



COPYRIGHT PROCEDURE

Governing Policy

[Copyright Policy](#)

Purpose

This procedure outlines the responsibilities for preventing copyright breaches and guidelines for identifying and managing licensing obligations.

Definitions

Unless otherwise defined in this document, all capitalised terms are defined in the [glossary](#).

The following definitions apply for this policy and associated procedures.

CAL – means Copyright Agency Limited, the collecting society.

Act – in this policy and procedure, refers to the *Copyright Act 1968* (Cth).

Copyright material – means literary, dramatic, musical or artistic works or sound recordings, cinematograph films, broadcasts or published editions as defined in the Act.

Copyright Officer – AIB authorised Copyright Officer (and Director of Online Learning or nominee).

Statutory Education Licence – means the provisions governing the educational use of copyright material outlined in Part IVA Division 4 of the Act.

A ‘**reasonable portion**’ is defined in section [10](#) of the Act as to “not exceed, in the aggregate, 10%” - see the [Australian Copyright Council Factsheet](#) on Copyright in Research or Study for details as this varies depending on the format.

Use of copyright material – means the exercise of any rights granted to a copyright owner under the Act including the rights of reproduction, publication, performance and communication to the public, for example, including copyright content in webpages, written documents, presentations, marketing, emails, instant messaging or social media accounts.

Procedure

Copyright Conditions

1. Fair dealing for purpose of research or study

- 1.1. Under Section [40](#) of the Act, individuals, including students (**not** the institution) can copy, communicate, adapt etc. materials, provided it is copied for the individual’s own study or research, the use is “fair” (see the Copyright Council Factsheet “Research or Study”), **and** appropriately referenced in line with AIB’s Academic Integrity Policy.

For AIB Staff preparing educational materials, AIB holds a Statutory Education Licence and subscribes to numerous databases and publisher resources.

2. Statutory Education Licence

- 2.1. The [Statutory Education Licence](#) gives educational institutions certain rights to use copyright material for educational purposes under specific terms without obtaining permission from the copyright owner, see specific [terms of the licence](#).
- 2.2. AIB has entered into an agreement with CAL for a Statutory Education Licence for a fee.
- 2.3. AIB does **not** have a Screenrights licence, which would cover copying and communication of broadcasts, e.g. television and radio broadcasts.

3. What can be copied?

- 3.1. Under the Statutory Education Licence (which covers print and graphic copying and communication)), only a 'reasonable portion' of a copyrighted work can be copied or communicated for educational purposes (the 'reasonable portion' limits are outlined on [CAL's website](#)).
- 3.2. AIB Staff must comply with the reasonable portion limits for educational purposes set out in Part IVA of the Act and guidelines on CAL's website.
- 3.3. Some copyright content is licensed for use by AIB (such as stock images, licensed library materials, or templates and gifs included as part of licensed software packages); in which case, the terms and conditions of the licence apply.
- 3.4. Some copyright content may be shared under Creative Commons [licensing](#), provided the licence terms and conditions are observed. Google has access rights-related image metadata in Google Images, which may be useful for determining what can be used in what circumstances.

4. What cannot be copied

Neither the Statutory Licence nor the 'reasonable portion' provision applies to:

- 4.1. The copying and distribution of articles, such as in newspapers or other press about AIB (if this exists on an external website, instead linking to a clearly indicated external and publicly accessible site is acceptable).
- 4.2. AIB marketing materials, because marketing is not an 'educational purpose'.
- 4.3. Presentations for corporate or conference presentation purposes or internal training purposes.
- 4.4. Any other non-educational purposes such as sharing of memes etc.
- 4.5. Copying and communication of broadcasts, e.g. music, television and radio broadcasts (AIB does **not** have the required Statutory [Licences](#)).

5. What educational material can be communicated?

- 5.1. Online communication of copyright material is allowed under the Statutory Education Licence, subject to 'reasonable portion' limits on the amounts that may be

copied.

- 5.2. All copyright material available via the AIB student learning portal must be vetted by the Copyright Officer, to:
 - (a) ensure it is for educational purposes; and
 - (b) ensure that the amounts of an item of copyright material does not exceed limits on the amounts that may be copied; and
 - (c) ensure that a copyright warning notice (see below) appears with the material and that appropriate source information is recorded; or
 - (d) obtain the prior written permission from the copyright owner for the proposed use and retain this for the full period the material is available online.

6. Copyright warning notice

- 6.1. A warning notice should be attached to digital copies of any material copied or communicated under the Statutory Education Licence.
- 6.2. It is not acceptable to offer the notice as a click through link that gives the viewer the option to bypass it.
- 6.3. The notice should be used only with material copied in reliance of the Statutory Education Licence. The notice should not be used with material copied with permission of the copyright owner or under any other blanket licence.
- 6.4. AIB and AIB Staff must take all reasonable steps to ensure that each communication can only be received or accessed by people entitled to receive or access it (this would normally mean staff and students of AIB).
- 6.5. Appropriate warning notices should be placed in the following locations or on all items and media files as required under the Act:
 - (a) Hard copy warning notices should be displayed beside any machines which are capable of allowing copying or communication of copyright material by students, e.g. photocopiers, computers, video cameras, scanners and other electronic data storage devices.
 - (b) Photocopies made under Statutory Education Licence should have a copyright notice attached (see [Annexure 1](#)).
 - (c) The required electronic copyright warning notice should appear at the beginning of digital copies of material communicated under the Statutory Education Licence.

7. Copying of audio-visual material

- 7.1. AIB and AIB Staff must not copy and communicate television or radio as AIB does not have a Screenrights statutory licence.
- 7.2. Moving image material available on commercial film or video or the Internet must not be copied without the permission of the copyright owner.
- 7.3. [Section 28 of the Copyright Act](#) allows for copyright material to be shown during educational instruction e.g. a webinar as long as it is led by a teacher or student and the audience is students (ie. not the general public).
- 7.4. Please note that the Statutory Education Licence does **not** cover the copying of video content (e.g. from YouTube or otherwise). Please refer to the individual licensing

conditions with all online material and comply with the individual terms and conditions of the relevant site.

- 7.5. AIB has some subscriptions to educational video material. Check with AIB Library staff for details.
- 7.6. Memes and other images, audio-visual materials etc, may not be shared without copyright permission from the creator. This includes modifying an original image/meme. The only exception is use for the purpose of research or study.

8. Hyperlinks

- 8.1. AIB may use hyperlinks in its educational materials (e.g. AIB's Learning Portal) to legitimate external websites without seeking the copyright owner's permission, but if it is required by the terms of the website, please contact the Copyright Officer.
- 8.2. Even so, the following issues need to be considered on a case by case basis for each item of content on external websites:
 - (a) prior permission to link to an external website may be required under the terms and conditions for the use of the external website.
 - (b) whether the existence of the item of content on an external website infringes (or is likely to infringe) the owner of the intellectual property rights in that item of content, e.g. if the content was a copy of a 20th Century Fox labelled movie, it is highly likely that it will infringe copyright and trademark laws.
 - (c) where it is unclear and the content is likely to infringe copyright, please review the content and see if the uploader has licensed or has rights to use it in a way that allows commercial or educational use without permission (e.g. a creative commons licensed video, such as those on [Creative Commons Search](#)).
 - (d) if no licence or rights have been given, AIB Staff should seek to obtain permission to use the content from the copyright owner, who may not be the uploader, or obtain a licence to use the material from a pay for use service.

9. Copyright Permission from the Copyright Owner

- 9.1. If permission is obtained from the copyright owner, material can be used in the manner authorised by that permission without any further reference to copyright restrictions. A draft permission letter for staff who wish to approach copyright owners to request permission to use material is at [Annexure 2](#). Please liaise with the Copyright Officer to make these requests.
- 9.2. **Copyright Permissions Register** – Any AIB Staff who obtain permission for the use of copyright material must maintain appropriate files recording details of permissions obtained for the full period of the use and notify the Copyright Officer, who will maintain a register of such permissions.
- 9.3. **Copyright in computer software** – Computer software is protected as a literary work under the Act. AIB provides access for AIB Staff to computer software through commercial licence agreements. These licences are managed by the relevant Head of Department.
- 9.4. **Illegal File Sharing** – AIB, AIB Staff, and students will not allow material which infringes the rights of copyright owners to be stored, transmitted or made available on any part of AIB's network. This includes infringing material transferred via email,

file sharing services, peer-to-peer networks and material illegally copied from other media.

10. Moral Rights

- 10.1. Part IX of the Copyright Act provides for the moral rights of the creators of literary, dramatic, musical or artistic works and cinematograph films. Moral rights attach to individuals only.
- 10.2. The two moral rights which apply within Australia are the right to be acknowledged as author (attribution), unless it is reasonable not to (or the author has consented to not being attributed) and the right for a work to be treated as a whole (integrity). AIB respects the moral rights of all authors of copyright material as well as those of its staff and students.
- 10.3. AIB, AIB Staff, and students must avoid making changes or additions to images (and other works) that are unreasonably 'derogatory' (prejudicial to the creator).

11. Managing Breaches of the Act

- 11.1. During AIBs induction process students and staff are taken through the copyright obligations. Staff unsure of requirements and obligations can contact the [Copyright Officer](#).
- 11.2. Students may wish to discuss any minor queries or concerns with an academic staff member prior to consultation with the Copyright Officer.
- 11.3. Any identified breaches of the Copyright Act will be brought to the attention of the CEO/ Executive and investigated per the Staff Code of Conduct policy.

12. For Further Information

- 12.1. For any further information regarding compliance with the AIB Copyright Policy or with the Copyright Act, please contact the Copyright Officer at AIBcopyright@aib.edu.au.

Responsibility:

Academic Dean

Related Forms and Documents:

Copyright Permission Register
Staff Code of Conduct

Current Status:	Version 2
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Previous Versions:	3 September 2020 21 March 2018 <i>Copyright Policy V2</i> 24 May 2016 1 July 2011 <i>Third Party Copyright V2</i>
Date of Next Review:	13 December 2026

Annexure 1

(Copyright Warning Notice – Electronic Use)

WARNING

This material has been reproduced and communicated to you by or on behalf of Australian Institute of Business Pty Ltd pursuant to Part IVA Division 4 of the *Copyright Act 1968* (the Act).

The material in this communication may be subject to copyright under the Act. Any further reproduction or communication of this material by you may be the subject of copyright protection under the Act.

Do not remove this notice.

Annexure 2

(Draft Letter to Copyright Owner)

[AIB's letterhead]

[insert date]

[insert name]

[insert title]

[insert address details]

Dear [insert name]

Request for permission to use [Material From] [Insert Title]

I am writing on behalf of the Australian Institute of Business Pty Ltd ('AIB').

AIB wishes to use the following material of which you are the creator and/or copyright owner:

[insert details of material sought to be used – type (e.g. article, quote (cite in full), art work, logos, diagrams, graphs, tables, music etc.) author/composer, date of publication, title, publication, page, section and/or paragraph/s].

We propose to: *[remove any of the following that do not apply]*

1. reproduce the material in *[hardcopy form/digital form]*;
2. communicate the material *[on an intranet/on the Internet/by email]*;
3. publish the material *[insert a description of where the material will be published]*;
4. *[insert a description of any other required uses]*.

AIB seeks your permission to use the above-mentioned material in this way.

The purpose of the use would be to *[insert description of purpose of proposed use e.g. prepare a learning resources to be distributed to AIB's students]*.

If you do not control the copyright in all of the above-mentioned material, I would appreciate any contact information you can give me regarding the proper rights holder(s). Otherwise, your permission confirms that you hold the right to grant the permission requested here.

If you require any additional information, please contact me on *[insert]* or by email on *[insert]*.

If you agree with the terms as described above, please sign the permission form below and send one copy in the self-addressed return envelope I have provided. A duplicate copy of this permission form is enclosed for your records.

Yours sincerely

[signature]

[insert name]

[insert position]

Permission granted for the use of the material as described above: Name:

.....

Title:

.....

Company/Organisation:

.....

Signature:

.....

Date:

.....

Letter preparation notes (to be deleted from final version of letters):

1. *This letter should be used when there is no existing licence which permits the proposed use of the material.*
2. *Replace the italicised text with relevant details, and ensure that all italicised text is replaced or deleted before sending.*
3. *Send the signed original of this letter, plus a duplicate copy, to the addressee.*
4. *Do not use the material until an affirmative response is received.*