

# Copyright Use of Third-Party Works Procedure

## Section 1 - Governing Policy

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

## Section 2 - Scope / Application

(2) Third-party works are works where ACU does not own the copyright in the work.

(3) This Procedure is intended to:

- a. support and encourage the lawful use of third-party copyright materials to enhance the activities of ACU;
- b. meet requirements set out in the [Copyright Act 1968 \(Cth\)](#) (as amended), [Copyright Regulations 2017 \(Cth\)](#) (as amended), and statutory licences;
- c. meet contractual requirements determined by voluntary copyright licences entered into by ACU; and
- d. implement best practice third-party copyright management recommended by Universities Australia and / or the majority of Australian universities.

## Section 3 - Definitions

(4) For the purpose of this Procedure:

Term	Definition
<a href="#">Creative Commons Licenses</a>	are simple, standardised ways to grant copyright permissions to works. <a href="#">Creative Commons Licenses</a> provides an explanation of the licences or available.
Educational purposes	include retained for use, or is used, in connection with a particular course of instruction provided by ACU. For example, participants are registered students or University members of ACU, and for students will receive some type of ACU qualification.
Open Access	is the immediate online availability of information, with no limits on reuse, re-purposing or sharing.
Open Educational Resources (OERs)	are teaching, learning and research materials in any medium – digital or otherwise – that reside in the Public Domain or have been released under an open license that permits no-cost access, use, adaptation and redistribution by others with no or limited restrictions.
Public Domain	are works where all the copyright rights have expired.
Third-party works	are works where ACU does not own the copyright in the work. This will include written, artistic, musical, dramatic, computer programs, compilations, films, sound recordings, broadcasts, and published editions. This will include for example: books, journals, magazines, websites, photographs, digital images, art, applications, databases, television shows and radio shows. This list is not exhaustive.
University members	are the students, staff and affiliates of the ACU, including former staff where residual clauses of their employment contract remains in force.

## Section 4 - Roles and Responsibilities

(5) To assist with the efficient compliance in relation to this Procedure at the University, the following responsibilities are in place:

Role	Responsibilities
Library Director	Responsible for promoting understanding of and compliance with copyright laws. Responsible for promoting the use of Leganto for course reading lists
Director, Centre for Education and Innovation	Responsible for promoting understanding of and compliance with copyright laws among teaching staff.
National Lecturer in Charge or nominated supervisors	Responsible for ensuring compliance with copyright when providing third-party copyright material to students enrolled in their subjects.
University members	Responsible for observing copyright and other IP legislation, and any restrictions or obligations under any contract, agreement, licence or permissions in their use of third-party IP material. They should not use ACU facilities or resources to infringe IP. Using ACU facilities or resources to infringe IP may subject the University member to disciplinary action or denial of access to ACU facilities or resources.

## Section 5 - Using Third-Party Works for Commercial / Promotional / Advertising Activities

(6) Where possible and appropriate, Open Access works with Creative Commons licenses or Public Domain works should be used, giving full attribution of the original work.

(7) Photos from ACU-approved suppliers and with whom ACU has appropriate permissions can be used.

(8) For all other third-party works, written permission from the copyright owner must be sought prior to use. Note:

- there must be written evidence of the copyright owner's permission;
- the written permission should be placed in an ACU approved records management system and described in a way that makes it retrievable from that system.

## Section 6 - Using Third-Party Works for ACU Published Research Works

(9) Where possible, Open Access works with Creative Commons licenses or Public Domain works should be used, giving full attribution of the original work.

(10) Using stock photos from ACU-approved suppliers and with whom ACU has appropriate permissions:

- for all other third-party works, written permission from the copyright owner prior to use must be sought;
- there must be written evidence of agreement;
- the written agreement should be placed in an ACU approved records management system and described in a way that makes it retrievable from that system.

# Section 7 - Using Third-Party Works for Educational Purposes

(11) The use of third-party works for educational activity is a fundamental right of education to demonstrate good research and learning activities, while encouraging diversity of views and resources.

(12) Educators have the right to choose appropriate third-party resources for their subjects, but the use must be lawful and respectful of the creators of those works, taking into consideration the common good, ensuring students equity of access to learning resources and modelling best practice.

## Acceptable Images

(13) Where possible, the following should be used:

- a. Open Access / Open Educational Resources (OERs) with Creative Commons licenses or Public Domain works, giving full attribution of the original work.
- b. stock photos from ACU-approved suppliers and with whom ACU has appropriate permissions;
- c. Electronic or scanned images used under the Educational 113P statutory licence provided by the [Copyright Act 1968 \(Cth\)](#).

## Acceptable Reading Resources

(14) Where possible, the following should be used:

- a. Open Access / OERs with Creative Commons licenses or Public Domain works should be used, giving full attribution of the original work;
- b. commercial training resources from ACU-approved suppliers and with whom ACU has appropriate permissions;
- c. Online resources available through ACU Library in accordance with contractual obligations;
- d. Print resources available through ACU Library and used under the Educational 113P statutory licence provided by the [Copyright Act 1968 \(Cth\)](#).

(15) Leganto is ACU's preferred method for providing reading lists. Using Leganto enables the Library to ensure that the use of third-party works meets legal copyright requirements.

(16) Where it is not possible to deliver third-party reading list resources via Leganto, then printed copies of readings can be created under the Educational 113P statutory licence provided by the [Copyright Act 1968 \(Cth\)](#):

- a. every work should be appropriately referenced;
- b. limits apply, 1 chapter or 10% of the words or 1 journal article from a single journal issue;
- c. 1 copy of the printed work should be sent to the Copyright Coordinator to ensure compliance, as a record;
- d. if ACU is being sampled under a Statutory Licence, then manual records may need to be completed;
- e. the printed version provided to students must contain the appropriate copyright notice, available from the Copyright Coordinator ([copyright.officer@acu.edu.au](mailto:copyright.officer@acu.edu.au)).

# Section 8 - Review

(17) In line with the [Policy Development and Review Procedure](#), this Procedure will be reviewed in parallel with the [Intellectual Property Policy](#) and is scheduled for review every five years or more frequently if appropriate.

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

## **Section 9 - Further Assistance**

(19) 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](mailto:copyright.officer@acu.edu.au).

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	7th March 2024
<b>Review Date</b>	11th February 2027
<b>Approval Authority</b>	Vice-Chancellor and President
<b>Approval Date</b>	7th March 2024
<b>Expiry Date</b>	Not Applicable
<b>Responsible Executive</b>	Janet Fletcher Library Director
<b>Responsible Manager</b>	Ellen Fitzgerald Copyright Coordinator
<b>Enquiries Contact</b>	Library