

# Copyright and Takedown Procedure

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|----------------------------|------------------------------|
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| <b>Policy owner:</b>       | Director, University Library |
| <b>Approval authority:</b> | Chief Operating Officer      |
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## Purpose

This procedure outlines the processes and actions required in response to an infringement notification or upon otherwise becoming aware of possible copyright infringements by a university staff member or student on University property, and/or using University networks or resources.

The procedure responds to the requirements for “safe harbour” protections to the University under the Copyright Amendment (Service Providers) Act 2018.

## Legislative Context

- [Copyright Act 1968 \(Cth\)](#)
- [Federation University Australia Statute 2021](#)
  - Part 6 Div 4 – Student misconduct
- [Federation University Australia Student Regulations](#)
  - Div 4, 49, Student General Misconduct – engage in copyright breach
- [Staff code of conduct](#) (HR1659)

## Definitions

| <b>TERM</b>                  | <b>DEFINITION</b>  |
|------------------------------|--|
| <b>The Act</b>               | The <i>Copyright Act 1968 (Cth)</i> .  |
| <b>Authorised user</b>       | All staff, students, and other users who are authorised by the University to use its systems or its network to access the Internet.  |
| <b>Communication</b>         | To make available on-line or electronically transmit to staff and students of the University.  |
| <b>Copyright</b>             | <p>Copyright in Australia is governed by the Act. This legislation gives the owner of copyright in literary, dramatic, musical and artistic works, sound recordings, films and broadcasts exclusive rights to use those works.</p> <p>The types of uses include the right to:</p> <ul style="list-style-type: none"> <li>• reproduce / copy a work</li> <li>• publish</li> <li>• perform in public</li> <li>• communicate the work to the public via electronic means – including making it available online or sending via email.</li> </ul> <p>This means that permission needs to be obtained from the owner of copyright before anyone can do any of these acts.</p> |
| <b>Copyright Regulations</b> | Regulations made under the Act.  |
| <b>Copyright Office</b>      | The University service responsible for coordination of copyright advice.   |
| <b>Copyright Officer</b>     | The designated University Copyright Officer is the Director, University Library, for the purposes of the Act.  |
| <b>Designated person</b>     | For the purposes of the Act the Designated Person for the receipt of Takedown notices is the University Copyright Officer  |
| <b>Staff</b>                 | Any person employed by the University. This includes academic, teaching and professional, full-time, part-time, sessional or casual. Staff, for the purpose of this policy, also includes visiting teaching and research staff, academic associates and other contracted staff, University-based student and staff associations.   |
| <b>Student</b>               | Any person currently enrolled as a student of the University. This includes fulltime, part-time, block-mode or online students.  |
| <b>Takedown notice</b>       | An electronic form whereby copyright owners, or their agent, are able to report any perceived copyright infringement, or a breach of an agreed licence or contract, on the University network.   |
|                              |  |

## Actions

### 1. Compliance and breach management

|    |   |   |   |
|----|---|---|---|
| A. | Ensuring ease of access for potential breach reports via the Copyright Takedown notice  | Copyright Officer / Copyright Coordinator | Ensure link to <a href="#">Copyright Takedown Notice</a> is included in the footer of every web page and that notices are received directly by the Copyright Officer, or other designate. |
| B. | Enacting clear procedures for responding to Takedown notices or when otherwise becoming aware of possible copyright infringements |   | See process outlined below in 2a and 2b   |

## 2a. 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"> <li>1. Receive all Takedown notices through web form or via <a href="mailto:copyright@federation.edu.au">copyright@federation.edu.au</a></li> <li>2. Forward any Takedown notice received via other channels to <a href="mailto:copyright@federation.edu.au">copyright@federation.edu.au</a></li> </ol>       |
| B. | Acknowledge the Takedown notice and inform IT Services | Designated Representative or delegate, Copyright Coordinator  | <ol style="list-style-type: none"> <li>1. Investigate veracity of Takedown claim to ensure merit</li> <li>2. Acknowledge receipt of notice to issuer, confirm item being investigated and advise document will be blocked pending investigation</li> <li>3. Inform Manager, ITS Risk &amp; Security of receipt of the Takedown notice</li> </ol> |
| C. | Remove the suspected item and identify its owner       | Manager, ITS Security & Risk  | <ol style="list-style-type: none"> <li>1. Block or remove suspect document expeditiously</li> <li>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.</li> </ol>                                       |

|    |                                     |  |  |
|----|-------------------------------------|--|--|
| D. | Contact owner and inform of process | Designated Representative or delegate, Copyright Coordinator                               | <ol style="list-style-type: none"> <li>1. Contact the owner of the suspect document</li> <li>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.</li> <li>3. Provide the owner of suspect document with information about counter-notice process.</li> </ol>  |
| E. | Investigate<br>Sanctions            | Designated Representative or delegate, Copyright Coordinator                               | <ol style="list-style-type: none"> <li>1. Establish the copyright ownership of the infringing content</li> <li>2. Refer breach to Director/Dean indicating severity and repeat behaviour which might lead to internal disciplinary proceedings/sanctions under Regulations Div 4, 49 - Student Discipline and/or <a href="#">Staff Code of Conduct</a> HR1659.</li> <li>3. Inform all parties of the outcome of the investigation.</li> <li>4. See <a href="#">Copyright Regulations</a> for details of counter-notice processes if needed.</li> </ol> |
| F. | Maintain accurate records           | Designated Representative or delegate, Copyright Coordinator / Manager ITS Security & Risk | Record the breach and keep on a centrally managed file accessible to the University Copyright Officer and Manager ITS Security & Risk  |

## 2b. 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 <a href="mailto:copyright@federation.edu.au">copyright@federation.edu.au</a> or through the online form linked from each Federation University webpage |
| B. | Recalling or removing non-compliant content                                       | University Copyright Officer / Copyright Coordinator | <ol style="list-style-type: none"> <li>1. Investigate the suspect item to assess copyright status</li> <li>2. Intervene in the distribution of the items in question if breach established. This may mean</li> </ol>                |

|  |  |  |   |
|--|--|--|---|
|  |  |  | <p>recalling items already distributed or removing access to online material.</p> <ol style="list-style-type: none"> <li>3. Contact the student / staff member acting in non-compliance and discuss the legal and policy issues with a guide to inform and educate</li> <li>4. Investigate such breaches indicating severity and repeat behaviour which might lead to internal disciplinary proceedings under Regulations Div 4, 49 - Student Discipline and/or <a href="#">Staff Code of Conduct</a> HR 1659.</li> <li>5. If required, initiate internal disciplinary proceedings under Statute 6.1 – Student Discipline and/or <a href="#">Staff Code of Conduct</a> Policy HR 1659 through Director/Dean.</li> </ol> |
|--|--|--|---|

## Supporting Documents

- [Corporate Governance Policy](#)
- [Academic Integrity Procedure](#)
- [Intellectual Property Procedure](#)
- [Staff Code of Conduct](#)
- [Copyright Infringement Notification Form \(Online\)](#)

### Forms.

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

## Responsibility

The Chief Operating Officer (*as the Approval Authority*) is responsible for monitoring the implementation, outcomes and scheduled review of this procedure.

Director, University Library (*as the Document Owner*) is responsible for maintaining the content of this procedure as delegated by the Approval Authority.

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

## Promulgation

The [Copyright and Takedown 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 ITS Director

## 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                  |