

# COPYRIGHT COMPLIANCE POLICY

## SCOPE

This policy applies to:

- all Monash University staff and other authorised users (collectively referred to as 'staff' for the purpose of this policy) and students in all locations; and
- all Monash College staff and students.

The former Monash South Africa campus is included in the scope of this policy for the duration of the teach-out period, to end-2022.

## POLICY STATEMENT

This policy outlines Monash University's position on the use of third-party and University-owned copyright materials under:

- the Copyright Act 1968 (Cth) in Australian locations;
- local copyright law in locations outside Australia; and,
- other binding obligations governing use of copyright material, such as the terms of licensing agreements.

### 1. General Principles

- 1.1 Monash University (the University) observes copyright and respects the rights of copyright owners.
- 1.2 It is the responsibility of individual staff and students to be aware of, and comply with copyright obligations, as established under copyright law, in all activities undertaken in connection with the University.
- 1.3 Where a user is unsure of local copyright law or how this may be applied, they should contact the Monash [University Copyright Adviser](#) for advice in the first instance.
- 1.4 The University provides assistance to staff and students to support them in fulfilling their copyright obligations.
- 1.5 The University will act quickly to investigate and address copyright infringements, alleged copyright infringements, and situations where there is a risk of copyright infringement.

### 2. Materials Subject to Copyright

- 2.1 Copyright protects the form in which an idea is expressed; it does not protect the actual ideas contained in a work. Copyright protection arises automatically as soon as a work is created and can be transferred or sold.
- 2.2 Materials that may be subject to copyright include, but are not limited to:
  - literary works and other works of text;
  - data that is expressed in a unique or original way;
  - dramatic and musical works;
  - images;
  - audio and audio-visual items;
  - published editions of works; and,
  - computer programs, other software or code.

### 3. Use of Copyright Material

3.1 Staff and students must:

- take reasonable steps to ensure their activities comply with copyright law and any other binding obligations governing use of copyright material;
- make reasonable efforts to uphold the University's intellectual property rights, including copyright;
- not knowingly expose the University to the risk of copyright infringement;
- seek advice in accordance with the [Copyright Compliance Procedure](#) or seek advice from legal counsel in the local jurisdiction where the risk of copyright infringement is unclear; and,
- follow the advice of the Monash University Copyright Adviser.

3.2 Detailed advice and guidelines about copyright are available on the [University Copyright Website](#).

3.3 The University treats breaches of policy seriously and encourages reporting of concerns about non-compliance. Compliance with policies and procedures is generally a requirement under the University's Enterprise Agreement, staff contracts of employment and agreements made by students during enrolment. A breach of this policy may lead to disciplinary action.

3.4 A breach of this policy which uses the Monash network will be treated as a breach of the [Information Technology Acceptable Use Policy](#) (section 2) and may lead to disciplinary action under that policy. Such action, especially for repeat infringements, may include suspension or termination of Monash network access or accounts.

### DEFINITIONS

<b>Copyright</b>	<p>Copyright refers to the ownership rights of creators of material such as literary and artistic works. In Australia, under the Copyright Act 1968 (Cth), copyright includes the rights of reproduction (copying), communication, publication, public performance, adaptation (modification or creation of derivative works), sale and distribution.</p> <p>Each jurisdiction has its own copyright legislation. For information about copyright in jurisdictions other than Australia, contact the <a href="#">University Copyright Adviser</a> in the first instance.</p>
<b>Other authorised users:</b>	<p>Any person who has been authorised by the University to access any Monash IT system or IT facility, including but not limited to:</p> <ul style="list-style-type: none"><li>• staff of any entity / company in which the University has an interest;</li><li>• staff of any entity / company / organisation with which the University is pursuing a joint venture;</li><li>• consultants;</li><li>• visitors;</li><li>• affiliates or adjunct appointees;</li><li>• collaborative researchers; and</li><li>• alumni.</li></ul>
<b>Licensing agreements</b>	<p>A licensing agreement is an instrument through which the copyright owner permits a person to use their work on agreed terms and conditions.</p>

### GOVERNANCE

<b>Supporting procedures</b>	<ul style="list-style-type: none"><li>• <a href="#">Copyright Compliance Procedure</a></li></ul>
<b>Supporting schedules</b>	<ul style="list-style-type: none"><li>• Nil</li></ul>
<b>Associated policies</b>	<ul style="list-style-type: none"><li>• <a href="#">Assessment and Academic Integrity Policy</a></li><li>• <a href="#">Information Technology Acceptable Use Policy</a></li><li>• <a href="#">Integrity and Respect Policy</a></li></ul>

	<ul style="list-style-type: none"> <li>• <a href="#">Intellectual Property: Commercialisation Revenue Sharing Provisions and Dispute Resolution Policy</a></li> <li>• <a href="#">Learning and Teaching Policy</a></li> <li>• <a href="#">Media and Social Media Policy</a></li> <li>• <a href="#">Responsible Conduct of Research Policy</a></li> </ul>
Related legislation	<a href="#">Copyright Act 1968 (Cth)</a> <a href="#">Copyright Act, 1978 (South Africa)</a> <a href="#">Copyright Act 1987 (Malaysia)</a> <a href="#">Copyright Law of the People's Republic of China 2010</a> <a href="#">Copyright Act 1957 (India)</a> <a href="#">Law No. 633 of April 22, 1941, for the Protection of Copyright and Neighbouring Rights Italy (amended May 26, 1997)</a> <a href="#">Copyright Regulations 2017</a> <a href="#">Monash University Statute</a> <a href="#">Monash University (Vice-Chancellor) Regulations</a> <a href="#">Monash University (Council) Regulations</a>
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Approval	Academic Board 20 November 2019 MEETING NUMBER 8/2019 / AGENDA ITEM 12.1
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Content enquiries	university.copyright@monash.edu