

Copyright and Takedown Procedure

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Purpose

This procedure outlines the processes and actions required to ensure Federation University Australia staff and students are aware of and comply with the provisions of the Copyright Act 1968 (Cth), and to ensure adherence to s.113P and other relevant sections of the Act. It also outlines the steps to take in response to an infringement notification or in otherwise becoming aware of possible copyright infringements.

This procedure applies to all University staff and students, those working on behalf of the University, affiliates and visitors.

Legislative Context

- [Copyright Act 1968 \(Cth\)](#)
- [Federation University Australia Act 2010](#)
 - Statute 6.1 – Student discipline

Definitions

A complete list of definitions relevant to this procedure is contained within the [Copyright Policy](#).

Actions

1. Communication and information provision

	ACTIVITY	RESPONSIBILITY	STEPS
A.	Making available information about the University's expectations and legal obligations regarding copyright	Copyright Coordinator	Make information available on university website www.federation.edu.au/copyright
B.	Providing information which supports the assessment and copyright compliant use of material in teaching and research and study practices	Copyright Coordinator	Present and provide training to the University community on a regular basis

2. Prevention and risk mitigation

	ACTIVITY	RESPONSIBILITY	STEPS
A.	Clearly designate responsibilities within Schools to facilitate the dissemination of copyright information to academic/teaching staff	Associate Deans - Teaching Quality or delegate	<ol style="list-style-type: none"> 1. Ensure academic / teaching staff are aware of legal obligations when using copyright material 2. Ensure all teaching materials comply with Copyright guidelines for teaching before release to students 3. Actively request support or advice from the University Copyright Office
		Staff members, students and associates of the University	<ol style="list-style-type: none"> 1. Be aware of copyright requirements prior to using copyrighted materials 2. Seek advice from the University Copyright Office if unsure of the status of material
B.	Provide centralised management of copyright content made available through the audio visual and statutory licence s.113P of the Act	Library / Information Technology Services	<ol style="list-style-type: none"> 1. Manage and report s.113P content to conform with our statutory licences across the University
		Library / Copyright Coordinator	<ol style="list-style-type: none"> 1. Manage the compliance process for copyright management of 3rd party content made available for teaching on LMS and other

	ACTIVITY	RESPONSIBILITY	STEPS
			online teaching spaces through the Course Readings process
		All teaching staff, Course Coordinators	1. Ensure all teaching materials comply with Copyright guidelines for teaching
C.	Provide a responsive service to staff and students to assist with decision making about copyright compliance and meeting legal obligations, utilising expert knowledge when needed	Copyright Coordinator / Legal Office	<ol style="list-style-type: none"> 1. Provide support to staff and students through email response to centralised inbox and telephone number 2. Response times are reasonable ie within 3 working days
D.	Ensure managers within specialised areas where copyright issues regularly arise are aware of their responsibilities for copyright compliance	Deans and Directors, managers, and all staff and students in specialised areas	1. Ensure that staff, students or other persons (including volunteers or contractors) who are engaged in areas where copyright issues regularly arise, such as theatres and performances, galleries, Information Technology Services, Marketing and Communications, Disability and Access Unit, Library, CAD, Research Centres, are aware and comply with the specific copyright requirements applicable to their area of activity
E.	Ensure copyright quality and compliance benchmarks for course quality are achieved.	Copyright Coordinator / ADTQs	1. Audit a sample of courses against agreed benchmarks including TEQSA HES Framework (2015) 5.2 – Academic Integrity, and Copyright Act (1968) annually.

3. Compliance and breach management

	ACTIVITY	RESPONSIBILITY	STEPS
A.	Complying with provisions set out in the Act, which include but are not limited to Fair Dealing exceptions, statutory licence requirements as agreed between UA and the collecting agencies under s. 113P and notice requirements	All staff/students	<ol style="list-style-type: none"> 1. Identify copyright status of any third party material before using the item through reference to the guidelines at www.federation.edu.au/copyright 2. Seek advice from the University Copyright Office if unsure of copyright status or use alternative material with

	ACTIVITY	RESPONSIBILITY	STEPS
			clear status – ie Creative Commons licence or content licensed through Library database contracts.
		Copyright Coordinator	Liaise with and assist Copyright collecting societies when they undertake surveys
B.	Ensuring ease of access for potential breach reports via the Copyright Takedown notice	Copyright Officer / Copyright Coordinator	Ensure link to Copyright Takedown Notice is included in the footer of every web page and that notices are received directly by the Copyright Officer, or other designate.
C.	Enacting clear procedures for responding to Takedown notices or when otherwise becoming aware of possible copyright infringements		See process outlined below in 4a and 4b

4a. Takedown notification received

	ACTIVITY	RESPONSIBILITY	STEPS
A.	Takedown notification received by the University	Designated Representative or delegate, Copyright Coordinator; or any staff member receiving Takedown notice	<ol style="list-style-type: none"> 1. Receive all Takedown notices through web form or via copyright@federation.edu.au 2. Forward any Takedown notice received via other channels to copyright@federation.edu.au
B.	Acknowledge the Takedown notice and inform IT Services	Designated Representative or delegate, Copyright Coordinator	<ol style="list-style-type: none"> 1. Investigate veracity of Takedown claim to ensure merit 2. Acknowledge receipt of notice to issuer, confirm item being investigated and advise document will be blocked pending investigation 3. Inform ITS Risk & Security Officer of receipt of the Takedown notice
C.	Remove the suspected item and identify its owner	ITS Risk & Security Officer	<ol style="list-style-type: none"> 1. Block or remove suspect document expeditiously 2. Locate the contact details of the owner of the suspect document and notify the University Copyright Officer. The document owner will be the staff/student who made the document available.

	ACTIVITY	RESPONSIBILITY	STEPS
D.	Contact owner and inform of process	Designated Representative or delegate, Copyright Coordinator	<ol style="list-style-type: none"> 1. Contact the owner of the suspect document 2. Provide copy of Takedown notice and notice stating the material has been removed or access has been disabled and an explanation of the grounds for this action. 3. Provide the owner of suspect document with information about counter-notice process.
E.	Investigate Sanctions	Designated Representative or delegate, Copyright Coordinator	<ol style="list-style-type: none"> 1. Establish the copyright ownership of the infringing content 2. Refer breach to Director/Dean indicating severity and repeat behaviour which might lead to internal disciplinary proceedings/sanctions under Statute 6.1 – Student Discipline and/or Staff Code of Conduct Policy HR1659 or the Use of Computing and Communication Facilities Policy IM966 3. Inform all parties of the outcome of the investigation. 4. See Copyright Regulations for details of counter-notice processes if needed.
F.	Maintain accurate records	Designated Representative or delegate, Copyright Coordinator / ITS Security & Risk Officer	Record the breach and keep on a centrally managed file accessible to the University Copyright Officer/ ITS Security & Risk Officer

4b. Otherwise becoming aware of possible copyright infringements

	ACTIVITY	RESPONSIBILITY	STEPS
A.	Informing of potentially infringing material on University networks or facilities	Staff/Students	Report potential infringing material on University networks or facilities to copyright@federation.edu.au or through the online form linked from each FedUni webpage
B.	Recalling or removing non-compliant content	University Copyright Officer / Copyright Coordinator	<ol style="list-style-type: none"> 1. Investigate the suspect item to assess copyright status 2. Intervene in the distribution of the items in question if breach established. This may mean

	ACTIVITY	RESPONSIBILITY	STEPS
			recalling items already distributed or removing access to online material. 3. Contact the student / staff member acting in non-compliance and discuss the legal and policy issues with a guide to inform and educate 4. Investigate such breaches indicating severity and repeat behaviour which might lead to internal disciplinary proceedings under Statute 6.1 – Student Discipline and/or Staff Code of Conduct Policy HR1659 or Use of Computing and Communication Facilities Policy IM966 5. Initiate internal disciplinary proceedings under Statute 6.1 – Student Discipline and/or Staff Code of Conduct Policy HR 1659 or the Use of Communication and Facilities Policy IM966 through Director/ Dean.

Supporting Documents

- [Copyright Policy](#)
- [Academic Integrity Policy](#) LT1943
- [Intellectual Property Policy](#) RS2026
- [Learning Content Management Procedure](#) IM1955
- [Staff Code of Conduct Policy](#) HR 1659
- [Use of Computing and Communication facilities policy](#) IM966
- [Copyright Infringement Notification Form \(Online\)](#)

Forms.

- [Copyright Infringement Notification Form](#) (DOCX 196.5kb)

Responsibility

Deputy Vice-Chancellor (Academic) (*as the Approval Authority*) is responsible for monitoring the implementation, outcomes and scheduled review of this policy and its accompanying procedure/s.

Director, University Library (*as the Policy Sponsor*) is responsible for maintaining the content of this policy as delegated by the Deputy Vice-Chancellor (Academic).

Copyright Coordinator and Academic Integrity Officer is responsible for the administration support for the maintenance of this procedure as directed by the Director, University Library.

Promulgation

The Copyright Procedure will be communicated throughout the University community in the form of:

- an Announcement Notice via FedNews website and on the 'Recently Approved Documents' page on the 'Policies, Procedures and Forms @ the University' website to alert the University-wide community of the approved Procedure;
- distribution of e-mails to Head of School / Head of Department / University staff; and/or
- documentation distribution, eg posters, brochures
- notification to Schools

Implementation

The Copyright Procedure will be implemented throughout the University via:

1. an Announcement Notice via FedNews website and on the 'Recently Approved Documents' page on the 'Policies, Procedures and Forms @ the University' website to alert the University-wide community of the approved Procedure;
2. Staff induction sessions
3. Training sessions

Records Management

Document Title	Location	Responsible Officer	Minimum Retention Period
Copyright Infringement Notification Form	University Legal Office	University Copyright Officer or delegate	7 years