:	Senior member of staff designated by Deputy Vice-Chancellor Learning & Quality to handle all operational/technical aspects of a case where the take down procedure is applied.
Authorised User:	All staff, students, and other users who are authorised by the University to use FedUni IT systems or networks to access the Internet.
Communication:	To make available on-line or electronically transmit to staff and students on the University network. Such communication explicitly excludes: individuals who are neither staff nor students of the University; and entities which are not constituent parts of the University or defined as "Affiliated Institutions" in University Agreements with Copyright Agencies.

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Authorised by: Deputy Vice-Chancellor (Learning & Quality) | Document Owner: Deputy Vice-Chancellor (Learning & Quality) | Original Issue: 30/04/2005 | Current Version: 23/11/2011 | Review Date: 01/10/2014 | Policy Code: CG1062

CRICOS Provider Number: 00103D

Copyright Regulations:	Regulations made under the Copyright Act.
Designated Representative:	Senior member of University authorised to act as the Designated Representative for all matter relating to copyright. The Designated Representative has responsibility for dealing with people outside the University environment.
Document:	A communication, electronic document, music, web page, or a link to a web page.
PVC L&Q:	Deputy Vice-Chancellor Learning & Quality, who is responsible for dealing with people within the University environment and for maintaining copies of all relevant documentation pertaining to the dispute.
Monitor:	The system used to monitor material on-line.
Owner:	The individual responsible for placing suspect document on the University's network.
Relevant Rights Holder:	The individual or organisation that is the legal copyright owner.
Restricted Access:	Access to staff and students of the University only. Such access explicitly excludes: individuals who are neither staff nor students of the University; and entities which are not constituent parts of the University or defined as "Affiliated Institutions" in the University's agreement with Copyright Agencies.
Sanction:	Appropriate sanctions as outlined in the following: University Statute 6.1 University Regulation 6.1 Policy For Use Of Computing And Communication Facilities – Section 4. Copyright Procedure
Staff:	Any person employed by the University. This includes Academic, Teaching and General, full-time, part-time, sessional or casual employees. Staff, for the purpose of this policy only, also includes visiting Teaching and Research staff, Academic Associates and other contracted staff, and University-based employees of student and staff associations.
Student:	Any person enrolled as a student of the University. This includes full-time, part-time, block-mode or distance education students.
Takedown Notice:	The form whereby copyright owners, or their agents, are able to report any perceived copyright infringement, or a breach of an agreed licence or contract, on the University network.
Unauthorised User:	Members of the public, or staff and students from other educational institutions, who do not have authorised access to the University Novell network.
Working Day:	A working day, as defined by Copyright Amendment Regulations 2004 (No. 1) Section 20H, means a day that is not: a public holiday or a bank holiday in that place; or a Saturday or a Sunday.

Actions

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Breach of Copyright in the Form of a Communication, Document, Web Page, or Link Identified on the University Network, Received by Designated Representative.

	STEPS	WHO IS RESPONSIBLE?	COMMENTS
1.	Take Down Notice received.	Designated Representative	
2.	PVC L&Q informed of reported breach.	Designated Representative	
3.	PVC L&Q instructed to block or remove suspect document.	Designated Representative	
4.	Internet access to suspect document is removed or blocked.	PVC L&Q	This must be done within one (1) working day of receipt of notice.
5.	Owner of suspect document is located and reported to Designated Representative.	PVC L&Q	
6.	Authorised Officer is assigned to the case and advised of incident.	PVC L&Q Designated Representative	Authorised Officer to maintain documentation which tracks actions taken, and reports back to Designated Representative progress of action.
7.	Owner of suspect document contacted.	Authorised Officer	Authorised Officer to provide copy of Take Down Notice to document owner; discuss the reason why document removed / blocked. Check ownership of copyright.
8.	Designated Representative and PVC L&Q informed of progress.	Authorised Officer	
9.	Copyright owner to be kept informed of progress.	Designated Representative	
10.	Document to be reinstated, if found not to be in breach of copyright.	PVC L&Q	PVC L&Q advises Designated Officer.
11.	If document found to be in breach of copyright appropriate sanctions imposed upon document owner.	Designated Representative	
12.	All parties to be informed of outcome.	Designated Representative	PVC L&Q and Authorised Officer to provide Designated Representative with all relevant information.
13.	Counter notice received from document owner.	Designated Representative	Document owner is able to submit a counter notice within three (3) months after receiving the information related to the claimed infringement. This is in line with Regulation 20K of the Copyright Amendment.

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14.	Copy of counter notice sent to Authorised Officer.	Designated Representative	Copyright owner has ten (10) working days in which to bring action seeking a court order to restrain the document that is claimed to be infringing, or the document will be restored on the network.
15.	Copy of counter notice sent to copyright owner.	Designated Representative	
16.	Designated Representative to be kept informed of response.	PVC L&Q	If a court order is received Designated Representative to inform Legal and Secretariat.

Responsibilities

The Director Library Services is responsible for the management of copyright within the University, and as such is the Designated Representative.

Policy Base

- The Commonwealth of Australia Copyright Act 1968 <http://www.austlii.edu.au>
- Copyright Amendment Regulations 2004 (No. 1) Statutory Rules 2004 No. 405 <http://www.comlaw.gov.au>
- [Statute 6.1 - Student Discipline.](#)
- [Statute 8.2 - Intellectual Property.](#)
- [Regulation 6.1 Student Discipline.](#)

Associated Documents

- [Copyright Procedure](#)
- [Use of Computing and Communication Facilities Policy](#)

Implementation

The [Copyright Take Down Procedure](#) will be implemented throughout the University via:

1. an Announcement Notice under 'FedNews' on the University Homepage website and through the University Policy - 'Recently Approved Documents' webpage to alert the University-wide community of the approved Procedure; and
2. inclusion on the University's online Policy Library.

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