



Copyright procedure

Section 1 - Preamble

(1) This Procedure is effective from 1 January 2021.

Section 2 - Purpose

(2) This Procedure outlines the steps required to comply with copyright legislation, regulations and policies at the University.

Section 3 - Scope

(3) This Procedure applies to students, staff and associates of the University.

Section 4 - Policy

(4) This Procedure is pursuant to the [Copyright policy](#).

Section 5 - Procedures

(5) Staff members, students and associates of the University will use copyright materials in accordance with legislation, this Procedure, the [Deakin University Copyright Guidelines](#), and any applicable contractual arrangements and licences. The onus is on the staff member to be aware of these requirements prior to using copyright materials.

(6) Staff members who infringe copyright will be subject to disciplinary action in accordance with the [Staff Discipline policy](#).

(7) Students who infringe copyright will be subject to disciplinary action in accordance with the [Student General Misconduct procedure](#).

(8) Unit Chairs will ensure that all of their teaching materials comply with the [Deakin University Copyright Guidelines](#) prior to release.

(9) The Deputy Vice-Chancellor Education will ensure that all teaching materials produced by the Deputy Vice-Chancellor Education Portfolio comply with [Deakin University Copyright Guidelines](#) prior to release.

(10) The Executive Director, DeakinCo. or their nominee will review all of DeakinCo.'s pre-prepared teaching materials to ensure they comply with the [Deakin University Copyright Guidelines](#) prior to release.

(11) Researchers will ensure that all research outputs comply with the [Deakin University Copyright Guidelines](#).

(12) The University Librarian or their nominee will manage copyright issues relating to all material deposited in [Deakin Research Online \(DRO\)](#) to ensure that the University is complying with its obligations to third parties.

(13) Designated Web Managers will manage copyright issues relating to materials on their sites in accordance with [Deakin University Copyright Guidelines](#).

Infringement claims

(14) Copyright owners may submit a take-down notice to the Take-down Officer in accordance with the instructions on the [Deakin University Copyright footer webpage](#).

(15) The Take-down Officer or nominee will acknowledge receipt of the notice, and refer the claim to the Copyright Manager, Library for investigation as soon as possible.

(16) Staff aware of copyright material on University systems or networks that is or is likely to be an infringement must report that claim to the Copyright Manager, Library.

(17) The Copyright Manager, Library will investigate any infringement claim expeditiously. If the Copyright Manager, Library determines that the copyright material is or is likely to be an infringement, they will direct the Take-down Officer to remove or disable access to the copyright material.

(18) The Copyright Manager, Library will inform the claimant of the action taken in writing.

(19) The Copyright Manager, Library will handle notices, notifications and counter-notices as specified by Part 6 [Copyright Regulations 2017](#).

(20) When required by Part 6 [Copyright Regulations 2017](#), the Copyright Manager, Library will direct the Take-down Officer to restore access to the copyright material.

(21) The Copyright Manager, Library will maintain a copy of any document or correspondence regarding infringement claims in the University's records management system.

(22) The Copyright Manager, Library will identify repeat infringers. When a repeat infringer is identified, the Copyright Manager, Library will request that the Chief Digital Officer restrict the repeat infringer's access to Information and Communications Technology (ICT) facilities, services and/or materials in accordance with the [Information and Communications Technology Acceptable Use procedure](#) to the extent reasonably necessary to prevent any further infringement of a kind identified in existing infringement claims.

University copyright

Teaching materials

(23) The Executive Director, Human Resources will ensure that all offers of employment and employment agreements made by the University advise staff members that the University owns the copyright in any teaching materials created by them during their employment, in accordance with the [Intellectual Property \(Staff\) policy](#).

(24) Heads of Organisational Units will ensure that where the University commissions the creation of teaching materials (other than by a staff member in pursuance of their terms of employment) the author or creator of that material agrees in writing to assign the copyright and any other intellectual property in the material to the University. Any such agreement must be entered into before the creation of the material.

(25) Where staff members together with members of another organisation create teaching materials, the creation of those materials must be the subject of an agreement in writing. The agreement should specify who will own the copyright and all other intellectual property in the materials and in what proportions. Any such agreement must be entered into before the creation of the material.

Permission requests

(26) On receipt of a request from an external body to use University copyright materials, the Copyright Manager, Library will seek permission from the relevant Deputy Vice-Chancellor or nominee.

Commercial agreements

(27) The relevant Deputy Vice-Chancellor or nominee may enter into a commercial agreement with external bodies, in writing, to deal with the University's copyright materials.

(28) Staff members who wish to enter into a commercial agreement to use Deakin University copyright teaching materials must first obtain approval from the relevant Deputy Vice-Chancellor or nominee.

Moral rights

(29) Staff members and students must attribute the authors and performers of a work that they reproduce, communicate, adapt, perform or exhibit in accordance with the [Deakin University Copyright Guidelines](#).

(30) Authors of teaching materials may request, in writing, not to be attributed.

(31) The Deputy Vice-Chancellor Education or nominee will assist authors of teaching materials in asserting their moral rights where any breach of the [Copyright Act 1968 \(Cth\)](#) or any breach of the following academic convention has occurred:

- a. the right to have materials the author created attributed to them
- b. the right to approve alterations to materials the author creates.

(32) The Vice-Chancellor may request staff members to waive their moral rights.

Section 6 - Definitions

(33) For the purpose of this Procedure:

- a. associate: a contractor, volunteer, visiting appointee or visitor to the University.
- b. moral right: the rights given to authors by Part IX of the [Copyright Act 1968 \(Cth\)](#), being the rights (a) to attribution of authorship, (b) not to have authorship falsely attributed and (c) of integrity of authorship.
- c. repeat infringer: any user of ICT systems against whom there are 3 substantially different infringement claims against within any 12 month period.
- d. take-down notice: a method of notifying individuals or organisations of an alleged copyright infringement, allowing time for any breach of copyright to be rectified.
- e. Take-down Officer: the officer responsible for dealing with any breach of copyright charged in a take-down notice. The Take-down Officer will be the Executive Director, Architecture and Change, eSolutions.

Status and Details

Status	Current
Effective Date	1st January 2021
Review Date	18th December 2025
Approval Authority	Council Secretary
Approval Date	18th December 2020
Expiry Date	To Be Advised
Responsible Executive	Liz Johnson Deputy Vice-Chancellor Education +61 3 92468303
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