

Copyright Notice and Takedown Notice Procedure

Section 1 - Governing Policy

(1) This Procedure is governed by the Australian Catholic University (ACU) [Intellectual Property Policy](#).

Section 2 - Scope / Application

(2) The purpose of this Procedure is to implement the safe harbour provisions in the [Copyright Act 1968 \(Cth\)](#) arising from the [Copyright Amendment \(Service Providers\) Act 2018](#).

(3) This Procedure also implements the use of Third Party Copyright Material as per the [Intellectual Property Policy](#).

(4) In this Procedure, unless otherwise defined terms will have the same meaning as set out in the [Intellectual Property Policy](#).

Section 3 - Roles and Responsibilities

(5) To assist with compliance in relation to Copyright Notice and Takedown procedures, the following responsibilities are in place:

Lecturer in Charge or nominated supervisors	Responsible for ensuring their staff and Affiliates understand and comply with their rights and obligations under the Copyright Act 1968 (Cth) .
Deputy Vice-Chancellor (Education)	Responsible for managing the procedure if a student has breached the Computer and Internet Acceptable Use Policy by infringing copyright.
Chief Information and Digital Officer	Responsible for managing the procedure if a staff member has breached the Computer and Internet Acceptable Use Policy by infringing copyright.
Copyright Coordinator	Responsible for investigating any reports of alleged copyright infringement as set out in this Procedure.
Chief Marketing Officer	Responsible for implementing take down notices when advised by the Copyright Coordinator.

Section 4 - Process for Linking to ACU Copyright Notice from all ACU Websites

(6) Wherever the current ACU Copyright Notice 'Copyright © Australian Catholic University 1998-20xx' appears, it must be linked to the [Copyright Notice](#).

(7) The text of the Copyright Notice is also reproduced in Section 12 below.

Section 5 - Process on Receipt of a Takedown Notice

(8) University Members are encouraged to report any alleged copyright infringement by ACU by reporting it to the Copyright Coordinator via the copyright.officer@acu.edu.au email address.

(9) If University Members receive an Infringement Allegation or Takedown Notice, it must be immediately forwarded to the Copyright Coordinator via the copyright.officer@acu.edu.au email address.

(10) Upon receipt of an Infringement Allegation, the Copyright Coordinator will investigate the allegation and respond to the complainant as appropriate:

- a. if there has been copyright infringement by a student and such infringement is in breach of the [Computer and Internet Acceptable Use Policy](#), then the Copyright Coordinator will refer the matter to the Deputy Vice-Chancellor (Education);
- b. if there has been copyright infringement by a staff member, the Copyright Coordinator will notify the relevant Lecturer in Charge or nominated supervisor who will determine any remedial or disciplinary action. If there has been copyright infringement by a staff member or Affiliate and such infringement is in breach of the [Computer and Internet Acceptable Use Policy](#), then Copyright Coordinator will notify Chief Information and Digital Officer;
- c. if the infringement may amount to a significant breach of copyright by ACU or indicates systemic non-compliance with the [Copyright Act 1968 \(Cth\)](#), the Copyright Coordinator will refer the matter to Deputy Vice-Chancellor (Education).

(11) Upon receipt of a Takedown Notice, the Copyright Coordinator will assess whether the University's use of the material is permitted under any commercial or statutory licences or exceptions. If the Copyright Coordinator is not satisfied that the University can rely on an exception, the Copyright Coordinator will forward the Takedown Notice to Chief Marketing Officer to:

- a. remove / disable access to the relevant material from University IT infrastructure by the close of the following business day; and
- b. e-mail the Copyright Coordinator with confirmation that the above steps have been taken. Where appropriate, the Copyright Coordinator will bring the Takedown Notice to the attention of the relevant member of the Executive or Senior Staff Member, as identified in Section 3, and, if possible, the person who originally requested that the material be placed on University IT infrastructure and advise them that access to the reported material has been disabled / removed.

(12) The Copyright Coordinator will respond to the sender of the Takedown Notice as necessary complying with international requirements.

Section 6 - Disputes: Take Down Notices

(13) The University Member or area that originally arranged for the material to be placed on ACU IT infrastructure may dispute the Takedown Notice, by providing the Copyright Coordinator with information as to why they believe the material does not infringe copyright.

(14) If, upon review of the facts, the Copyright Coordinator determines that the allegation of infringement can be opposed, the Copyright Coordinator will liaise with the sender of the Takedown Notice or issue a counter notice in the form prescribed by the [Copyright Regulations 2017 \(Cth\)](#). Until the dispute is resolved, the copyrighted material must not be made accessible on University IT infrastructure.

Section 7 - Procedure for Requesting Take Down of Material from a Third Party Website, where ACU owns The Copyright

(15) ACU recognises that University Members are best placed to identify when University copyright material is on a non-University website, and that this could be an infringement.

(16) When Staff or Students identify this or it is brought to their attention, they should notify the Copyright Coordinator at copyright.officer@acu.edu.au. The email should include:

- a. information about the identity of the person making the notification;
- b. information that enables the University to identify the ACU copyrighted work that is believed to be infringed or, if multiple copyrighted works are involved, a representative list of the works; and
- c. where the works were found, for example information to enable the ACU to locate such material (for example URLs).

(17) Upon receipt of an Infringement notification, the Copyright Coordinator will investigate the allegation and respond as appropriate, including but not limited to:

- a. if there has been copyright infringement by the other website, the infringement will be notified to the Chief Information and Digital Officer who will be responsible for making a request to AusCert for AusCert to issue a Takedown Notice on ACU's behalf, and Copyright Coordinator will inform the Notifier of the result; and / or
- b. if there has been no copyright infringement by the other website, the Copyright Coordinator will inform the Notifier of the result.

Section 8 - Review

(18) The University may amend this Procedure from time to time and review at least every 5 years, or when there are significant changes to related ACU Policies, to legislation, or to improve the effectiveness of its operation. In this regard, any staff member or student who wishes to make any comments about this Procedure may forward their suggestions to the Enquiries Contact listed on the Status and Details tab.

Section 9 - Revision made to this Procedure

(19) Unless otherwise indicated, this Procedure will still apply beyond the review date.

Section 10 - Further Assistance

(20) Any staff member who requires assistance in understanding this Procedure should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further advice be required, staff should contact the Copyright Coordinator, copyright.officer@acu.edu.au.

Section 11 - Definitions

(21) These definitions should be read along with definitions in the [Intellectual Property Policy](#).

(22) For the purpose of this procedure:

Term	Definition
AusCERT	AusCERT is a leading Cyber Emergency Response Team for Australia and provides information security advice to its members, including the higher education sector.
Fair Dealing	Under Fair Dealing, copyright material can be used for the purposes of research and study without requesting permission from the copyright owner. Fair dealing has a list of purposes you can copy for with limits and obligations. See http://library.acu.edu.au/copyright/copyright_for_students for more information.
Infringement Allegation	Infringement Allegation means an allegation that the University has infringed copyright or could be linking to infringing works.
Public Domain	When the copyright on material has expired it goes into the Public Domain.
Safe harbours	Safe harbours are where the University may be afforded appropriate protection from secondary liability of copyright infringement, where such protection is warranted, subject to conditions, and as long as appropriate processes are in place. Safe harbours is a protection under the Copyright Act 1968 (Cth) , and may be extended to include Universities.
Server Administrator	Server Administrator means the ACU staff member or area responsible for the administration of the ACU's servers.
Takedown Notice	A Takedown Notice is an Infringement Allegation in respect of material transmitted by, stored on, cached in or linked from ACU IT infrastructure, which is accompanied by a request for the removal of that material from ACU IT infrastructure. It must be in the prescribed form that is set out in the Copyright Regulations 2017 (Cth) .
Web Content Manager	Web Content Manager means the University staff member, area or organisation responsible for the administration of a University website

Section 12 - ACU Copyright Notice Page

Copyright

Copyright © Australian Catholic University

(23) This site contains a variety of copyright material. Some of this is the intellectual property of individuals (as named), some is owned by the University itself, some material is owned by others and used under licence by the university and other material is in the public domain. Except for material which is unambiguously and unarguably in the public domain, only material owned by the Australian Catholic University, and so indicated, may be copied, provided that textual and graphical content are not altered and that the source is acknowledged. The University reserves the right to revoke that permission at any time. Permission is not given for any commercial use or sale of this material. For any other uses permission is required, please email copyright.officer@acu.edu.au.

(24) No other material anywhere on this website may be copied (except as legally allowed for fair dealing) or further disseminated without the express and written permission of the legal holder of that copyright.

(25) If you have identified a use of copyright material on the Australian Catholic University network that may constitute a copyright infringement or a breach of agreed licence or contract, please notify us:
Your notification must be in the form of:

To Australian Catholic University

I give this notice for the purposes of condition 3 of item 4 of the table in subsection 116AH(1) of the [Copyright Act 1968 \(Cth\)](#) and section 24 of the [Copyright Regulations 2017 \(Cth\)](#).

I am the *owner / *exclusive licensee / *agent of the owner / *agent of the exclusive licensee of the copyright in the following copyright material residing on your system or network, and I believe, in good faith, that the storage of the material on your system or network is not authorised by the owner or any exclusive licensee of the copyright in that material, or by the [Copyright Act 1968 \(Cth\)](#), and is therefore an infringement of the copyright in the material ^[1]:

I have taken reasonable steps to ensure that the information and statements in this notice are accurate.

- Name:
- Address:
- Telephone number:
- Email address:
- [signature]

* Omit if inapplicable.

^[1] Insert sufficient information to enable the carriage service provider to:

- identify the copyright material in respect of which the infringement is claimed; and
- locate on the carriage service provider's system or network the copyright material.

(26) This information should be emailed to copyright.officer@acu.edu.au who is the University's designated representative for receiving takedown notices and complaints regarding the possible use of infringing or unlicensed copyright material.

(27) If you do not wish to email the information, you can post your claim to:

Copyright Coordinator
Australian Catholic University
PO Box 968
North Sydney NSW 2059

(28) Any University Member who has received a complaint about the use of copyright material on the ACU's network must promptly forward the details of the complaint to the above designated representative for further action.

Status and Details

Status	Current
Effective Date	8th March 2024
Review Date	30th April 2024
Approval Authority	Vice-Chancellor and President
Approval Date	8th March 2024
Expiry Date	Not Applicable
Responsible Executive	Janet Fletcher Library Director
Responsible Manager	Ellen Fitzgerald Copyright Coordinator
Enquiries Contact	Library