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## COPYRIGHT POLICY

### 1. Purpose

- 1.1 Ikon Institute of Australia (Ikon) is committed to respecting copyright law and the rights of copyright holders, and seeks to create an environment in which staff and students are dedicated to making legitimate use of copyright material in accordance with the [Copyright Act 1968 \(Cth\)](#) and [Copyright Amendment \(Digital Agenda\) Act 2000](#).

### 2. Scope

- 2.1 This policy applies to all students and staff of Ikon and is not intended to limit the use by Ikon of material for which Ikon owns copyright and covers all material protected by the *Copyright Act*, including:
- literary works
  - dramatic works
  - video and film
  - computer programs
  - musical works (including scores and sound records)
  - artistic works
  - digital material
  - material published on the internet

### 3. Related Policies

This policy should be read in conjunction with the following documents:

- Intellectual Property Policy
- IT Usage and Security Policy
- Academic Integrity Policy
- Inclusion, Diversity and Equity Policy
- Student Code of Conduct
- Student Handbook

This policy and related documents can be accessed via [Policy and Procedures](#) section of the Ikon website, and the student and staff policy libraries.

### 4. Definitions

“**Copyright**” is defined in the *Copyright Act 1968* and includes the legal right of the creator to reproduce, communicate, publish, sell, or distribute content and intellectual property exclusively for a fixed number of years.

“**Copyright infringement**” means a violation of the *Copyright Act 1968* with potential legal ramifications, either intentional or unintentional.

“**Disability**” refers to any person who has an impairment that causes them difficulty in reading, viewing, hearing or comprehending copyright material in a particular form.

**“Educational Purposes”** means copying and/or communicating copyright material to students or staff for a particular educational course and includes copying and/or communicating for administrative purposes of the course

**“Moral Rights”** are legislative responsibilities to protect the reputation of the original creator(s) and the integrity of their work. This protection extends even after copyright ownership is transferred.

## POLICY

### 5. Principles

- 5.1 Staff and students may be both creators and consumers of copyright, and as such have certain rights and responsibilities.
- 5.2 Copyright provides creators with an incentive to create new works and a legal framework for the control of their creations.
- 5.3 Copyright protection is free and applies automatically when material is created.
- 5.4 There is no registration system for copyright in Australia.
- 5.5 Copyright does not protect ideas, information, styles or techniques.
- 5.6 Copyright does not protect names, titles or slogans.
- 5.7 There are some situations where copyright law allows people to use copyright material without permission for their own personal use, but these are narrow and specific.
- 5.8 Australian copyright law applies to actions that take place in Australia, even if the material used was created or first published in another country.
- 5.9 All actions pertaining to copyright at Ikon are guided by the principles of fairness and integrity and must comply with the *Copyright Act 1968*.
- 5.10 Ikon acknowledges the importance of taking preventative measures against copyright infringement and addressing incidents promptly.
- 5.11 Ikon is committed to informing and supporting staff and students in fulfilling their obligations to avoid copyright infringement.
- 5.12 Ikon encourages academic staff to incorporate a variety of resources into their teaching practice. It is imperative that staff, students, and all other members of the Ikon community follow this policy closely in order to ensure that copyright materials are utilised correctly.
- 5.13 Ikon asserts its ownership of all original material created by employees in the course of their employment and by contractors in the performance of their engagement, unless there is specific written agreement to the contrary.

### 6. Copyright Law

- 6.1 Copyright law creates incentives for people to invest their time, talent and other resources in creating new material – particularly cultural and educational material, which benefits society. In Australia, copyright law is set out in the *Copyright Act 1968 (Cth)*. This is federal legislation and applies throughout Australia.
- 6.2 The *Copyright Act* has been regularly amended since 1968, to bring it up to date with evolving technologies and concerns. In addition to dealing with copyright rights, the *Copyright Act* also deals with performers’ rights and the “moral rights” of individual creators.

## 7. What Does Copyright Protect?

### 7.1 Copyright protects:

- **textual material** (“literary works”) such as journal articles, novels, screenplays, poems, song lyrics and reports
- **computer programs** (a sub-category of “literary works”)
- **compilations** (another sub-category of “literary works”) such as anthologies – the selection and arrangement of material may be protected separately from the individual items contained in the compilation
- **artistic works** such as paintings, drawings, cartoons, sculpture, craft work, architectural plans, buildings, photographs, maps and plans
- **dramatic works** such as choreography, screenplays, plays and mime pieces
- **musical works**: that is, the music itself, separately from any lyrics or recording
- **cinematograph films**: the visual images and sounds in a film, video or DVD are protected separately from any copyright in works recorded on the film or video, such as scripts and music
- **sound recordings**: the particular recording itself is protected by copyright, in addition to, for example, the music or story that is recorded
- **broadcasts**: TV and radio broadcasters have a copyright in their broadcasts, which is separate from the copyright in the films, music and other material which they broadcast
- **published editions**: publishers have copyright in their typographical arrangements, which is separate from the copyright in works reproduced in the edition (such as poems or illustrations or music).

7.2 Something that is a literary, dramatic, musical or artistic work for copyright purposes is protected if it is original. In copyright terms, it’s not hard for something to be original: it means that the work isn’t a mere copy, a requisite level of skill and effort has been exercised in its creation, and it has been created by a human author.

7.3 A physical item can contain a number of different and separate copyrights. For example, a CD of 12 song tracks will have 12 sound recordings, 12 musical works, and 12 sets of song lyrics, each of which will be protected by its own copyright, meaning the CD holds 36 individual copyrights, plus the album artwork as a likely 37<sup>th</sup>. Similarly, a DVD or video will usually contain not just moving images and sounds on the soundtrack, but also a screenplay and music, each of which may be separately protected.

## 8. What is Not Protected by Copyright?

### Ideas, Concepts, Styles, Techniques and Information

8.1 Copyright does not protect ideas, concepts, styles, techniques or information. For example, if you write an outline of your idea for a TV show, the written text will be protected by copyright as a literary work and, generally, someone wanting to reproduce the text would need your permission. However, someone else could write their own script, using your ideas, without necessarily infringing your copyright. Copyright would only be an issue if someone copied or paraphrased an important or distinctive part of your written work.

### Names, Titles and Slogans

8.2 Some things are too small or unoriginal to be protected by copyright. For example, single words (even invented words), names, titles, slogans and headlines are unlikely to be protected by copyright. In some cases, however, someone using a name, title or slogan which is already being used by someone else may run into problems with other areas of law, such as trademarks.

People

8.3 People and people's images (images of their face or body) are not protected by copyright. Sometimes, however, other areas of law, such as defamation and the Competition and Consumer Act, can affect the circumstances in which a person's image can be used.

## 9. Copyright Protection is Automatic

9.1 Copyright protection is free and automatic from the time a work is first written down or recorded in some way. You do not apply for copyright in Australia, and there is no system of registration. Nor are there any forms to fill in or fees to be paid. You do not need to publish your work, put a copyright notice on it, or do anything else before your work is covered by copyright. For example, as soon as a poem is written, or a song is recorded, it is protected.

## 10. Who Owns Copyright?

10.1 The *Copyright Act* sets out rules about copyright ownership. However, people involved in creating or investing in copyright material can reach agreements about who will own copyright.

10.2 Ikon asserts its ownership of all original material created by employees in the course of their employment and by contractors in the performance of their engagement, unless there is specific written agreement to the contrary.

## 11. The Statutory Education Licence

11.1 Special provisions in the *Copyright Act* allow educational institutions to use copyright material for educational purposes without permission from the copyright owner.

11.2 The *Copyright Act* contains a statutory licence for educational institutions.

11.3 Educational institutions, such as Ikon, who are covered by a remuneration notice with the Copyright Agency can rely on the Statutory Education Licence to copy and communicate text and images in ways that usually require permission for educational purposes.

11.4 In addition to the Statutory Education Licence, other provisions in the *Copyright Act* permit educational institutions to use copyright material without permission from the copyright owner. These include section 28 (playing music and showing films in class).

Copying and Communicating Text, Images and Notated Music

11.5 The Statutory Education Licence allows educational institutions covered by a remuneration notice with Copyright Agency to copy and communicate text, images and notated music for educational purposes up to certain limits. Not only can educational institutions make hard copies of material for their students, they can also upload the material to a secured shared drive or learning management system or email the material to students directly.

11.6 In most cases, the amount that can be copied and communicated is limited to a reasonable portion (e.g. 10% or 1 chapter) if the work is available for purchase. A specific notice must be included with digital copies and communications.

11.7 If a copy is sold, or used for a purpose other than education, it is deemed to be an infringing copy.

Copying and Communicating Material from Television and Radio

11.8 The Statutory Education Licence allows educational institutions covered by a remuneration notice with Screenrights to record from radio and TV for educational purposes and to copy and

communicate those recordings. It allows for an entire program to be recorded and copied, even if you can buy that program (on DVD, for example). Certain information must be displayed on analogue recordings and copies and with communications of recorded programs.

11.9 The Statutory Education Licence only applies to audio visual material sourced from a broadcast or radio. It does not apply to purchased, rented or borrowed DVDs or videos. Nor does it apply to streaming platforms, a digital download or a podcast unless it is a program that has been shown as a free-to-air broadcast and has been made available online by the official broadcaster (e.g. on the ABC website).

11.10 If a copy is sold, or used for a purpose other than education, it is deemed to be an infringing copy.

#### Exceptions Relevant to Education

11.11 Certain provisions in the *Copyright Act* allow:

- educational institutions (without payment to copyright owners) to play music and screen films in class: section 28. This provision also allows non-infringing content to be directly streamed from websites in class
- copying by students for their research or study: section 40
- the reading or recitation in public of an extract of reasonable length from a published literary or dramatic work where sufficient acknowledgement of the work is made: section 45
- copying by hand (e.g. on a whiteboard) in the course of educational instruction: section 200(1)
- copying and communicating in connection with exams: section 200(1A)
- the making of a record of a sound broadcast intended to be used for educational purposes if the record is not used except in the course of instruction at that place and the record is made by the authority in charge of a place of education that is not conducted for profit: section 200(2)
- the making of a record of a sound broadcast if the record is made by the body administering an educational institution and the recording is only used for the educational purposes of that institution: section 200(2)(a).

## 12. Moral Rights

12.1 Individual creators have rights called moral rights, whether or not they own copyright. These are the rights to:

- be attributed as the creator of their work
- take action if their work is falsely attributed as being someone else's work or is altered by someone else but attributed as if it were unaltered
- take action if their work is distorted or treated in a way that is prejudicial to their honour or reputation.

12.2 Ikon does not condone activities that may infringe the moral rights of any person. Moral rights must be respected through the appropriate attribution of authorship.

## 13. Indigenous Cultural Intellectual Property Protocols

13.1 Ikon is committed to protecting the rights that First Nations people have in relation to their traditional arts and culture and will comply with any indigenous cultural intellectual property protocols adopted.

## PROCEDURE

### 14. Understanding Copyright Law

- 14.1 Ikon is committed to informing and supporting staff and students in fulfilling their obligations to avoid copyright infringement. The Senior Management Group shall ensure that its understanding of copyright law is up-to-date and accurate, and shall confer this information to the wider Ikon community through the avenues outlined below:
- all staff and students are to be trained to comply with copyright law during their respective induction and orientation programs.
  - provision of the relevant information on the Ikon website, Canvas, and as part of class workshops and assignments.
  - managers and academic staff are available to answer questions regarding use of copyright material.

### 15. Copyright Infringement

- 15.1 Unless a special exception applies, people who use copyright material in any of the ways exclusively controlled by the copyright owner without permission, they infringe copyright. Using part of a work without permission may also infringe copyright if that part is an important part – the part doesn't need to be a large part. In this context, the issue is not whether you have changed or added something to the copyright material, but whether the part you have used is an important, essential or distinctive part of the original material.
- 15.2 People may also infringe copyright if they:
- authorise infringement (that is, endorse or sanction someone else's infringement – for example, by asking or encouraging them to infringe copyright)
  - import certain types of items containing copyright material or
  - sell infringing articles or certain types of items containing copyright material which were imported without permission
- 15.3 Staff members and students who do not comply with this policy, may be subject to infringement penalties in accordance with the *Copyright Act 1968* and/or the *Copyright Regulations 2017*.
- 15.4 Breaches of this policy by employees and/or contractors may constitute misconduct which may lead to disciplinary action or contract termination.
- 15.5 Students who do not comply with this policy may be subject to the provisions of the Student Code of Conduct.
- 15.6 Should Ikon become aware of a copyright infringement, the issue will be addressed and resolved in a timely manner by the Academic Board who provide the Corporate Board advice about academic risks.
- 15.7 Following an incident, the Academic Board will take reasonable measures to prevent the same situation occurring in the future within the limits of the Academic Board's authority and provide the Corporate Board advice about further measures that the Corporate Board can put in place to mitigate any future copyright infringement.
- 15.8 If the Corporate Board is made aware of a case of serious copyright infringement, they may choose to refer the matter to external authorities.

### 16. Proper Use of Copyright Material

- 16.1 As per the *Copyright Act*, academic staff members may produce multiple copies of the following:

- no more than fifteen pages of any literary work.
  - a published article from an academic journal.
  - up to 1% of the total number of pages in a document, or two pages of a total document in a literary work, whichever is greater.
  - a “reasonable portion” of a copyrighted document, which is less than ten pages or 10% of the total work.
- 16.2 Students are also covered in the *Copyright Act 1968*, under ‘fair dealings for research or study’. This exception allows students to reproduce limited copyright material both for their own reference and in their assignments. The guidelines for text and notated (sheet) music are:
- 10% of the pages, or one chapter, from a hard-copy source
  - 10% of the number of words from an electronic source
  - One article from an edition or issue of a periodical
- 16.3 Copies must never be sold for profit. They must be correctly labelled with the original author’s name, Ikon’s name, note on proper use of the copy, and copy creation date. All copies must then be retained for at least 5 years.
- 16.4 Ikon may seek permission directly from the copyright holder to use materials outside the above directives, in which case permission must be received in writing and kept on record.
- 16.5 Any copyright work may be used freely fifty years after the death of the author (death before 1955) or seventy years after the author’s death (death after 1955).

## 17. Supporting Those With Disability

- 17.1 The *Copyright Act* contains disability access provisions that ensure equitable access to copyright material by persons with a disability. The provisions are designed to be flexible to ensure copyright material can be converted into the most accessible format(s) available and with appropriate features. There are two Fair Dealing exceptions:
- Fair Dealings for the purpose of access by persons with a disability
  - use of copyright material by organisation’s assisting persons with a disability
- 17.2 Ikon is required to purchase an accessible copy, if it is commercially available in a format suitable for assisting the person with their disability, obtainable within a reasonable time and at an ordinary commercial price.
- 17.3 Where material is not commercially available in the format required, Ikon can make accessible format copies for the sole purpose of assisting a person with a disability.

## 18. Publication

- 18.1 This policy and related documents can be accessed via [Policy and Procedures](#) section of the Ikon website, and the student and staff policy libraries.

## Policy Information & History

Policy Category	Corporate, Governance
Policy ID	GO010A
Approved by	Board of Directors
Date of Approval	23 November 2021
Endorsed by	Academic Board
Date of Endorsement	27 October 2021
Previous Versions	New Policy
Next Review Date	October 2024
Government Legislation	<a href="#">Tertiary Education Quality and Standards Agency Act 2011</a> <a href="#">Higher Education Standards Framework (Threshold Standards) 2021</a> <a href="#">National Code 2018</a> <a href="#">Copyright Act 1968 (Cth)</a> <a href="#">Copyright Regulations (2017)</a> <a href="#">Copyright Amendment (Digital Agenda) Act 2000</a> <a href="#">Copyright Amendment (Online Infringement) Act 2015</a> <a href="#">Copyright Amendment (Disability Access and Other Measures) Act 2017</a> <a href="#">Copyright Amendment (Service Providers) Act 2018</a> <a href="#">Disability Standards for Education 2005</a> <a href="#">Disability Discrimination Act 1992</a>
Responsible Officer	CEO
Sources	In developing this policy, the following documents were considered: <a href="#">Australian Copyright Council Factsheets</a> <a href="#">Copyright Governance, Copyright Agency (July 2021)</a>
Benchmarking	External referencing activities were conducted against comparable providers and best practice using publicly available information, including: Kaplan Business School, Australia College of Applied Professions, University of Wollongong, University of Newcastle, Australian Institute of Higher Education, and S P Jain School of Global Management.